

\$400.00 Fee Due at
Time of Application

**TOWNSHIP OF WEST BRADFORD
ZONING HEARING BOARD APPLICATION**

Property Owner: _____ Telephone # _____

Address: _____

Applicant: _____ Telephone # _____

(If different from owner – Attach proof of your legal ability to file this application.)

Address: _____

Tax Parcel #: _____

Location of property for which this application is made; if different from above:

(Road or Street)

Zoning district in which the property is located: _____

Lot size – acreage: _____ Present use: _____

Purpose of this application (check appropriate section(s)):

To obtain a Variance from Section _____

To obtain a Special Exception, as required by Section _____

To appeal the decision of the Zoning Officer.

Other (must fill in the type of appeal) _____

A brief description of the property affected: _____

Describe the general nature of the application and the relief that is sought from the Zoning Hearing Board (example: In order to build a two car garage, as an accessory to a residential use, I request a variance to encroach the side yard setback requirement by three feet.)

The applicant must submit in triplicate, an accurate plan of the lot or property, drawn to scale, showing the dimensions of the lot, location of corner stakes or monuments, the setback or restriction lines, the area of the lot in square feet, any water courses or right-of-way which may extend through the property, adjoining property owners, and any existing improvements and/or proposed improvements. The plan shall be dated and signed by a registered engineer or land surveyor .

The applicant must submit three copies of the deed for the property in question.

If a challenge to the Zoning Ordinance is filed, a statement must be included that would reasonably inform the Board of the matters at issue and the grounds for the challenge.

If an appeal of the decision of the Zoning Officer is filed, attach a copy of that order, requirement, decision or determination.

Signature (1) _____

(Print Name) _____

Signature (2) _____

(Print Name) _____

(Please note that all listed applicants must sign application.)

If you wish notice to be sent to legal counsel, include the name, address and telephone number of that person here.

DO NOT FILL IN BELOW THIS LINE – FOR TOWNSHIP USE ONLY

Date Received: _____

File # _____

By Whom: _____

Fee Received: _____

GENERAL INFORMATION FOR PERSONS APPEARING BEFORE THE ZONING HEARING BOARD

The Zoning Hearing Board ("ZHB") is an independent branch of local government that consists of residents of the Township, one of whom serves as its Chairperson. The Board is represented by an attorney who is called the Solicitor. The ZHB has jurisdiction of only those matters that are set forth in Section 909.1(a) of the Pennsylvania Municipalities Planning Code (the "MPC"). Jurisdiction includes matters such as substantive and procedural challenges to municipal land use ordinances, appeals from determinations by the Zoning Officer, requests for variances and applications for special exceptions. It also includes appeals from a determination by the Municipal Engineer or Zoning Officer, with reference to administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance relating to use or dimensional requirements.

After receiving a Zoning Application/Appeal, the ZHB must hold a hearing within sixty (60) days unless the applicant waives this time requirement. The hearing must be advertised once a week for two (2) successive weeks in a newspaper of general circulation. The hearing must be advertised no sooner than thirty (30) days prior to the hearing and no later than seven (7) days prior to the hearing, in accordance with the MPC. The property that is the subject of the zoning appeal must be posted and neighboring landowners may be notified by mail depending on the township's ordinance requirements.

Although the ZHB is not required to follow formal rules of evidence at its hearings, it does conduct a formal hearing, which is similar to a court proceeding. A court stenographer is present to make a record of the hearing. Members of the ZHB are not permitted to communicate with the applicant, his or her representatives, or any other person interested in the application, except at the time of the hearing. The ZHB, as a quasi-judicial body, may only hear and receive evidence that is given under oath and that is subject to cross-examination.

Neither an applicant nor an objector is required to retain an attorney for the preparation of the application or participation in the hearing. However, neither the ZHB nor its Solicitor can provide legal advice to participants at the hearing. **It is the burden of the applicant to prove his or her case and to submit evidence that supports the application. It is not the responsibility of the ZHB to gather evidence or information for the applicant.**

At the hearing, the applicant and other witnesses will first respond to questions posed by counsel and by members of the ZHB and then to questions asked by citizens. The purpose is to ask questions about the testimony of the witness just given. Citizens may request to be granted party status during the hearing, which preserves their right to appeal a decision made by the ZHB. An objector will have the opportunity to present testimony later in the hearing. The objector will be subject to cross-examination by the applicant and is subject to questioning by members of the ZHB and its Solicitor.

The function of the ZHB is to receive information and evidence so that it can make a decision on the relief requested by the applicant. The applicant and any other interested person or party, whether in favor of or opposed to the Application, must be prepared at the time of the hearing to present information and evidence to the ZHB.

The ZHB will endeavor to make a decision at the conclusion of the last hearing. However, the law allows the Board forty-five (45) days from the date of the last hearing in which to make a decision. Some zoning appeals involve complicated issues that require more extensive thought and discussion by the ZHB prior to a decision. After a verbal decision is rendered, the ZHB Solicitor will prepare a written decision to be signed by all of the members of the Board who were present at the hearing. The written decision must be circulated within forty-five (45) days of the final hearing.

An applicant or an interested party who has entered its appearance as a party at the hearing may appeal the decision of the ZHB to the Court of Common Pleas, Chester County, Pennsylvania, within thirty (30) days of the date of this decision. One does not have to enter an appearance as a party in order to ask questions of witnesses.

The ZHB is not the governing body of the municipality. The ZHB can be considered to be the judicial branch of the local government for zoning matters that are separate and distinct from the governing body – which is the Board of Supervisors. The ZHB interprets land use ordinances and serves as the first avenue of appeal from determinations by the Zoning Officer.

This above summary is intended to give a general overview of the process involved and should not be considered legal advice to be relied upon by the applicant or other participants in the process.