



MONROE TOWNSHIP

1220 Boiling Springs Road, Mechanicsburg, PA 17055-9794
Phone: (717) 258-6642 • (717) 697-4613 • Fax: (717) 258-9311 • E-Mail: Monroetwp@monroetwp.net

APPLICATION PROCEDURE FOR MATTERS TO GO BEFORE THE ZONING HEARING BOARD (ZHB)

FOR VARIANCES, SPECIAL EXCEPTIONS, INTERPRETATIONS, EXPANSION OF NON-CONFORMING USES, VALIDITY CHALLENGES AND APPEALS:

On forms provided by the Township, a completed application with appropriate information and fees shall be submitted directly to the Zoning Officer. Applications determined to be complete will be dated and distributed to the appropriate parties for action within the times frames of the Municipalities Planning Code and the Monroe Township Zoning Ordinance.

An application to the Zoning Hearing Board will be considered complete if the following information is provided:

- | | Check if Enclosed |
|---|-------------------|
| 1. Completed Zoning Hearing Board Application | _____ |
| • One (1) Original, Six (6) Copies | |
| 2. Names and Addresses of Adjacent Property Owners | _____ |
| • One (1) Copy | |
| 3. Site Plan drawn to scale | _____ |
| • Seven (7) Copies | |
| 4. Ground Floor Plans and Elevations of Proposed Structures | _____ |
| • Seven (7) Copies | |
| 5. Application Fee | _____ |
| • Variances, Special Exceptions or Appeals: \$750.00 | |
| • Ordinance Validity Challenges: \$750.00 plus \$1,000 escrow fee | _____ |
| 6. Other Items required by Zoning Ordinance | _____ |
| • See Section 604 for more information | |

FOR OFFICE USE ONLY

	Date	By
Application Received:	_____	_____
Application Administratively Complete:	_____	_____
Application Forwarded to ZHB Solicitor:	_____	_____
Property and Municipal Building Posted:	_____	_____
Initial and Subsequent Hearings:	_____	_____
Zoning Hearing Board Action:	_____	_____
Written Decision:	_____	_____



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ZONING HEARING BOARD APPLICATION

Date: _____ Application Number: _____

1. Application for: Variance Special Exception Interpretation or Appeal

2. Property Location: _____

Cumberland County Tax Assessment Parcel #: _____

3. Property Owner: _____

Address _____ Phone _____

_____ Fax _____

4. Person Preparing Plan (if other than applicant):

Name _____

Address _____ Phone _____

_____ Fax _____

5. Agent for Applicant:

Name _____

Address _____

Phone _____

_____ Fax _____

6. Existing Zoning District: _____ Existing Use: _____

7. The Variance/Special Exception/Interpretation or Appeal sought is per Article _____,

Section _____, Subsection _____ Page _____, of the Monroe

Township Zoning Ordinance for: _____

8. Proposed Use (attach additional sheets if required): _____

9. Hardships or Special Reasons for request (attach additional sheets if required):

10. Prior Variances or Special Exceptions granted, if any:

NOTICE TO APPLICANTS FOR VARIANCE AND SPECIAL EXCEPTION ZONING HEARINGS

The Monroe Township Zoning Ordinance imposes the duty on the Monroe Township Zoning Hearing Board to hear and decide all applications for variances and special exceptions. Through experience, the Board has learned that some applicants do not fully understand the proceedings which have been initiated by their applications and it is the purpose of this Notice to acquaint the applicant with the fundamentals of a hearing before the Board.

First and foremost, each applicant must be thoroughly familiar with the provisions of the Zoning Ordinance as they apply to his or her land and to the proposed use or improvement of that land. Copies of the Zoning Ordinance are available at the Township Office and can be obtained at a nominal cost. All applicants are urged to purchase and study a copy of the Zoning Ordinance before filing of their applications. Applicants are also encouraged to seek legal council if they are unsure of the applicability of zoning law to the matter in question.

The two most common forms of relief requested by applicants are variances and special exceptions. A variance has been defined as a departure from the Zoning Ordinance and represents permission to use a parcel of land for purposes that would otherwise be prohibited by the ordinance. The variance procedure recognizes that problems sometime arise when the general language of a zoning ordinance is applied to a specific piece of property, thereby creating a special and unnecessary hardship to the owner of the land. The standards for granting a variance are set forth in Section 604.4 of the Zoning Ordinance and all applicants for variances are urged to become familiar with those standards. It is the burden of the applicant to prove that he has met each of those requirements, clearly demonstrate the hardship created by the regulations and show that his proposed use or improvement is consistent with the health, safety and welfare of the general public.

A special exception, unlike a variance, is not a departure from the Zoning Ordinance, but is rather a recognized part of the ordinance. It constitutes a special use or improvement which is recognized and permitted under the Zoning Ordinance provided that certain stated conditions of the ordinance have been fully met. Special exceptions are set forth in various parts of the Zoning Ordinance and the applicant is urged to carefully examine those provisions and become familiar with which special exceptions are permitted in his particular area of interest and what conditions must be met in order for the special exception to be granted. The burden is upon the applicant to prove that he satisfies all conditions set forth for a particular special exception in accordance with Section 604.3 of the Zoning Ordinance. Additionally, the proposed use or improvement must be consistent with the health, safety and welfare of the general public.

When an application is presented to the Board, a public hearing is held in accordance with the requirements of the Zoning Ordinance. The hearing is similar in many respects to legal proceedings in our county courts. Evidence is presented in the form of oral testimony under oath and exhibits which are made part of the record. The proceedings are conducted before a stenographer who transcribes all testimony so that a public record of the proceedings is made for

future reference. The applicant should always be prepared to testify on behalf of his application. The applicant's testimony should include information on all aspects of the application. The applicant may also present the testimony of other witnesses. Lot and/or building plans, drawn to scale and showing accurate measurements, should be produced to assist the Board in understanding the exact nature of the proposed use or improvement. Other interested parties are also provided with the opportunity of presenting oral testimony or exhibits in favor of or in opposition to the application. At the conclusion of the presentation of the evidence, the Board will vote upon the application or will take the matter under advisement for voting at a future time. All voting will occur at a public meeting.

The applicant should understand the function of the Board. In most instances, the action on the application is not subject to the Board's discretion alone. That is, the Board does not make its own determination as whether a proposal use or improvement is appropriate for the particular neighborhood. Frequently that decision has already been made by provisions of the Zoning Ordinance. Instead, it is the function of the Board to hear and decide the facts of the case, to interpret the Zoning Ordinance and to apply that ordinance to the particular facts to determine whether the proposed use or improvement is permitted. If the Board finds that the applicant has been proved that he complies with all requirements of the ordinance, it usually is without power to deny the application. On the other hand, if the Board finds that the applicant has not proved that he complies with all requirements of the ordinance, it usually is without power to grant the application.

An applicant is urged to carefully consider whether he needs the services of council (i.e. attorney, engineer, surveyor, other licensed professional, etc.) to properly and most persuasively present his cases. This is not to say that an applicant must be represented by council in order to file his application or present his case at the hearing. Past experience has demonstrated that many applicants quite effectively presented their cases without the services of council, however that is not always the case. Sometimes questions arise as to the proper interpretation of the Zoning Ordinance. Sometimes in order to properly interpret the ordinance it is necessary to refer to legal precedents (that is, what the courts have said about similar zoning provisions in other cases). Sometimes those opposed to an application will also employ council to represent them by presenting evidence and arguments against the application. If an applicant contemplates any of these situations, he is urged to consult with an attorney so that he can be fully appraised of his legal position and rights in order that the time and money which was invested in the application was not spent in vain.

Finally, if an applicant is denied his request an appeal may be filed with the County court. Likewise, if the Township should elect to oppose an applicants request and the Township is denied they may too appeal to the County court.