

A Guide for Appearing Before the Township of Scott

Zoning Hearing Board



The Township of Scott
301 Lindsay Road
Scott Township, Pa. 15106

I. INTRODUCTION

Article II, of the Township of Scott Zoning Ordinance, set forth the regulations concerning the use density, and maintenance of the land, buildings and structures within the Township of Scott. The Zoning Ordinance designates three residential, four commercial districts, one industrial district, and one open space district which along with theregulations, are the intended to:

Accommodate reasonable overall community growth, including, population and employment growth, and opportunities for development of a variety of residential dwelling types and commercial use.

II. VARIANCES AND SPECIAL EXCEPTIONS

A. Variances

A variance is a relief from the provisions of the Zoning Ordinance, granted exclusively by the Zoning Hearing Board. The Zoning Hearing Board will hear requests for a variance in cases "where it is alleged that the provision of the Zoning Ordinance inflicts unnecessary hardship upon the applicant" (910.2 Pennsylvania Municipalities Planning Code). It is important to note that a variance is property related; in other words, if an application is granted a variance for specific use, and he or she subsequently moves elsewhere the variance still applies to the property only, as long as the standards established by the Zoning Hearing Board are maintained. A variance cannot be "carried from another property".

It is often believed that when a resident or business owner wishes to utilize his or her property in a manner that is not permitted in the Zoning Ordinance, the logical recourse is to apply for a variance. However, the Pennsylvania Municipalities Planning Code, which is the legislation that enables municipalities, within Pennsylvania, to enact and enforce zoning and other regulatory ordinances, specifically outlines conditions under which a variance may be granted. Those conditions are:

- 1. That there are unique physical circumstances or conditions, including irregularity, narrows, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and the unnecessary hardship is due to such conditions and not the zoning ordinance, 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 the adjacent property, not 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.*
- 6. Before granting any variance, the Board shall obtain a review and recommendation from the Planning Commission, which shall be made part of the public record. The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Ordinances*

B. Special Exceptions

The Board shall hear requests 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 of the Pennsylvania Municipalities Planning Code (Act 247).

Special exceptions may be granted or denied by the Board pursuant to expressed standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified under special exceptions herein. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance. In evaluating an application for a special exception, the Board shall determine:

1. *The intended purpose of this proposed use shall be consistent with the development objectives established in the Comprehensive Plan and/or any redevelopment plans.*
2. *The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed as to its relationship to, and effect on, surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.*
3. *The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy, of space and traffic generation.*
4. *Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal, and the ability of the Township to supply such services.*
5. *The proposed use shall provide adequate ingress and egress, interior circulation of pedestrian and vehicles, off-street parking and accessibility to the existing or proposed street system.*
6. *The proposed use shall be in conformance with all application requirements of this Ordinance and where applicable in accordance with the Subdivision and Land Development Ordinance.*
7. *The proposed use shall not substantially increase traffic congestion.*
8. *The proposed use shall not increase the danger of fire or otherwise endanger public safety.*
9. *The proposed use shall not overcrowd the land or create an undue concentration of population.*
10. *The proposed use shall not impair an adequate supply of light and air to an adjacent property.*
11. *The proposed use shall not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.*
12. *In granting a special exception, the Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to ensure that any proposed development shall secure substantially the purposes of this Ordinance.*

III. THE HEARING PROCESS

A. THE INITIAL APPLICATION

1. Obtain the proper application forms from the office of the Zoning Officer, of the Township of Scott Municipal Building, located at 301 Lindsay Road second floor.
2. Fill out the application as directed; be careful to follow all the directions closely.
3. Return Fifteen (15) collated copies of the application and the supporting documents, with an application fee of \$300.00 and a separate escrow fee of \$1,500.00, for cases involving residential properties up to 1-2 dwellings units, or a fee of \$500.00, with a separate escrow fee of \$2,500.00, for all other cases. Return all applications to the Zoning Officer. (Note: all checks or money orders are to be made payable to Scott Township)
4. All applications for variances to the Zoning Ordinance must be submitted a minimum of twenty-eight (28) days prior to the next scheduled Planning Commission Meeting.
5. All properly completed applications will be placed on the agendas of the Planning Commission and the Zoning Hearing Board and a hearing date will be set.
6. Because of legally imposed time requirements, this is a lengthy process. **PLEASE BE ADVISED THAT A PERIOD OF AT LEAST NINETY (90) DAYS SHOULD BE ALLOWED FROM THE DATE OF THE INITIAL APPLICATION TO THE RECEIPT OF THE FINAL DECISION.**

B. NOTIFICATION OF THE HEARING

The Board will give public notice of the hearing on any appeal to the Zoning Ordinance. Such notice is required to state the nature of the appeal, the location of the property, and the time and place of the hearing itself. The notice will be made public in the following manner.

1. The notice will be posted in a conspicuous location on or near the property involved one (1) week prior to the hearing.
2. A public notice will be published in the local newspaper at least fourteen (14) days before the scheduled hearing and a second public notice at least seven (7) days prior to the scheduled hearing
3. Although not required by the Pennsylvania Municipal Planning Code, a notice will also be mailed to the neighbors that are located within 300 ft. of the subject property and are perceived to be impacted by the requested variance. This notification will be sent via first class mail approximately two (2) weeks prior to the scheduled hearing date. These notifications will be sent to the "Owner Mailing Address" provided on the Allegheny County Real Estate Portal for each neighboring property.

C. THE HEARING

1. The appellant has the option to be represented by counsel or agent.
2. All persons giving testimony will be officially sworn in.
3. The record created during a hearing is considered to be a legal record of the proceedings, and will constitute evidence for any appeal to the Court of Common Pleas. A stenographic record of the proceeding will be made. If a party requests a transcription of the stenographic record, the requesting party will be charged the fee for transcription.
4. The hearing will be conducted as follows:
 - a. Appellant presents his or her own case. Expert witnesses may be introduced at this time.
 - b. The Zoning Officer may be called upon at the discretion of the Board for testimony.
 - c. Citizens in favor of the proposed shall be heard.
 - d. Citizens opposed to the proposal shall be heard.
 - e. In addition, any citizen may present pertinent information to the Board, either prior to or at the time of the hearing. Such material will be made part of the official record of the proceedings.

D. THE DECISION

1. The Zoning Hearing Board must render a final decision within 45 days of the date of the hearing.
2. Official copies of the decision will be distributed to the Zoning Officer, Chairman of the Zoning Hearing Board and by mail to the applicant.
3. Unofficial copies will be sent to other parties who are directly interested in the property involved. There could be fee for the individuals requesting copies.
4. **BE ADVISED AT NO TIME SHOULD THE APPLICANT OR ANY OTHER INTERESTED PARTY CONTACT ANY MEMBER OF THE ZONING HEARING BOARD OR ITS STAFF REGARDING THE FINAL DECISION.**
5. In the event that the variance is granted, all special standards and conditions will be stated in the final decision and also in the building permit issued by the Code Enforcement Officer. The permit will remain valid as long as the standards and conditions are observed and maintained.
6. Unless otherwise specified the variance shall be perpetual with the land.
7. Because of the legally imposed time requirements, this is a lengthy process. **BE ADVISED THAT A PERIOD OF AT LEAST NINETY (90) DAYS SHOULD BE ALLOWED FROM THE DATE OF THE INITIAL APPLICATIONS TO THE RECEIPT OF THE FINAL DECISION.**

E. RECORD OF THE PROCEEDINGS

All records of hearings conducted by the Township of Scott Zoning Hearing Board are public, and are open for review during regular business hours, provided that the Zoning Officer or any other members of the Zoning Hearing Board are present at the time of review at the Scott Township Municipal Building 301 Lindsay Road.



TOWNSHIP OF SCOTT ZONING HEARING BOARD APPLICATION

The Applicant hereby requests:

- _____ An appeal from a determination of the Zoning Officer
- _____ A Special Exception
- _____ A variance
- _____ To challenge the validity of a Zoning Ordinance or Map
- _____ Other relief within the jurisdiction of the Township of Scott Hearing Board as established in section 909.1 (a) of the Pennsylvania Municipalities Planning Code.

Property Information:

Address Locations: _____

Lot & Block: _____

Size of Property: _____

Present Ward: _____

Present Zoning: _____

Describe the General Character of the Area or Neighborhood: _____

Applicant Information:

Name: _____

Address: _____

Phone No.: _____

Cell: _____

Email: _____

Property Owner Information: *(If different than the Applicant Information)*

Name: _____

Address: _____

Phone No.: _____

Cell: _____

Email: _____

Applicant Representative Information:

_____ I am not represented by an attorney in connection with this application

_____ I am being represented by an attorney in connection with this application

Attorney Information:

Name: _____

Address: _____

Phone No.: _____ Cell: _____

Email: _____

COMPLETE ONLY THE SECTION CHECKED ON THE FIRST PAGE OF THE APPLICATION

Appeal from Determination of the Zoning Officer

The action taken by the Zoning Officer was: _____

The date action was taken: _____

The action was in error because: _____

(Attach a copy of any written order issued by the Zoning Officer in connection with this issue.)

Request for Special Exception

Nature of Special Exception sought is: _____

The Special Exceptions is allowed under: Article _____ Section _____ Subsections _____
Of the Township of Scott Zoning Ordinance

The reason for the request is: _____

(Attach documentation demonstrating compliance with all applicable standards set by the township Zoning Ordinance for a Special Exception)

Request for Variance

Nature of the Variance sought is: _____

The Variance is from: Article _____ Section _____ Subsections _____
Of the Township of Scott Zoning Ordinance

The nature of the unique circumstances and unnecessary hardship justifying this request for a variance is: _____

(Attach documentation demonstrating compliance with all applicable standards set by the township Zoning Ordinance for a Variance)

Challenging the validity of a Zoning Ordinance or Map

Identify the provision of the Ordinance or Map which you believe to be invalid: _____

The challenge is ready for a decision because: _____

The provision challenged is invalid because: _____

(Attach a copy of the ordinance or map you are challenging.)

Applicants Signature: _____

Date: _____

Owner Signature: _____

Date: _____

(Property Owner must sign Application)

Official Use Section

Date Received: _____

Zoning Officer Signature: _____

Date Set for Hearing: _____

Comments: _____

