



College Township
1481 E College Avenue
State College PA 16801

Phone: 814-231-3021
www.collegetownship.org

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

INSTRUCTIONS

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GUIDELINES FOR ZONING HEARING BOARD APPLICATION

DEFINITIONS

Applicant: The individual or corporation that is requesting the hearing, that will be responsible for payment of any Township charges related to the hearing, and to which Township correspondence will be directed. If the Applicant is a corporation, the name of a specific contact person must also be provided. The Applicant is usually, but not always, the owner of the property that is the subject of the hearing.

Property Details: The property that is the subject of the hearing. If the property does not have a street address, please provide a description of the location, including the name of the street(s) abutting the property and the nearest intersecting street or building lot number.

Deed Owner: If you are the deed owner, your name (or the name of your corporation) is shown on the deed for the subject property. The deed owner must sign the application.

Agent for Owner: Frequently, an attorney or engineer will act as an agent for the deed owner. This term includes any person or corporation that has a contractual obligation to or agreement for services with the Owner.

If none of the above terms applies to you, the following may apply:

Purchaser: We consider you the purchaser if you are in the process of purchasing all or part of the subject property, or if you intend such purchase subject to a successful outcome of the hearing. If none of these terms apply to you.

Other: Indicate other and explain your interest in the space provided (As an Applicant and/or Agent).
If additional space is needed please provide an attachment with the information.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

JURISDICTION

Application for: Article X, Administration and Enforcement of Chapter 200, Section 53 **Appeals** establishes the jurisdiction of the Zoning Hearing Board. Hearings are processed in accordance with Article IX of the Pennsylvania Municipalities Planning Code, as reenacted and amended. The most common reasons for a hearing are to request a **variance** or an **appeal from the determination of the Zoning Officer**, a combination thereof, or hardship.

The following information is from the Pennsylvania Municipalities Planning Code,

PAMPC Article IX – Zoning Hearing Board, Section 909.1. Jurisdiction.

(a) The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1(a)(2).
- (2) Deleted by 2008, July 4, P.L. 319, No. 39, §3, imd. effective.
- (3) Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot.
- (4) Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- (5) Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 910.2.
- (6) Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1.
- (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- (8) Appeals from the zoning officer's determination under section 916.2.
- (9) Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

JURISDICTION

Section 910.2. Zoning Hearing Board's Functions; Variances.

- (a) *The ZHB shall hear requests for variances where it is alleged that the **provisions of the zoning ordinance inflict unnecessary hardship upon the applicant.** The ZHB may by rule prescribe the form of application and may require preliminary application to the zoning officer. The ZHB may grant a variance, provided that all of the following findings are made where relevant in a given case:*
- (1) *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.*
 - (2) *That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*
 - (3) *That such unnecessary hardship has not been created by the appellant.*
 - (4) *That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.*
 - (5) *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.*
- (b) *In granting any variance, the ZHB may attach such reasonable conditions and safeguards, as it may deem necessary, to implement the purposes of this act and the zoning ordinance.*
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GUIDELINES FOR ZONING HEARING BOARD APPLICATION

INSTRUCTIONS

A **variance** is required when you cannot use or develop your property under the requirements found within the current Zoning Ordinance. In order to obtain a **variance**, the ZHB shall grant you relief from the provision(s) of the Ordinance that prohibit(s) your desired activity or project. If you believe that the Zoning Officer has not followed proper procedures, has misinterpreted, or improperly applied a provision of the Ordinance, then **you may apply for an appeal**. If your circumstances involve both a variance and appeal from the determination of the zoning officer be sure to identify both on the application by checking the boxes that apply, (*Application for*).

The “**Other**” category includes challenges to the Zoning Ordinance or the Zoning Map.

Briefly explain your application: If you are applying for a variance, tell us what you would like to do that is not allowed by the Zoning Ordinance. You should cite the sections of the Ordinance that are relevant to your appeal, but Township Staff will make the final determination of what relief is necessary for you to proceed with your activity or project. If you are applying for an appeal, please tell us how you believe that the Zoning Officer is in error. For an appeal, you ***MUST cite the specific sections of the Zoning Ordinance that are the basis of your appeal.*** If the space is not sufficient on the application, you may provide the explanation on a separate page attached to the application form.

Note that if the property is on the National Register of Historic Places or to any property or portion thereof located within 500 feet of such historic property; please refer to Chapter 200-40 Historical Properties and provide all applicable substantial improvement that may preclude the property registration as per Chapter 200-40 Historical Properties.

Deed Owner’s Name(s): This section does not need to be filled out... if the Applicant is the owner: *just be sure that you checked the proper box under "Applicant."* Otherwise, this information **MUST** be provided and the Owner or their authorized representative **MUST** sign the application form.

Name of Attorney or other Professional Agent: As noted on the form, you are **NOT** required to have legal representation, although the great majority of our Applicants choose to have an attorney or other Professional Agent as part of their team. If you complete this part of the form, we will assume that we have your permission to contact the firm or individual named to respond to questions on legal matters regarding your application.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

INSTRUCTIONS

Township Staff assistance: The information required in the property details section of the application may not be readily available to you. Township Staff will be happy to assist you in identifying the applicable zoning district, the tax parcel number, and historical information (if applicable) for locations of Township historic resources are included in the reference work, "National Historical Registry Lemont 1978," and "The Historic Resources of the Centre Region. A Remembrance of Things Past, 1982." that includes other historical properties and areas of the Township.

Signatures and dates: We must have the Applicant's signature as well as the signature(s) of the owner(s) if the Applicant is not the owner. These signatures do not need to be notarized. The Application will not be considered complete unless; the Application is complete/signed, all fees paid, and all required documents submitted and date stamped by an authorized Staff member.

Please note that the review period will not start until your application is complete.

APPLICATION CHECKLIST

When you submit your hearing application to the Township, the following items will be required in order for your application to be deemed complete. The Township will not accept incomplete applications.

- Completed Township application form (blank form included with this package).***
- Check made out to "College Township" for Township application and escrow fees (see "Fees" (A) on reverse side of application for amount of the fees due on submission).***
- Nine (9) complete copies of your application, plan drawings, where provided.***

Final acceptance of an application is subject to review for completeness by the Township Manager or his designee.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

DESCRIPTION of the HEARING PROCESS

Introduction

Quasi-Judicial Proceedings

The Zoning Hearing Board ("ZHB") is a five-member board appointed by the Townships governing body, which is the College Township Council. Pennsylvania Act 247 (known as the Municipalities Planning Code), Article IX-ZONING HEARING BOARD, and other ADMINISTRATIVE PROCEEDINGS establish the purpose and duties of the Zoning Hearing Board (ZHB). Although the Township Council appoints the members of the ZHB, the ZHB is not under the authority of the Township Council: the College Township Council does not have the authority to change any ZHB decision.

Most applicants to the ZHB are requesting a hearing for one of two reasons, both of which involve the Township's Zoning Officer. Under Pennsylvania law, the Zoning Officer has the authority to enforce the Township Zoning Ordinance. The Zoning Ordinance regulates how land is used as well as the size and location of structures on a property. The Zoning Officer may only approve activities that are in full compliance with the Zoning Ordinance. If the Zoning Officer has determined that, you are in violation of the Ordinance, (or that you have proposed an activity or structure that would be in violation), you have several options.

- You may choose to modify your activity or your plans to bring them into compliance with the Zoning Ordinance. If, at all possible, this is the preferred course of action, as this will eliminate the need to appear before the ZHB.
- You may believe that the Zoning Officer misinterpreted or misapplied the provisions of the Zoning Ordinance. If this is the case, then you have the right to apply to the ZHB to appeal the determination of the Zoning Officer.
- If you agree that your activity or plan does not comply with the Zoning Ordinance but believe that your activity or plan is necessary, then you may apply to the ZHB for a "variance." It is possible that a single project will require variances from more than one provision of the Zoning Ordinance. In such case, all variances will be reviewed as a single application; the Township does not require a separate hearing for each variance as long as they are all related to a single project. If the ZHB grants the variance(s), you will be able to proceed with your project.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

DESCRIPTION of the HEARING PROCESS

More about variances...

A variance is a change in the terms of the zoning regulations due to economic or physical hardship. There are two types of variances, the use-variance, and the area-variance. PLEASE NOTE that when used in the context of zoning, "hardship" is a specific legal concept and it must be addressed from this legal perspective.

There are two kinds of variance:

- A **use-variance** allows a property to have a use not explicitly allowed under the Zoning District regulations. For example, you want to use the property for something that the Zoning Ordinance does not allow in your particular Zoning District. You may need this kind of variance if you want to operate a business in a residential area that does not comply with the regulations for a home occupation.
- An **area-variance** (dimensional-variance) allows a property to be excluded from the physical site requirements under the zoning ordinance. For example, an area variance may allow a property owner to have use that is taller, closer to the property line, closer to the street, and/or cover a greater percentage of the lot than what the Zoning Ordinance allows. You may need this type of variance for an addition to your home.

Preparing for the hearing

Upon filing a complete application for a Zoning Hearing, the following will take place,

- You will be contacted by the ZHB Secretary with the hearing date;
- The Township will post your property with a sign that notifies of the hearing, and other pertinent information.
- Written notification will be mailed to all adjoining properties and/or properties within 300-feet of your property (you will be copied on this mailing for your knowledge).
- Although it is not required, we recommend that you contact your neighbors, informally, prior to this mailing to make them aware of your intentions.
- In addition, the Township will advertise the hearing in the legal notice section of the Local News Paper – Centre Daily Times and the College Township website: www.collegetownship.org

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

DESCRIPTION of the HEARING PROCESS

Prior to your hearing,

Township staff will formally notify you (your attorney and/or agent) in writing (certified mail) with a copy of the legal notification describing your application. If you are requesting one or more variances, and/or an appeal from the zoning officer's decision, this notice will include all of the Zoning Ordinance provisions from which your project requires a variance and/or appeal as found in the Zoning Ordinance. Copies of this notice are also provided to (at minimum) you as the applicant, your Agent, the ZHB, Administrative Staff, and Township Council. The cost of time, materials, and postage would be deducted from the escrow.

At the hearing

The hearing is a formal process similar in many ways to a courtroom proceeding. The ZHB acts as the "judge" and is advised by their ZHB Solicitor. You have the right to be represented by an attorney, but this is not required: you may present your own case. Your responsibility (or your attorney or professional agent, if you have one) is to present sufficient information to the ZHB for them to make their decision. You should assume that the ZHB does not have any background or outside information on your application. The ZHB will render their decision based solely upon the evidence presented to them in the course of the hearing. You can provide information to the ZHB at the hearing in the form of sworn testimony by yourself and/or by witnesses whom you may call as well as by documentation (studies, reports, letters, plans, photographs, drawings, etc.) provided as exhibits. It is your responsibility to enter your own exhibits into the record and to call and question your own witnesses, if you wish to have any. If the zoning officer should have any witnesses, you will be able to question them as well as the zoning officer may question your witnesses. A court stenographer will record the proceedings verbatim. You may **NOT** contact any ZHB member to discuss your application or your hearing.

Hearings typically begin with a statement by the ZHB Chair or ZHB Solicitor to open the hearing. **ALL PARTIES WISHING TO TESTIFY MUST BE SWORN IN.** You will be asked if you would like to present your case to the Board first or defer to the zoning officer.

If you are requesting one or more variances, you will then be given the opportunity to describe your project and to explain why you believe that you have a hardship. If you are appealing the determination of the Zoning Officer, you must explain why you believe the Zoning Officer's determination was incorrect or in what way the Officer failed to follow proper procedure. The ZHB members or their attorney may question you and your witnesses about your statements and documents.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

DESCRIPTION of the HEARING PROCESS

Since you – as the applicant – are directly involved in the hearing process, you are a “party to the hearing.” The ZHB has the authority to declare other to be parties, if they request this status and can demonstrate to the satisfaction of the ZHB that they will be affected by the decision on your application. The Township automatically has party status. In the case of a variance request, the owners of adjacent and nearby properties are usually granted party status if they request it. Parties to the hearing have the right to call their own witnesses, to be represented by their own attorney, to cross-examine the witnesses appearing on behalf of other parties, and to appeal the ZHB decision to the Centre County Court of Common Pleas. The ZHB typically provides an opportunity for members of the public to ask questions in the course of the hearing, regardless of whether they have party status.

All persons that would like to be considered a “party to the hearing” MUST complete an ***Entry of Appearance form***.

What to bring to the hearing:

PLEASE NOTE that any item that you enter as an exhibit during the course of the hearing becomes part of the permanent record and will not be returned to you.

- **A plan of your property** – If your hearing is for a variance request involving construction, you should bring a copy of the plan you submitted with your application. For hearings other than for a construction-related variance request, a plan may still be useful to you as you make your case at the hearing. If you elect to bring a plan, it should (as a minimum), include the information specified for plans on the “Instructions” sheet in this packet.
- **A written description of what you are proposing to do** – This will help you to organize your thoughts and to make a clear presentation. For area-variances, you should describe what alternatives you considered and why they are unsuitable.
- **Drawing or sketch of any proposed construction** – If your project includes new construction, the ZHB will want to see how it will fit with its surroundings, including existing buildings and closest intersections. This drawing should be detailed enough to show rooflines and materials, window placement, exterior finishes (color and material), and any other details that you think will help the ZHB visualize what you want to do. Drawings and sketches must be drawn to scale, with the scale noted on the drawing or sketch.
- **Photographs** – Recent photographs of your property should show the location of any new construction you are proposing as well as how your property looks from the adjacent lots and the street. If possible, these photographs should be date-stamped. If your project includes new construction, the ZHB will want to know how it will affect your neighbors as well as the view from public areas, including streets.

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

DESCRIPTION of the HEARING PROCESS

The accuracy of your exhibits and descriptions is critical: the ZHB decisions are very specific. If you receive a variance to build four feet closer to the property line, then the variance will be limited to the decision rendered. If it turns out that you measured wrong and you need an increase in the variance, ***you will need to go through the variance process again.***

After the hearing: Most hearing testimony concludes in a single night. If the project is large or complex, additional nights may be necessary in order for all of the testimony to be presented. Additional sessions are considered continuances of a single hearing, not additional hearings.

Once testimony is complete, the ZHB will discuss the application and set the continuation for further discussion. The ZHB will announce their decision, by vote, at the final continuation hearing. The ZHB decision is confirmed by a letter from the ZHB Secretary to include the ZHB solicitor's written "Findings of Fact and Conclusions of Law" supporting the decision. This document will be mailed to you and all the parties to the hearing. If you or any other party to the hearing wish to appeal the ZHB decision, you must do so within **(30) thirty-days of the date of the decision.** The Centre County Court of Common Pleas hears appeals.

Conclusion: Finally, feel free to contact the Zoning Officer and/or Principal Planner if you have any questions regarding this process or your application specifically. While the Zoning Officer cannot make your case for you, they can answer procedural questions. Phone: 814-231-3021 or email contacts for the Planning and Zoning Departments are on the College Township web page: <https://www.collegetownship.org/205/Planning-Zoning-Department>

GUIDELINES FOR ZONING HEARING BOARD APPLICATION

HISTORIC RESOURCES

The historic resources that identify your property as National Historically registered may require additional review by the staff and would be filed through Application for Curative Amendment process, that would be heard by the College Township Council as set forth in the Pennsylvania Municipalities Planning Code Section 603(c)(2) Conditional Use and Chapter 87 Conditional Uses

If you have questions concerning the regulations affecting historic resources or anything you have read here, contact Lindsay Schoch, AICP, Principal Planner and Zoning Email: schoch@collegetownship.org

You may view the College Township Code (in its entirety) from our web site:

Click on the link: <https://www.collegetownship.org/>

Choose Shortcut:



CODES



GUIDELINES FOR ZONING HEARING BOARD APPLICATION PRE-HEARING REVIEW

The undersigned acknowledges that they have been provided all the applicable items listed on the preceding GUIDELINES FOR ZONING HEARING BOARD / CHECKLIST that provide an overview regarding the hearing process, notice, advertising, and posting requirements. In addition, the undersigned acknowledges that they have been:

1. Offered an opportunity to meet with Township staff regarding specifics of their application,
2. Informed about the Zoning Hearing Board’s presentation standards, including graphics, and...
3. Prior to formal submission of the Application for Zoning Hearing, offered an opportunity to meet with Township staff regarding the hearing process.

In addition, understands that the Township is not responsible for any of the content of their application or of their presentation.

Applicant’s signature

Date

THIS EXECUTED DOCUMENT MUST BE INCLUDED WITH YOUR APPLICATION

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College Township
1481 E College Avenue
State College PA 16801

Phone: 814-231-3021

www.collegetownship.org

APPLICATION FOR ZONING HEARING BOARD

(*) Applicant Name:

Address:

Street Apt, Suite, or PO Box

Telephone:

Email:

City, State, Zip

Applicant is: Owner Agent for Owner Purchaser Other: _____

(*) Property Details:

Property Address:

Street City, State, Zip

Tax Parcel Number: 19 - _____ - _____ - _____ Zoning District: _____

Is this property on the National Registry of Historical Places? YES NO

Application for: Variance(s) Appeal from determination of Zoning Officer
 Other: _____

Briefly explain your application *(If you need additional space, attach a summary)*: _____

*If the Applicant is NOT the Owner of the subject property, then the following information must be provided.
Otherwise, this section may be left blank.*

(*) Deed Owner(s) Name(s):

Name(s):

Address:

Street Address – Apt, Suite, or PO Box

City, State, Zip Code

Telephone:

Email:

You are not required to have legal representation, but many Applicants choose to have an attorney act on their behalf. If you will have an attorney or other Agent Professional, please provide the following information.

(*) Name of Attorney/Agent:

Attorney/Agent:

Name of Firm:

Address:

Street Address – Apt, Suite, or PO Box

City, State, Zip Code

Telephone:

Email:

(*) See Page 1: Definitions

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A. **Fees due on submission: APPENDIX, Chapter A203-16 Zoning Fees, Section C. Hearings,**
Zoning Hearing Application Fee: **\$200.00** plus, Escrow deposit of **\$1,000.00.**

Total due on submission: \$1,200.00

B. If you are applying for a variance to allow construction on your property, your application must include a plan of your property that shows both existing conditions as well any proposed improvements. This is best shown by submitting one drawing showing existing conditions and another showing proposed improvement(s). It is essential that Staff and the Zoning Hearing Board have a clear understanding of your intentions. You may have the plan(s) prepared by a professional land surveyor or engineer, but this is not required. However, the plan must be drawn to scale and, **as a minimum, must include the following information:**

- The scale of the plan, preferably in graphic form. Example of scale, (1-inch equals' 10-feet).
- Lot dimensions and a statement of the total lot area in square feet (for lots larger than three acres, the lot area may be expressed in acres to at least three decimal places).
- Location and exterior dimensions of all existing and proposed structures, including accessory structures (example/sheds) and elevated structures (example/decks).
- Location and area (in square feet) of all existing and proposed impervious surfaces, such as driveways, patios, sidewalks, etc. Attached is a copy of the Impervious Lot Coverage Form for your convenience.
- Show and label the distance (in feet) from all structures to the nearest property line and the street right-of-way line.
- Height of all proposed structures.
- Location of utility easements, stormwater management facilities, road rights-of-way, FEMA designated floodplains, designated wetlands, and areas of precautionary and prohibitive slopes as defined in §200-7 Steep Slope Definition of the Zoning Ordinance.

If you have any question about these requirements, if you want to know how this information can be found, or if you believe that one or more of these requirements are not relevant to your application or property, please consult with Township Staff.

Complete and Include - Page 11 of this packet

Signatures are required, unsigned applications are considered incomplete:

Signature of Applicant

Signature of Owner (if different from Applicant)

Date of Signature

Date of Signature

Print Name

Print Name

PLEASE NOTE that Application is not considered complete unless accompanied by a check or money order payable to College Township for the full amount of the fees due on submission.