

# **INSTRUCTION FOR FILING VARIANCES**

## **PLEASE READ THOROUGHLY**

This is to assist you in applying to the Zoning Hearing Board for a variance. You may wish to obtain the services of an attorney, engineer, architect, planner or other professionals in completing this application. The information is intended to provide a summary only.

## **WHO MAY APPLY FOR A VARIANCE?**

The application must be applied for by the owner, a contract purchaser, a tenant, or someone who has a legal or equitable interest in the land. The application cannot be filled out by some other company that is doing work for the applicant, such as a sign company or a real estate agent.

## **COMPLETING THE APPLICATION AND PAYMENT OF FEE**

Please answer all questions fully. Only completed applications, which include the necessary information, will be accepted. Return **10 copies** of the application and all supporting information and the \$450.00 fee for the initial application. If additional special exception and/or variance application(s) are necessary, which involve the same property/project as the initial application, a fee of \$100.00 for each additional application must accompany the application(s) and be submitted on the same date as the initial application. Checks must be made payable to York Township.

Plans, drawings, and specifications are not required to be professionally prepared; BUT they must fully and accurately reflect your proposal. The importance of your project, your wish to avoid delays, and the relative complexity of your plan may suggest professional assistance.

## **GENERAL STANDARDS FOR VARIANCES**

Section 265-167 of the York Township Zoning Ordinance

B. General Standards for variances:

1. Where unnecessary hardship exists, the Board may grant a variance in the provisions of this chapter only if all of the findings following are made in writing.

a. That unnecessary hardship exists which is due to unique physical circumstances of 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 this chapter in the neighborhood or district in which the property is located;

b. That because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter 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 nor substantially or permanently impair the appropriate use of development of adjacent property nor be detrimental to the public welfare; and

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.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary.

C. Conditions. The Board shall attach such reasonable conditions or safeguards to the variance, if any are deemed necessary by the Board, as will protect the general welfare, requiring, among others and where appropriate, suitable planting, fencing or screening; harmonious architectural or landscaping treatment; suitable hours of operation; property vehicular access and parking facilities; sidewalks, storm sewers and other public improvements; proper restrictions as to the use of outdoor floodlighting or spotlighting, public-address systems and advertising displays; and such other improvements or restrictions as the Board may deem appropriate.

## **GUIDELINES**

### **PRESENTATION:**

An applicant must be prepared to fully explain and document his proposal. This may be done personally or by an authorized representative (with or without counsel), before the Zoning Hearing Board.

Statements and testimony before the Zoning Hearing Board are taken under oath and every applicant or witness is subject to cross-examination or general questioning by the board or by other interested parties.

The board's decision must be made on the basis of the RECORD that is created by YOUR PRESENTATION. Formality is held to a minimum, but relevant FACTS are vital.

## DECISIONS:

Decisions are required to be made IN WRITING and mailed to the applicant and other interested parties as soon as possible after its approval at a public board session; moreover, decisions are required to include detailed findings of fact and conclusions following therefrom. Complex cases may compel the decision to be deferred until the record can be reviewed and complete findings formulated, usually by the next regular monthly hearing session, but in all events within the required forty-five (45) days.

Summary decisions may be made at the time of hearing in appropriate cases, but ONLY if the applicant WAIVES the detailed findings required as a matter of record.

Variances are authorized for six (6) months unless specified or extended by the Zoning Hearing Board.

## PROTESTS AND APPEALS:

Any nearby property owner or other party in interest may PROTEST an application and present evidence in opposition. Protesting parties should be guided by the same attention to STANDARDS AND RELEVANT FACTS as applicants. Matters of personal preference or non-expert opinion may be relevant and may be admissible on the records, but such evidence must be weighed according to its value and may be of limited PERSUASIVE effect.

Any party AGGRIEVED by a decision of the Zoning Hearing Board, whether such party be an applicant or protestant may APPEAL such decision to the Court of Common Pleas within the LIMITED TIME and according to PROCEDURES currently prescribed by law.

**These instructions and suggestions are provided solely as an aid to zoning procedure and are not intended to enlarge, diminish, or supersede any current provision or rule of the law.**