

JACKSON TOWNSHIP

ZONING AND HEARING BOARD

(Exhibit 1)

This Appeal / Application form must be fully completed and reviewed by the zoning officer in order for a hearing to be scheduled with the Jackson Township Zoning Hearing Board. Please include all information that is applicable to your appeal. The information you provide along with the details of your site plan will serve to expedite the hearing. The more you know about your property and your planned improvements or proposed use the more prepared you will be to respond to questions of the Board at the time of your hearing.

PROCESS:

- Provide 3 copies of the completed form along with 3 copies of all supporting documents to the Jackson Township Manager.
- Please attach additional sheets as necessary and identify Exhibits 1A through 1F. All other attachments will be identified at the hearing
- The Township Manager will maintain the signed original document; submit a copy to the Zoning Hearing Board and a copy to the zoning officer.
- By law, the hearing must be properly advertised in the local newspaper.
- The Township is required to send certified letters to all property owners within 500 feet of the property in question.
- Your request for a variance is reviewed by the Board prior to the hearing; however the Board is not permitted to speak with you prior to the hearing. Your request must be valid and supported by the zoning ordinance.
- At the time of the hearing, please bring a copy of any documents, pictures, supporting testimony or any evidence that you believe will be helpful to your appeal. These will be maintained by the board as part of the official record and not returned to you.
- A court stenographer will issue an oath to all persons wanting to testify at the hearing and will record all the testimony given. This becomes the official record in the event that the Zoning Board's decision is appealed.

The following documents will assist you in preparing for the hearing. These documents are available at the township office or on the Jackson Township Website:

Variations – property hardship supported by Section 209 – Functions, 1. Variations

Special Exceptions – uses supported by Article VI Special Exceptions.

All other Section 212 – Jurisdiction hearings must be supported by applicable zoning law.

The Zoning Ordinance can be found online at www.jacksontwppa.com

YOUR CASE MAY BE DELAYED IF THIS FORM IS NOT FULLY COMPLETE.

APPEAL OR APPLICATION OF

The Undersigned:

Name of (Appellant(s) or (Applicant(s) (If jointly owned all parties must sign)

Address

Telephone No.: (_____) _____ hereby represents as follows:

1. Address (or location) of property in question _____

2. The owner(s) of said property: (If not the owner attach appropriate documentation of the owner's consent as **Exhibit 1F**.)

3. The property in question is now used for _____
_____ the zone is _____.

4. The deed evidencing such ownership bears date _____
and is recorded in Deed Book No. _____, Page _____.

5. Attach as **Exhibit 1A** a complete copy of the most recent deed of the property in question with the description of the survey of the property as set forth in the deed including any restrictions, conditions, covenants or other matters affecting the use of the premises in question.

6. Attach as **Exhibit 1B** a copy of the Application for Zoning Permit including an approved site plan or drawing of the lot or tract in question showing and labeling all existing buildings and or structures and improvements thereon and proposed to be made thereon. Please include all applicable information required by Section 202 of the Jackson Township Zoning Ordinance. If requesting a setback variance please show the distance(s) in feet to all buildings and structures on the adjoining abutting property nearest the setback requested.

7. Attach as **Exhibit 1C** the names of the owners of property adjoining and abutting the property in question and their respective addresses:

8. Attach as **Exhibit 1D** the names of owners or occupiers of every lot within five hundred feet (500') of the parameter of the property line in question and their respective addresses.

Complete in All Cases

9. The undersigned appeals from the order, requirement, decision, or determination of the Zoning Officer made on (date) _____ , Attach as **Exhibit 1E** a copy of the Zoning Officers order, requirement, decision or determination with the Zoning Officers determination and remarks and notice of denial. Provide any additional remarks below:

10. The Zoning Officers order, requirement, decision or determination should be revoked, nullified, reversed or overruled as the case may be for the following reason(s). (You may cite sections of the Jackson Township Zoning Ordinance or applicable zoning case law or otherwise provide your own reason(s).

Complete for Variances

11. The undersigned requests the Zoning Hearing Board to grant a variance from the provisions of the Jackson Township Zoning Ordinance so as to permit the following proposed construction, reconstruction, alteration, repair, conversion, maintenance or use: (Describe in reasonable detail the requested variance).

12. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Describe the unique physical circumstances or conditions peculiar to the particular property and the unnecessary hardship due to these conditions.

Complete for Special Exceptions

13. The undersigned requests the Zoning Hearing Board to authorize as a special exception the following use: (Describe in reasonable detail the use.)

Signature(s) of Appellant(s) or Applicant(s)

Commonwealth of Pennsylvania

County of Cambria

_____,
being duly sworn, according to law deposes and says that he or she is the appellant(s) or applicant(s) above name, and that the foregoing facts are true and correct.

Sworn to and subscribed before
me this ____ Day of _____, _____

Notary Public

Provide with Application for Variance

VARIANCE

SECTION 209 - FUNCTIONS

The Zoning Hearing Board shall function in strict accordance with and pursuant to the Pennsylvania Municipalities Planning Code and shall have all powers set forth therein, including but not limited to the following:

1. Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- A. That 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 particular 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 or district in which the property is located.
- B. 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.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. 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.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

Provide with Application for Special Exception

ARTICLE VI - SPECIAL EXCEPTIONS

The special exceptions listed in this Ordinance and their accessory buildings and uses may be permitted by the Zoning Hearing Board in the districts indicated therein, in accordance with the procedures, standards, and criteria set forth in this Article and Article II (relating to the Zoning Hearing Board).

GENERAL PROCEDURES

An application for special exception filed with the Zoning Officer shall be referred to the Planning Commission for investigation as to the manner in which the proposed location and character of the special exception will affect the community and how the required standards are to be achieved. The Planning Commission shall report the results of its study to the Zoning Hearing Board within thirty days following receipt of the application. If no such report has been filed with the Zoning Hearing Board within this time period, the Zoning Hearing Board may assume the Planning Commission has acted favorably but in any event the recommendation of the Planning Commission shall be advisory, and not binding upon the Zoning Hearing Board.

The Zoning Hearing Board shall conduct a public hearing on the appeal under Section 211 (Hearings) of Article II, and in accordance with Public Notice requirements.

If the proposed Special Exception is located in the district wherein such use may be permitted and meets the specified standards and criteria, the Zoning Hearing Board may approve the Special Exception. The Board may also levy reasonable conditions or safeguards as deemed appropriate to protect adjoining property.

The applicant may then apply to the Zoning Officer for building and occupancy permits in accordance with the procedures specified in this ordinance.

Any expansion of such Special Exception involving the enlargement of the buildings, structures, or land area shall be subject to the procedure described in this section.

Please see the complete text of Article VI and amendments for details of special exceptions permitted by the Jackson Township Zoning Ordinance.

Article II, Section 209 – Functions, 2. Special Exceptions

Where the governing body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

(Revision 1/28/2013)