

Cecil Township Variance and Special Exception Requests

IMPORTANT INFORMATION PLEASE READ

Variations and Special Exception requests by design are difficult to obtain. All information requested on the application must be submitted by the filing deadline listed on the schedule. Incomplete applications or late submission of the application will result in a denial or delay of the hearing until the next month.

This is Pennsylvania Law under the Municipal Planning Code and there can be no exceptions.

Any action by the Zoning Hearing Board can be appealed within 30 days of their decision. Any technical issue such as late advertisement / notification of adjoining property owners, incomplete application, Failure to pay required fee or other will be grounds for overturning the Boards Decision, therefore we must abide by the requirements of the Pa MPC.

CECIL TOWNSHIP ZONING HEARING BOARD

Application For Variance

General Procedures and Requirements

When a property owner is denied a building permit or a site plan does not conform to the zoning ordinance requirements, application may be made to the Cecil Township Zoning Hearing Board. Applications must be submitted to the zoning officer by 12:00 pm 19 days prior to the scheduled hearing date, see attached schedule. All hearings are held the third (3rd) Monday of each month. Once the application is received the requested variance will be advertised and the property will be posted as required by law.

A variance is, and should be, difficult to obtain. So long as the property can be developed for some reasonable use in conformity with the provisions of the Zoning Ordinance, the fact that it could produce more income or satisfy the need or desire of the owner more thoroughly is not a sufficient basis for the approval of a variance. Financial hardship is not taken into consideration.

Unfortunately, many applicants assume that a variance is designed to permit the highest and best use of, or the greatest financial return from their property where the Zoning Ordinance limits the use or value in some way. This is an incorrect perception of a variance, and one that causes the applicant a great degree of difficulty when a case is based on such reason. Even when the proposed variance would be to the benefit of the community as a whole, the Zoning Hearing Board is not empowered to make adjustments to the Zoning Ordinance unless five (5) specific standards contained in the Pennsylvania Municipalities Planning Code, and included in this application are met.

Zoning Hearing Board Proceedings

1. The parties to the hearing shall be the applicant, municipality, any person affected by the application or anyone with relevant interest in the issue.
2. The case will be called and the zoning officer will be asked to give a brief outline of the case.
3. The applicant will then be asked to present his/her case, at which time legal and factual requirements are presented which substantiate the need for a variance. The applicant may call any witness and introduce any evidence to support his/her case.
4. The board members will then have the opportunity question the applicant or representative.
5. Others in attendance will also be given the opportunity to speak for or against the request.
6. The public hearing will be closed and the board may solicit a recommendation from the Zoning Hearing Board Solicitor.
7. The board may either render a decision the same evening or if additional testimony, evidence, or research is required continue the hearing on another date.
8. Any parties aggrieved by the decision of the board may appeal the decision to the Court of Common pleas of Washington County within 30 days of the decision date.

The following must be submitted with the application form

1. A site plan showing the dimensions and shape of the property, size and locations of existing and proposed buildings, existing and proposed easements and rights-of-way, and natural or topographical peculiarities on the property.
2. A legal description of the property
3. The appropriate fee. \$350.00 for single family residential appeal or \$500.00 for commercial or industrial appeal along with the application. Please make checks payable to the Cecil Township Supervisors
4. Five standards must be addressed on application

Application for Variance

Applicant: _____ (If other than property owner attach proper documentation)

Applicant address: _____ City: _____ St: ___ Zip: _____

Phone: _____ Fax: _____ Email: _____

Property Owner: _____

Address: _____ City: _____ St: ___ Zip: _____

Phone: _____ Fax: _____ Email: _____

Property / Site Information:

Location: _____

Parcel Id. _____ Subdivision: _____

Lot Size: _____ Existing zoning: _____ Existing land use: _____

Has any previous appeal been filed in connection with this property? [] Yes [] No

If yes, when and for what: _____

Nature of Variance or Appeal: _____

I hereby certify that the above information and the statements and/or representations contained in any and all papers or plans submitted herewith are true and accurate to the best of my knowledge and belief.

Applicants Signature

Date

For township use

Date of submission: _____ Date of Hearing: _____

Fee Paid: _____ Check No. _____

Zoning hearing boards decision: [] Approved [] Denied [] Approved with conditions

Comments or conditions: _____

Variance requests are evaluated in terms of the following five standards. The applicant must prove that the application specifically meets each of these tests, where relevant. Please describe how your request meets each of the following.

1. 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 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 in which the property is located.

2. Because of 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 the approval of a variance is therefore necessary to enable the reasonable use of the property.

3. The unnecessary hardship has not been created by the applicant.

4. The variance, if approved, 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, nor be detrimental to public welfare.

5. The variance, if approved, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
