Haverford Township

1014 Darby Road, Havertown, PA 19083

Phone: (610) 446-1000

website: www.havtwp.org

Zoning Hearing Board Application

Instructions and Information

These are instructions for the filing of an application for a hearing before the Zoning Hearing Board of the Township of Haverford, Delaware County PA. This is in no way intended to offer or suggest legal advice on behalf of the applicant.

The Petition Number is assigned by the zoning officer. Do not fill in this line.

Applicant and co-applicant Name: Fill in the first and last names of the applicant and any co-applicant.

Check the appropriate box or boxes for the type of application being filed. Multiple applications may be made such as appealing the decision of the Zoning officer and a variance may be filed simultaneously on the same forms and handled as one application if the application is for one project / property.

Section 1. Is for identification of the applicant and the attorney for the applicant if the applicant intends to have an attorney represent them. All non-residential applications must list an attorney for the applicant.

Section 2. Identifies the applicant's 'interest' in the property. The applicant must have an 'interest' in a property in order to file an application regarding that property. The 'interest' is generally because the applicant owns the property, is actively engaged in the purchase of a property (usually has an agreement of sale contingent on zoning approval) or has similarly engaged in a lease contingent on zoning approval. A person with no 'interest' in a subject property cannot seek relief from the zoning hearing board. Provide a copy of the necessary document to prove the 'interest' the applicant / appellant has in the subject property. Typical proof of 'interest' is a copy of the deed, agreement of sale or a pending lease agreement.

Section 3. Where the applicant appeals the decision of the zoning officer, provide basis for the denial of the zoning officer along with any relevant code section supporting the appeal. Where the applicant / appellant is seeking general relief from the zoning ordinance such as a variance or special exception the applicant shall provide the specific code section, number and title from which relief is sought. This is found in the zoning ordinance. The zoning ordinance can be found in the General Code of the Township of Haverford under §182 Zoning Code.

Section 4. Identifies the specific zoning district in which the property is located. This is found on the Interactive Zoning Map which is available on the Township web site under 'Township Maps'. If the applicant cannot determine the zoning district contact the zoning office for assistance.

Section 5. Identifies the specific relief and terms of the relief being sought from the zoning ordinance or the reasoning for the appeal of the decision of the zoning officer. The applicant / appellant shall explain what the applicant wants to be able to do.

Section 6. The applicant is to state the specific reasoning and grounds for the relief being sought. The applicant should be familiar with the acceptable grounds for the relief being requested. The applicant must, among other things, show a 'hardship' as well as unique characteristics of the subject property and that the proposed relief will not 'alter the essential character of the neighborhood. The Zoning Ordinance, under Chapter X, sets the conditions of approval for a variance or special exception, as set forth in the Pennsylvania Municipalities Planning Code. See the Pennsylvania Municipalities Planning Code and / or seek legal advice if you have questions regarding this section. The Township cannot offer advice or guidance in this regard.

Section 7. If the applicant / appellant is seeking relief from a decision made by the zoning officer the applicant shall attach a copy of the decision, or order from which relief is sought.

Signatures and attest. The applicant / appellant must swear before a Notary or the Justice of the Peace that all the information provided on the form or any supporting documents are true and correct. The form must be witnessed, signed and sealed by the Notary or Justice of Peace. An original copy of the application is required and must be indicated upon submission.

The last section is to be filled out by the zoning officer and will indicate when the applicant has filed all the necessary documents required for acceptance of the application. No application will be considered complete or accepted nor a hearing date set without a complete application.

The applicant must provide completed forms for the following:

1. Zoning Hearing Board Application,
2. Notice and Acknowledgement,
3. Recording Procedures, and
4. Waiver of Time Constraints.

The applicant must provide the original application and signatures (so marked) and six additional copies of all the required documents and submittals, collated and made into sets. These will be distributed to the Zoning Hearing Board members, the solicitor for the Board, the Zoning Officer and the file. Each copy must be identical and contain all the required information.

The application must be accompanied by payment. Specific payment information (amounts and payment methods) may be obtained by contacting the Zoning Officer. The fee(s) for applications to the Zoning Hearing Board are set in the Township Fee Schedule and are not refunded if the applicants appeal or relief is not granted by the Board.

The public is notified of any hearing scheduled to be heard by the Zoning Hearing Board. By law the hearing must be announced in the local paper and the property must be prominently posted in advance by the zoning officer. The posting on the property must remain in place until the hearing has been held or is removed by the zoning officer.

Zoning Hearing Board dates are not set until and unless the Zoning Officer has determined that a complete and accurate application has been duly filed. Applications requiring changes, additional information or clarification are not considered 'complete' until all such requirements have been determined by the Zoning Officer to have been met. Applications will have hearings set on a first come first served basis and the date the application is 'accepted' under these terms shall be used to determine the order in which applications are assigned a hearing.

Additional information or supplementary documentation is permitted to be submitted with the application. Additional documentation or displays may be brought to the hearing by the applicant and will be considered by the Zoning Hearing Board where appropriate. No new information may be

provided that is not provided to the zoning officer at the time of application. This is to ensure that all relief required by the applicant is included in all forms of public notice.

Witnesses may be presented by the applicant. It should be noted that the Board may determine what witnesses may be presented and what information they may be allowed to present at the hearing. The applicant, anyone making presentations and witnesses will be sworn in at the meeting before providing testimony before the Board.

The public is permitted to make comments regarding any presentation made before the Zoning Hearing Board. The Board will determine what comments are relevant. The applicant should be prepared to answer any relevant questions posed by the Board and the public.

Zoning Hearing Board Meetings are recorded and broadcast in the community. A document regarding this and the rules for recording are included in the application package.

Fees for hearings are not refundable. An application that is denied does not qualify for a refund of the application fee. When an appeal, variance or special exception are approved by the Board the applicant is still responsible for obtaining all other required permits in accordance with the General Code of the Township of Haverford and additional fees may be required.

Additional information is included in the Zoning Hearing Board Application package. Please be sure to read all the forms carefully. Videos of previous Zoning Hearing Board cases can be found on the Township website and may serve as a useful resource, particularly to understand how the meetings are run and what to expect. The following is the link to the Township Zoning Ordinance: https://ecode360.com/12186661

If the applicant has any questions, they are encouraged to contact the Zoning Officer at the Township Building, in person, by phone or email.

Haverford Township Zoning Officer
1014 Darby Road
Havertown, PA 19083
610-446-1000 ext. 2254
jmount@havtwp.com

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Zoning Hearing Board

Application - Notice and Acknowledgement - All Zoning Hearing Board Applicants

Whereas, the Zoning Hearing Board of Haverford Township (Board) has established certain rules and procedures pursuant to the General Laws of Haverford Township, Ordinance 1960, Chapter 182 (Zoning Code), Section 1001.D, subsection (2); and Whereas, it is the intention of the Board to notify all persons or parties having business before the Board that such rules have been promulgated for the purpose of expediting matters before it in an orderly and efficient manner; and now, therefore, notice is hereby served that the following rules will be observed in all applications and appeals now and hereafter filed with the Board:

1) Seven packets containing a completed application with attached deed, agreement of sale or lease, plot plan where required and a copy of the ordinance provision or letter of determination of the Zoning Officer shall be submitted to the Community Development Director together with the required fees.

2) A surveyed plot diagram shall accompany applications involving the encroachment of a structure into a required building setback.

3) Applications involving nonresidential use shall be accompanied by a traffic study prepared by a professional traffic expert.

4) You are requesting a hearing before the Zoning Hearing Board of Haverford Township, for which the Board will provide a legal advertisement in a newspaper of general circulation pursuant to the zoning code, mail notice to surrounding property owners, schedule a hearing, arrange for a court stenographer and Board attorney. It is expected that you will be fully prepared to present your case to the Board on the scheduled hearing date. In the event that it is necessary for you to request a continuance, you are advised that the Board will grant no more than two (2) such continuances throughout the length of the proceedings so long as the following conditions are met. Failure to comply with the conditions may result in the application being denied or dismissed with prejudice.

5)No continuance request will be permitted, which exceeds forty-five (45) days from the date of the scheduled hearing.

6) A continuance request must include a waiver of all time constraints imposed on the Board.

7) A written request for continuance or withdrawal presented seventy-two (72) hours or more in advance of the scheduled hearing will be considered granted. Any request for continuance or withdrawal without prejudice made with less than 72 hours notice must be made in person before the Zoning Hearing Board at the scheduled hearing. The applicant should be prepared to present his or her case in the event the continuance/withdrawal requested is not granted.

(Zoning Hearing Board Case Number)

(Property Address)

Acknowledgment

I/we, applicants/appellants to the Zoning Hearing Board, have been provided a copy of the rules and procedures of the Board. I/we hereby acknowledge that I /we have read and understand each of the rules contained therein.

Applicant Signature

Co-applicant or agent signature

Sworn before me this day of ,20 .

Notary Public

Notary Public Number

Notary Public Seal

(Application must be signed in the presence of the Notary and photo id must be provided.)

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Zoning Hearing Board

Recording Procedures Before the Board

The purpose of the Zoning Hearing Board of Haverford Township ("the Board") is to hear applications for special exceptions, conditional uses, nonconforming uses, requests for variances, and appeals from determinations made by the zoning officer. The Board is a quasi-judicial body that gathers facts at a public hearing by taking testimony from the affected parties, and is charged with the legal responsibility of deciding whether to approve or disapprove applications and appeals. The Board will consider all relevant facts regarding the application, as well as evaluate its impact on the overall health and welfare of the community. Only testimony taken during the hearing, and given under oath, is considered by the Board. A court stenographer is present. Transcripts are available to any party at cost. The Board does not write the zoning ordinance.

The Board, in conjunction with the Board of Commissioners of Haverford Township, is commencing the video recording and televising of its hearings. The Municipalities Planning Code, 53 P.S. §10906(c), provides this Board authority to adopt rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. As such, certain procedures relating to the recording of hearings before this Board are being implemented in order to protect the integrity proceedings and the record of the hearings before the Board. To wit:

1. These procedures shall be made available to the general public at all hearings before the Board.

2. These procedures shall be provided to each applicant to the Board.

3. The recording of hearings before this Board in no way replaces the notice requirements as set forth in the Municipalities Planning Code of the Commonwealth of Pennsylvania or the Code of the Township of Haverford, and viewing of recorded hearings shall not afford any parties, affected persons or other entities the opportunity to reopen any case closed before this Board.

4.The recording of hearings before this Board shall not be considered a requirement to the conduct of such hearings.

5. From time to time during the conduct of hearings, the Board may announce that it is going "off the record" for reasons including, but not limited to, consultation with counsel, executive session and administrative purposes; at all times when the Board is "off the record", all recording of the proceedings shall be ceased until such time as the Board goes back "on the record".

6. Any recording of hearings before this Board shall not be considered part of the evidentiary record in a case.

7. The Chairman of the Board may invoke time limitations for speakers who are not parties to the proceedings before the Board and may also limit testimony that is repetitive in nature.

8. Public recording of the hearings before the Board shall be permitted but shall be subject to these procedures and limitations, including cessation of all recording during each period while the Board is "off the record."

9. Anyone wishing to record the hearings before the Board shall advise the Board of their intent to record the proceedings prior to the commencement of the hearing.

10. Live narration of the proceedings before the Board shall not be permitted.

11. All recordings shall be taken from a stationary position that does not unreasonably interfere with the conduct of the hearings before the Board and may not interfere with the ability of other attendees at the hearing(s) to see and/or hear the proceedings.

12. Lights and flash units shall be prohibited.

13. The Chairman of the Board may designate an area from which recordings must take place.

14. Violations of these procedures may result in a pause in the proceedings, continuance of the proceedings or removal from the hearing room if unreasonable disruption of the proceedings occurs.

_____

(Zoning Hearing Board Case Number)

_____

_____

_____

_____

(Property Address)

_____

(Applicant Initials)

_____

(Date)

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Zoning Hearing Board

Waiver of Time

I/we,_____ Applicant before the

_____

(Zoning Hearing Board Case Number),

_____

(Number and Street of Property)

_____

(State, Zip Code of Property)

do hereby waive the time constraints imposed on the Township of Haverford in Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as Amended, for the first hearing before the Zoning Hearing Board to commence within sixty (60) days from the date of receipt of the application.

_____

Applicant's signature

_____

Co-applicant's signature

_____

Notary Public

_____

Notary Public Number

_____

Notary Public Seal

(Application must be signed in the presence of the Notary and photo id must be provided.)

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Zoning Hearing Board - Application Form

Petition Number: _____
(Assigned by the Zoning Officer)

Applicant Name: _____

Co-applicant Name: _____

To the Zoning Hearing Bord of the Township of Haverford, Delaware County, Pennsylvania:

The undersigned hereby appeals from the decision of the Zoning Officer, or requests a special exception or variance from the terms of the Township Zoning Code (Ordinance 1960, Chapter 182) and submits the following facts:

- ☐ Appeal decision of the Zoning Officer
- ☐ Variance Application
- ☐ Special Exception Application

1. Applicant(s) Appellant(s) Identification and attorney (if any):

Applicant Address:

_____
(no.) (Street Name) (suite or P.O. Box)

_____
(City/Post Office) (State) (Zip Code)

_____
(email address) (phone number)

Property Address:

_____
(no.) (Street Name) (suite or P.O. Box)

_____
(City/Post Office) (State) (Zip Code)

_____
(email address) (phone number)

Applicant Attorney:

(no.) (Street Name) (suite or P.O. Box)

(City/Post Office) (State) (Zip Code)

(email address) (phone number)

2. The ownership or other legal interest of the appellant or applicant is: (attach copy of deed, agreement of sale or lease agreement to verify interest.

3. A specific reference to the order or decision appealed from or to the section of the ordinance upon which the application for special exception or variance is based, is:

4.That under the Haverford Township Zoning Ordinance of 1974 as amended, the said property and land is classified as: (zoning district)

5.Appellant or applicant requests the Zoning Hearing Board to grant the following: (state in detail)

6. The statement of grounds for the appeal, or the reasons, both in law and in fact, for the relief sought is:

7. Attached hereto is a true and correct copy of the order, requirement, decision or determination of the Zoning Officer.

Wherefore appellant(s) or applicant(s) request(s) that the Zoning Hearing Board fix a time for a hearing on this application and grant the aforesaid relief so as to permit the use of the above described land as requested.

_____

(Appellant or Applicant name printed)

_____

(Co-Appellant or C0-Applicant name printed)

I hereby depose and say that all of the above statements and the statements contained in all the exhibits transmitted herewith are true.

_____

Applicant's signature

_____

Co-applicant's signature

Sworn before me this_____day of_____,20_____.

_____

Notary Public

_____

Notary Public Number

_____

Notary Public Seal

(Application must be signed in the presence of the Notary and photo id must be provided.)

(Area below to be filled out by the Zoning Officer)

The following documents have been received from the applicant / appellant with this application and are attached:

- ☐ Zoning Hearing Board Application
- ☐ Notice and Acknowledgement form
- ☐ Recording Procedures form
- ☐ Waiver of Time Constraints form
- ☐ Check

_____

(zoning officer initials)