

ZONING INFORMATION HANDOUT EDGMONT TOWNSHIP, PENNSYLVANIA

INTRODUCTION

This document is intended to assist the property owner by offering basic information about presentations before the Zoning Hearing Board.

It is important for applicants to realize that zoning is a method used by a community to regulate the use of land and structures. The Zoning Ordinance adopted by Edgmont Township is designed in accordance with the Comprehensive Plan and endeavors to fulfill a number of objectives: (1) promote the health, safety, morals, and general welfare of the Township, (2) guide the overall growth of the community, (3) prevent overcrowding, (4) avoid undue population congestion, (5) protect the water supply and safeguard sewage disposal, (6) promote appropriate land use throughout the Township, (7) preserve prime agricultural land and farmland, and (8) preserve the natural, scenic, and historic values in the environment by preserving forests, wetlands, aquifers, and floodplains. The Zoning Ordinance accommodates reasonable overall community growth and provides various residential and nonresidential development opportunities.

Edgmont Township first adopted a Zoning Ordinance in 1938. Many amendments and modifications have been made to the Zoning Ordinance since that time. The Ordinance can seem technical, and without proper guidance the average citizen may have difficulty with its interpretation. Township personnel will assist you with any questions. If you are having difficulty with your application, you may wish to consult an attorney.

ZONING APPLICATION

Applications are available at the Township office, where you may also examine the Zoning Code and other relevant codes of the Township.

In most cases, the owner of record of a property is the applicant, but an equitable owner, that is, someone who executes a contract of purchase may also be an applicant. Those with options to buy may also apply. One who is a lessee may only submit an application if they are specifically authorized to exercise the rights of the landowner under the lease.

The applicant must submit a copy of the deed and also any writing that evidences their authority to act in the place of the owner of the situations listed above. Township personnel can assist the applicant in listing the zoning district and the type of relief the applicant is seeking.

In the application, the applicant is asked to provide the reasons for relief they are seeking and to describe what it is they want to do. This can be done with a narrative citing the reasons why the applicant believes they are entitled to relief. The applicant should also provide a drawing, preferably to scale, with all the appropriate dimensions listed. This will help the Board understand what the applicant hopes to accomplish.

The applicant shall submit six (6) copies of their plans and application, along with a check in the amount of nine hundred and fifty dollars (\$950.00), payable to Edgmont Township. This fee will defray the cost of advertising, certified notices, legal fees, and the court reporter. No portion of this fee will be refunded to the applicant.

HOW TO PRESENT YOUR CASE TO THE BOARD

When you appear before the Zoning Hearing Board you will be sworn in by the Chairman of the Zoning Hearing Board. A court reporter will make a record of the hearing. You will be given the opportunity to make your presentation and present evidence to the Board as to why your variance should be granted. It is also important to remember that you cannot modify your request to the Zoning Board because your variance has already been advertised. You may find that it is helpful to present photographs to the Board because pictures are often more revealing than a drawing. If the variance that you are requesting affects your neighbors, you may wish to have the affected neighbors attend the meeting and testify on your behalf or submit letters in favor of your request.

The Township is required to notify property owners adjoining your property of your zoning request. In addition, notice of the hearing must be posted on the affected tract of land at least one week prior to the hearing.

You should remember that a variance is a request for the Board to permit something that is not authorized in the Zoning Ordinance. Such approval requires that a hardship be demonstrated. Proof of hardship in the legal sense is different from the common understanding of the term. For example, you may wish to erect a deck within the side yard just because that is the way you would like it to be constructed. However, the side yard setback requirements were placed in the Ordinance so that an adjoining property owner would have a reasonable distance between their structure and neighboring structures. In order to comply with the code requirements, the Zoning Board may not permit a landowner to simply erect the deck within the side yard unless there are unique physical circumstances or conditions that create a hardship for the homeowner. Mere additional costs are not a legal hardship. If you are successful in receiving a variance, you must apply for a building permit within twelve (12) months or your variance will expire. A building permit will be issued based on the plan approved by the Zoning Hearing Board. No changes may be made to the approved plan.

An applicant may request to continue a hearing for the purpose of presenting additional information and/or testimony. An additional fee of \$250.00 is required to continue.

RESEARCH AND PREPARATION

It is suggested that potential applicants attend a Zoning Hearing Board meeting to gain a better understanding of the process. Applicants should read the appropriate parts of the Municipalities Planning Code, which is on file at the Township. Section 604 gives the applicant some insight into the purposes of zoning. Section 908 explains how hearings are conducted and Section 910.2 explains the requirements for a variance. The Zoning Ordinance also addresses the Zoning Hearing Board in Section 2200.

This document is not intended to be all-inclusive. Applicants who have special needs or requirements that are of a more technical nature should consult an attorney. It is inappropriate to discuss an application with any members of the Zoning Hearing Board; however, any prospective applicant may and should contact the Township's Zoning Officer at (610) 459-1662 to discuss their issues.

EDGMONT TOWNSHIP

ZONING HEARING BOARD

BASIC PROCEDURE FOR APPLYING FOR A ZONING HEARING
IN EDMONT TOWNSHIP

- a. Meet with and discuss your issue with the Zoning Officer of Edgmont Township.
- b. Obtain and complete the application.
- c. Submit the application and all supporting documents along with a check for nine hundred and fifty dollars (\$950.00), payable to Edgmont Township. Please consult the hearing schedule to determine the cut off day for turning in applications. In order for an application to be complete, we must receive:
 1. Seven (7) notarized copies of the application (only one must have an original notary seal; the others may be photocopies).
 2. One (1) copy of the deed and/ or agreement of sale. If the property is under an agreement of sale, the deed for the current owner must be submitted. Deeds can be obtained from the Delaware County Court House.
 3. Seven (7) sets of supporting documents, including plot plans and photographs. Packets are distributed to Zoning Hearing Board members in advance of the meeting. The more useful information that you submit with your application, the more informed the members will be about your case before the hearing.
- d. You may represent yourself or have an attorney (or anyone else) represent you.
- e. You may have other persons appear on your behalf.
- f. The Zoning Hearing Board has 45 days to render a decision; however, a decision may be rendered on the day of the hearing.
- g. If granted, you must act on the approval within one (1) year of the decision. This usually means applying for a building permit before the year is up.