

**ZONING HEARING BOARD APPLICATION  
GENERAL INSTRUCTIONS**

1. As per Section 2206 of the Solebury Township Zoning Ordinance all information requested on fees required to be paid with the application must be furnished with supporting documents and studies required by the Solebury Township Zoning Ordinance, before the application shall be deemed as filed within the meaning of the Municipalities Planning Code and the Solebury Township Zoning Ordinance.
2. The applicant must be present at all hearings; otherwise the petition will be dismissed unless postponed by the Zoning Hearing Board, upon cause shown on upon their motion.
3. At all hearings, proof of the authority of the applicant to make the application to the Board, if the applicant is not the owner, must be presented to the Zoning Hearing Board, whether the applicant's interest be as owner, tenant, purchaser or in any other capacity.
4. The following documents must accompany all applications:
  - a. Ten (10) paper copies and one (1) electronic copy (thumb drive preferred) of the attached Fee Schedule with signature of owner/applicant must accompany this application.
  - b. Ten (10) paper copies and one (1) electronic copy (thumb drive preferred) of the application, including one signed original application, deed and plot plan, drawn to scale of the real estate affected, indicating the location and size of the improvements now erected and/or proposed to be erected thereon.
  - c. Ten (10) paper copies and one (1) electronic copy (thumb drive preferred) of the Proof of title and the interest of both the Owner and Applicant must be attached, by photocopy of the Deed together with any lease, agreement of sale or other document containing the right or interest.
  - d. Ten (10) paper copies and one (1) electronic copy (thumb drive preferred) of the names and addresses of all property owners adjoining the subject parcel and within 1500 feet of the same on any road. The listing must be typed or hand-printed legibly.
5. All meetings of the Zoning Hearing Board shall be open to the public.
6. No decision by the Zoning Hearing Board shall relieve any applicant from the responsibility of obtaining any required permits in the manner prescribed by the Zoning Ordinance(s).
7. For Uniform System of Notice of Application, see Municipal Code, Chapter 1, Administration and Government, Part 6 (see Page 9 of this Application).



## FEE SCHEDULE

The filing fee for an appeal to the Zoning Hearing Board from an order, requirement, decision or determination of the Administrative Office, and for all requests to the Zoning Hearing Board for a variance or special exception shall be in accordance with the following schedule, and all filing fees are not refundable.

Description	Fee
Filing Fee – Single Family Residential	\$1,100
Filing Fee- Multi-Family Establishments	\$1,100 per unit
Filing Fee- Commercial	\$1,500
An appeal from the denial of a Certificate of Appropriateness under Township Ordinance No. 68	\$1,100
Other, including appeals from the granting of a Conditional use, subdivision, land development	\$1,850
Floodplain Special Exception	\$2,350
Curative Amendment / Substantive Validity Change	\$10,000

The filing fee shall be determined upon the present or proposed use of the property if it is different than the Zoning Classification of the property.

I, \_\_\_\_\_ having this day filed with Solebury Township and Appeal to the Zoning Hearing Board hereby acknowledge that I have read the above and I hereby agree to its terms.

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



**ZONING HEARING BOARD APPLICATION**

All submissions require ten (10) paper copies to be printed and one (1) electronic copy to be provided via USB Flash Drive or Compact Disc (CD). Please note that all plans and drawings must be included with each copy. Payment is required upon submission.

<b>OFFICE USE ONLY</b>	
PERMIT # _____	TAX MAP PARCEL # _____
PROJECT NAME _____	

**I. APPLICANT**

Name \_\_\_\_\_ Date of Application \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Property Location \_\_\_\_\_

Applicant Mailing Address (If Different) \_\_\_\_\_

Tax Map Parcel # \_\_\_\_\_ Size of Parcel \_\_\_\_\_

**II. OWNER** (Only required when owner is not the applicant)

Name \_\_\_\_\_

Applicant's Authority to Title \_\_\_\_\_

Interest \_\_\_\_\_

**III. PROPERTY**

Description of premises (Attach lot plan and the improvements both erected and proposed):

\_\_\_\_\_

\_\_\_\_\_

Description of structures, buildings and improvements presently existing:

\_\_\_\_\_

\_\_\_\_\_

Present use: \_\_\_\_\_

Nature of proposed use, improvements and/or changes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reason for application:

- Appeal to the action of the Zoning Officer (**Proceed to Step IV**)
- Request special exception (**Proceed to Step V**)
- Request a variance (**Proceed to Step VI**)
- Request a chance in or expansion of a non-conforming use (**Proceed to Step VII**)
- Challenge the validity of a zoning ordinance or map on the following basis: (**Proceed to Step VIII**)
- Appeal to the decision of the Board of Supervisors (**Proceed to Step IX**)
- Other (**Proceed to Step X**)

**IV. Appeal from the action of the Zoning Officer**

- a. The action taken was: \_\_\_\_\_
- b. The date the action taken was: \_\_\_\_\_
- c. The foregoing action was in error because: \_\_\_\_\_

**V. Request special exception**

- a. Nature of special exception sought: \_\_\_\_\_
- b. The special exception is allowed under Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_ of the Solebury Township Zoning Ordinance. If more than one exception is requested, list ordinance references on a separate page.
- c. Reason for request: \_\_\_\_\_
- d. Please attach a narrative explaining in detail how the applicant complies with the requirements for special exceptions, set forth in Sections [27-2914.1-4](#) and [27-3005.1.C](#) of the Township’s Zoning Ordinance.
- e. For projects proposed for the Floodplain Conservation District, please attach a narrative explaining in detail how the applicant complies with the requirements in Section [27-2110](#) of the Township’s Zoning Ordinance.

**VI. Request a variance**

- a. Nature of variance sought: \_\_\_\_\_
- b. The variance is from Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_ of the Solebury Township Zoning Ordinance.
- c. The nature of the unique circumstances and the unnecessary hardship justifying this request: \_\_\_\_\_
- d. Please attach a narrative explaining in detail how the applicant complies with the requirements for Variances in Section [27-3005.1.B](#) of the Township’s Zoning Ordinance and Section 910.2 of the Municipalities Code.
- e. For projects proposed for the Floodplain Conservation District, please attach a narrative explaining in detail how the applicant complies with the requirements in Section [27-2110](#) of the Township’s Zoning Ordinance.

**VII. Change in non-conforming use**

- a. Present use: \_\_\_\_\_
- b. Established: \_\_\_\_\_
- c. Number of buildings devoted to use: \_\_\_\_\_
- d. Square footage devoted to use: \_\_\_\_\_
- e. Proposed change in terms of items a through d: \_\_\_\_\_



**VIII. Challenge the validity of a zoning ordinance or map**

a. The ordinance or map challenged is as follows:

\_\_\_\_\_

b. The challenge is ripe for decision because:

\_\_\_\_\_

c. The ordinance challenged is invalid because:

\_\_\_\_\_

**IX. Appeal to the decision of the Board of Supervisors**

a. Reasoning: \_\_\_\_\_

**X. Other**

a. If other relief is sought, please specify the nature and basis for the same:

\_\_\_\_\_

\_\_\_\_\_



**VERIFICATION**

\_\_\_\_\_ states that he/she is the Applicant in this Solebury Township Zoning Hearing Board Application, that the foregoing facts are true and correct to the best of his/her knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

**APPLICANT**

SIGNATURE \_\_\_\_\_  
PRINTED \_\_\_\_\_  
NAME \_\_\_\_\_ DATE \_\_\_\_\_

**PROPERTY OWNER (If Different from Applicant)**

SIGNATURE \_\_\_\_\_  
PRINTED \_\_\_\_\_  
NAME \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING OFFICER**

SIGNATURE \_\_\_\_\_  
PRINTED \_\_\_\_\_  
NAME Zach Zubris DATE \_\_\_\_\_

**PROPERTY ACCESS AUTHORIZATION**

Property Location \_\_\_\_\_  
Applicant's Name \_\_\_\_\_  
Tax Map Parcel No. \_\_\_\_\_

In accordance with Solebury Township Subdivision and Land Development Ordinance, Section 4.00 E, permission is hereby granted to enter upon the above property at any reasonable hour as part of the review process of the submitted application.

OWNER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



**CERTIFICATE OF OWNERSHIP AND AUTHORIZATION OF AGENTS**

Owner Name \_\_\_\_\_ Tax Map Parcel # \_\_\_\_\_  
Email \_\_\_\_\_ Phone \_\_\_\_\_  
Property Location \_\_\_\_\_

The individual(s) listed below is/are authorized to act on my behalf regarding the following submissions to Solebury Township:

APPEAL                      VARIANCE                      OTHER

Agent 1 Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Agent 2 Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

OWNER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



## Acknowledgement

1. By making a submission under this Ordinance, the applicant and all of its agents, employees, and consultants acknowledge(s) and agree(s) that all documents and other information submitted to the Township as part of this application, whether subject to a statutory or common law copyright, constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to public review upon request in accordance with the Right to Know Law and applicable Township ordinances and resolutions.

2. The applicant and all of its agents, employees, and consultants further agree(s) and authorize(s) that all documents and other information submitted to the Township as part of this application, whether subject to a statutory or common law copyright, may be duplicated, posted on the Township website and otherwise provided to the public.

Applicant signature \_\_\_\_\_

Date \_\_\_\_\_



## UNIFORM NOTIFICATION

Pursuant to Part 6 of the Solebury Township Code of Ordinances, the following procedures must be undertaken to provide notice for hearings and meetings for a duly filed application before the Solebury Township Board of Supervisors, the Solebury Township Planning Commission.

### NEIGHBORING OWNER

The owner of record of a parcel of land which is: a) contiguous at any point to the parcel in question, or b) which is contiguous at any point to a parcel of land that is contiguous at any point to the parcel in question, i.e. a parcel that is one parcel away from the subject parcel, or c) which is on the other side of a section of street (public or private) on which the subject parcel has frontage, i.e., a lot across from the subject parcel.

1. Contemporaneous with the filing of an application governed by this part, the applicant shall certify to the Zoning Officer or HARB Administrator, if applicable, and the Township Secretary, the names and last-known mailing addresses of all neighboring owners, and the addresses and tax parcel numbers of all neighboring parcels. The mailing addresses on the tax rolls shall be considered a neighboring owners' last-known mailing addresses.
2. Within 10 days of filing an application governed by this part, the applicant shall notify all neighboring owners of the pendency and purpose of the application at the neighboring owners' mailing addresses certified by the applicant, and provide the Township with proof of mailing.
3. Within 10 days of filing an application governed by this part, the applicant shall also post notice of the of the pendency and purpose of the application at a minimum of two conspicuous locations on the subject property on a form attached hereto as Appendix K, and submit to the Township photographs and a certification of posting. The size of the postings shall be greater than 200 square inches. In order for a placard to be considered posted in a conspicuous location, the placard must be clearly visible to the public from roadways on which the subject parcel has frontage and to neighboring owners and not obstructed by structures, vegetation or landscaping. The Township reserves the right to determine whether or not the posting has been conspicuous. The applicant shall maintain the postings throughout the pendency of the application



## TOWNSHIP ZONING ORDINANCES

**Section 27-2914.1-4 of the Township Zoning Ordinance states the following:**

1. In evaluating an application to the Board of Supervisors for a conditional use or the Zoning Hearing Board for a special exception, the respective Boards shall require the applicant to provide information to indicate that the standards and criteria have been met. The applicant shall submit a report which describes how the standards and criteria have actually been met or will be met to ensure that:
  - a. The proposed use is consistent with the purpose of the part whereby it is permitted, the overall purpose of the zoning as contained in Part 1 of the Township's Zoning Ordinance, and all applicable provisions of this chapter.
  - b. The proposed use will satisfy all of the relevant provisions and requirements of the Township Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinance, code and/or regulation which are hereby incorporated by reference.
  - c. The proposed use and its location are consistent with and responsive to the Comprehensive Plan, in particular, the plans for land use, circulation, community facilities and utilities.
  - d. The proposed use will not adversely affect the health, safety, morals and general welfare of the Township.
  - e. The proposed land use is consistent with the nature of the conforming land uses existing on any immediately adjacent properties; and, it will not detract from or cause harm to neighboring properties and will be maintained in a manner in keeping with the character of the neighborhood.
  - f. The proposed use is consistent in concept and design with other conditional uses or special exceptions for which approval may have been previously granted, and/or it is located in an area or areas for which the lot is suited.
  - g. If public services are planned for the property, the proposed use is consistent with the planned extensions of public services and utilities, such as a public water and public sewer, and will not have a negative effect on the public services and utilities of the surrounding properties.
  - h. Proposed construction will be consistent with good design principles, and sound engineering and land development practices, and is in keeping with the character of any existing quality construction within the neighborhood.
  - i. The proposed use reflects an environmentally sensitive approach to land planning and design based on thorough site analysis and evaluation related to topography, soils, vegetation, hydrology, geology, especially limestone and diabase, visual quality and related site conditions and characteristics.
  - j. The proposed use will provide safe and adequate access to roads and public services (existing or proposed); will not result in excessive traffic volumes; will make any improvements needed to guarantee compatibility with adjacent roads and public services; and will reflect a well-designed internal circulation system.
  - k. The proposed use will provide for effective sanitation.
  - l. The proposed use will create the required screening and landscaping as required in this chapter and the Township Subdivision and Land Development Ordinance. [Chapter 22].
  - m. The proposed use, as depicted in the plans for subdivision and/or land development, includes proposals for landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks or trails, and in other places deemed by the Township, where the use of trees, shrubs and ground covers would be functional and appropriate.
  - n. The proposed use will be properly sited, and not be disruptive to existing topography, streams and ponds, vegetation and other natural resources, especially within the Floodplain Conservation District and the Steep Slope Conservation District.



## TOWNSHIP ZONING ORDINANCES

- o. The proposed use will provide for adequate off-street parking and loading in accordance with Part 23.
  - p. The proposed use will provide for adequate signage in accordance with Part 24.
  - q. The proposed use will provide for adequate environmental controls in accordance with Part 25.
  - r. A satisfactory environmental impact assessment (EIA) report is submitted for any proposed use for which a conditional use or special exception application has been submitted, subject to the provisions of Part 25.
  - s. The proposed use can be adequately serviced by the type of water supply and sewage disposal system which is proposed.
  - t. The proposed use will be developed using effective stormwater management techniques, and soil erosion and sedimentation control techniques.
2. The report required under Subsection 1 shall include clear legible inventory maps and plans and site analysis maps and plans drawn to scale to indicate the location, extent, quality, significance and/or importance of the land and water resources and the facilities which are discussed within the report.
  3. The Board may impose such conditions as are necessary to insure any or all of the above amenities as well as compliance with any other relevant ordinances, regulations and codes.
  4. Special exceptions related to the Floodplain Conservation District shall also be evaluated in accordance with the provisions of § 27-2110. Conditional uses related to the Steep Slope Conservation District shall also be evaluated in accordance with the provisions of § 27-2207. Conditional uses related to: the open space option in the RA District; the open space requirements of Part 11; the open space option in the RB District; and the open space requirements of Part 10, shall also be evaluated in accordance with the provisions of § 27-2808.

### **Section 27-2110 of the Township's Zoning Ordinance states the following:**

1. During consideration of applications for special exceptions, variances or conditional uses, the Zoning Hearing Board (in the case of a special exception or variance) and the Board of Supervisors (in the case of a conditional use) shall review the materials submitted, together with all relative factors and procedures as specified in all other sections of the Zoning Ordinance, Floodplain Ordinance [Chapter 8] and Subdivision and Land Development Ordinance [Chapter 22], as well as the following:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or conditional use shall be granted for any proposed use, development or activity that will cause any increase in flood levels in the Floodplain Conservation District.
  - b. The danger that materials may be swept into other lands or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - e. The importance of the services provided by the proposed facility to the community.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
  - j. The safety of access to the property by ordinary and emergency vehicles in times of flood.

## TOWNSHIP ZONING ORDINANCES

- k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater at the site.
- l. The Zoning Hearing Board (in the case of a special exception or variance), or the Board of Supervisors (in the case of a conditional use) may request additional studies be performed by, or under the direction of, the Township Engineer or other expert designated by the Board of Supervisors for further technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters. All costs, charges and expenses shall be paid by the applicant.
- m. Special exception, variances and/or conditional uses shall only be issued after the Zoning Hearing Board (in the case of a special exception or variance) or the Board of Supervisors (in the case of a conditional use) has determined that the granting of such will not result in:
  - i. Any increase in the base flood elevation. [Amended by Ord. 2017-7, 8/15/2017]
  - ii. Additional threats to public safety.
  - iii. Extraordinary public expense.
  - iv. Creation of nuisances.
  - v. Fraud or victimization of the public.
  - vi. Conflict with local laws or ordinances.
  - vii. Modification greater than that necessary to obtain relief.

**Section [27-3005.B](#) of the Township's Zoning Ordinance states the following:**

The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:

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 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.
2. Because of such 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.
3. Such unnecessary hardship has not been created by the applicant.
4. 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 or development of adjacent property, nor be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum variance that will afford relief, and will represent the least modification possible of the regulation or ordinance 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 chapter and the Municipalities Planning Code, 53 P.S. § 10101 et seq.