

Cecil Township Variance and Special Exception and Appeal

IMPORTANT INFORMATION PLEASE READ

Variances and Special Exceptions 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 the 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, Special Exception and Appeals

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 for consideration. 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 action will be advertised and the property will be posted as required by law.

A variance or Special Exception 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 pertinent conditions of the 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 or other action. 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. For a Variance or Appeal \$350.00 for residential, \$500.00 for commercial or industrial. For special Exceptions, \$500.00 Residential and Commercial must accompany the application. (Make payable to the Cecil Township Supervisors)
4. If the application is for a variance the five standards attached to this application must be addressed upon application
5. For Special Exceptions and Appeals Describe in detail the nature of the request and reason/s believed to be relevant. Attach additional information as required.

Application for Variance, Special Exception or Appeal

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 Request: _____

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. _____ Receipt #: _____

Zoning hearing boards decision: ☐ Approved ☐ Denied ☐ Approved with conditions

Comments or conditions: _____

Disregard this section if the application is for a Special Exception or Appeal

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.

CECIL TOWNSHIP

2021 ZONING HEARING BOARD CALENDAR

FILING DEADLINES AND MEETING DATES FOR VARIANCES, SPECIAL EXCEPTIONS, APPEALS

All hearings will start 7:00 PM at the Municipal Building, 3599 Millers Run Rd. Cecil, PA 15321

<i>HEARING DATE</i>	<i>FILING DEADLINE</i>
JANUARY 18	DECEMBER 28, 2020
FEBRUARY 15	JANUARY 25
MARCH 15	FEBRUARY 22
APRIL 19	MARCH 29
MAY 17	APRIL 26
JUNE 21	MAY 31
JULY 19	JUNE 28
AUGUST 16	JULY 26
SEPTEMBER 20	AUGUST 30
OCTOBER 18	SEPTEMBER 27
NOVEMBER 15	OCTOBER 25
DECEMBER 20	NOVEMBER 29

The following documentation must accompany the application and submitted to the Zoning Officer by 12:00 PM the date of the filling deadline.

1. A current plot plan indicating parcel ownership
2. A site plan showing all structures on the property in question, their distances from property and or right-of-way lines, and all setback lines, easements, and parking and drive areas.
3. Where applicable, a complete set of plans for any structure to be erected.
4. A complete list of all property owners within 300 feet of all property lines, indicating name, address, city, state, and zip code
5. The required application fee: For Variances or appeals -\$350.00 for residential, and \$500.00 for commercial. Special Exception requests \$500.00.

Failure to provide any item above may prevent the matter from being considered at the next scheduled hearing.

Please make check payable to Cecil Township.