

**LOWER POTTS GROVE TOWNSHIP
APPLICATION TO ZONING HEARING BOARD
APPEAL PROCEDURES AND POLICY**

GENERAL INSTRUCTIONS:

1. All applications shall be made on the application form provided by the Lower Pottsgrove Township Zoning Officer and shall be in accordance with the Lower Pottsgrove Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code (MPC).
2. The application shall be filled out completely and individually signed and notarized. If a question is not applicable, the response should be N/A. Please do not leave any sections blank.
3. Information requested in #5, Property Subject to Appeal (i.e. Deed Book and Page, Block and Unit No. and Tax Parcel No.) can be located on the Deed or Real Estate Tax bill to the property.
4. If the Applicant is the owner of the property in question, he/she shall provide a copy of the Deed or Real Estate Tax bill to the property with the application. If the Applicant is the owner of equitable title, or tenant with permission of owner of legal title, he/she shall attach proof of equitable ownership or lease.
5. The Applicant shall provide a complete mailing list of all property owners within 500 feet of the tract boundary which is the subject of the application.
6. The Applicant shall submit, with each completed application, three (3) complete copies of a site plan of the entire property in question. The following information shall be shown on all site plans submitted to the Zoning Hearing Board:

Requirements	Included on Plan (✓)
Dimensions of the lot in question and any other adjacent lots owned by the same owner or same applicant	
Dimensions of the existing building(s) on the property, including height	
Dimensions of any proposed building on the property, including height	
Rear, side and front yard setbacks on existing buildings and proposed buildings	
Quantity and location of off-street parking	
Any additional information provided by the applicant	

FILING FEES:

1. The Applicant shall pay the appropriate filing fee at the time of application in accordance with the current Lower Pottsgrove Township fee resolution.
2. All checks or money orders shall be made payable to Lower Pottsgrove Township. Credit cards are not accepted.

SUBMISSION DEADLINE FOR ALL ZONING APPEALS:

1. Applications must be filed thirty (30) days prior to the Zoning Hearing meeting. All materials must be received on or before the submission deadline.

ACCEPTANCE OF APPLICATION BY ZONING OFFICER:

1. The Zoning Officer may refuse to accept an application if the application and/or plan does not contain sufficient information to determine compliance with the Zoning Ordinance.
2. An application accepted by the Zoning Officer shall be date-stamped and assigned a number by Township staff. **The applicant will be provided with a tentative hearing date and time. The Zoning Hearing Board meets on demand usually on the third Tuesday of each month at 6:00 p.m. in the Public Meeting Room of the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, PA 19464.**
3. An official letter confirming the date, time and place of the hearing will be mailed to the applicant (and/or the applicant's attorney) from the Lower Pottsgrove Township Zoning Solicitor's office. **All correspondence related to the hearing will be mailed from the Solicitor's office, not the Township office.**

NOTICE:

1. Notice of such hearing shall be conspicuously posted on the affected tract of land by Lower Pottsgrove Township a minimum of seven (7) days before the hearing.
2. The applicant is responsible for the maintenance of the notice. If the notice is removed or destroyed, the property owner must immediately obtain another notice and conspicuously post it.
3. Although not required by Lower Pottsgrove Township, it is recommended that all Applicants consult with an attorney familiar with zoning, land use and subdivision in connection with the filing and completion of the application, and attendance and representation at the zoning hearing.
4. Specific criteria and burden of proof for hearings is set forth in the Lower Pottsgrove Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.
5. The administrative provisions of the zoning ordinance, conduct of the hearing and criteria for special exception and variances is set forth in Sections 250-225 through 250-228 of the Lower Pottsgrove Township Zoning Ordinance.

CHECKLIST OF SUBMISSION REQUIREMENTS	
Completed application, signed and notarized.	(✓)
Proof of ownership or proof of equitable ownership or lease.	
List of residents within 500 feet of the property.	
Three (3) complete copies of a site plan of the entire property in question showing all required information	
Filing fees in accordance with the Township Fee Schedule (credit cards not accepted).	

TYPES OF ZONING RELIEF

1. **SPECIAL EXCEPTIONS:** A special exception is a type of permission or approval granted an applicant for land use in a district for a purpose other than that generally permitted outright in that district. The permission or special exception is granted by the zoning hearing board in accordance with the standards contained in the zoning ordinance. If the standards established by the ordinance are met, the use is one permitted by the ordinance.

In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Zoning Ordinance.

2. **VARIANCES:** The Zoning Hearing Board hears requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in a given case:

- 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;
- 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;
- That such unnecessary hardship has not been created by the applicant;
- 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; and
- 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.

It is recommended that a Land Use Attorney be consulted on these matters, especially with regard to the burden of proof for an Applicant.

TO BE COMPLETED BY THE TOWNSHIP:

Date Application Received: _____ **Application No.** _____

Application Fee Paid: \$ _____ **Check No.** _____

**LOWER POTTS GROVE TOWNSHIP
APPLICATION TO ZONING HEARING BOARD
2199 Buchert Road, Pottstown, PA 19464**

Date: _____

1. Appellant/Applicant:

Name: _____

Mailing Address: _____

Telephone Number: () _____

State whether Applicant is owner of legal title (Attach copy of Deed), owner of equitable title of tenant with permission of owner of legal title (Attach proof of equitable ownership or lease).

2. Classification of Appeal: (check one or more)

_____ Request for Special Exception

_____ Request for a Variance

_____ Appeal from Zoning Officer's Decision

_____ Challenge to the Validity of Zoning Ordinance or Map

_____ Certification of Nonconforming Use/Lot

_____ Other (specify) _____

3. Appellant/Applicant's Attorney (if any):

Name: _____

Mailing Address: _____

Telephone Number: () _____

4. Owner of Property:

Name: _____

Mailing Address: _____

Telephone Number: () _____

5. Property Subject to Appeal:

Location/Street Address: _____

Location/Mailing Address: _____

Deed Book and Page: (See Instruction 1 on Page 5) _____

Block and Unit No.: (See Instruction 1 on Page 5) _____

Tax Parcel No.: (See Instruction 1 on Page 5) _____

Present Zoning Classification: _____

Lot Size: _____

Lot Frontage: _____

Lot Depth: _____

Description of the current use of the property:

Description of the existing improvements on the property:

Description of the proposed use and proposed improvements (if different):

6. State each Section of the Lower Pottsgrove Township Zoning Ordinance which is involved in this Application (and the page number of the Ordinance) and the specific interpretation or relief requested from the Section:

7. If a Variance is being requested, state the specific hardship claimed and the reasons why a Variance should be granted:

8. If a Special Exception is being requested from the Lower Pottsgrove Township Zoning Ordinance, state the legal grounds why the Applicant is entitled to the Special Exception:

9. Has any previous Appeal or Application been filed in connection with this property?

YES _____ NO _____

If so, identify the dates and the subjects of the previous Application or Hearings:

Date of Previous Application or Hearing	Subject
1.	
2.	
3.	
4.	

APPLICANT(S) MUST SIGN APPLICATION IN THE PRESENCE OF A NOTARY.

Applicant/Appellant (Signature)

Co-Applicant / Appellant (Signature)

Co-Applicant / Appellant (Signature)

