



The Borough of Phoenixville
CHESTER COUNTY, PENNSYLVANIA

Borough Hall, 351 Bridge Street, Phoenixville, PA 19460
Phone: (610) 933-8801 www.phoenixville.org

Zoning Hearing Board Information

WHAT IS THE ZONING HEARING BOARD (ZHB)?:

The Zoning Hearing Board (ZHB) is a body of 5 residents appointed by Borough Council that hears requests for variances, special exceptions and appeals.

JURISDICTION:

The ZHB shall have exclusive jurisdiction to hear and render decisions in the following matters:

- Applications for *variances* from the terms of the zoning ordinance.
- Applications for *special exceptions* under the zoning ordinance.
- *Substantive challenges* to the validity of any land use ordinance, except those brought before the governing body having to do with curative amendments.
- *Appeals* from:
 - the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the underlying application, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - the determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

WHAT IS A VARIANCE?:

Area and Design - A variance is zoning relief which permits minor changes of district area and design regulations where individual properties are both harshly and uniquely burdened by the strict application of the zoning law. The ability to obtain a variance is restricted and the degree of variation is limited to the minimum change necessary to afford relief, representing the least modification possible to the regulation at issue. . Use variations are specifically prohibited. A variance is a modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

No variation may be granted which would adversely affect surrounding property or the general neighborhood. All variations must be in harmony with the intent and purposes of the zoning ordinance.

WHAT IS A SPECIAL EXCEPTION?:

Use –Certain uses may or may not be appropriate at every location within a specific district and, should the ZHB determine that a use permitted by special exception fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.

CONDITIONS:

In granting any variance or special exception, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code (MPC).

RELIEF EXPIRATION:

Variances and special exceptions shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one-year term or said term is expressly extended as part of the initial approval or a further extension of the term being granted by the ZHB prior to the expiration of the one year period.

TIMING FOR REVIEW:

The first hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension.. Each subsequent hearing shall be held within 45 days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case in chief (the part of the hearing in which the applicant presents evidence to support his or her claim or defense) within 100 days of the first hearing.

The ZHB shall render a written decision, or when no decision is called for, make written findings on the application within 45 days after the last hearing.

APPLICATION REQUIREMENTS:

1. The applicant will be responsible for filing the necessary documents with the zoning office at Borough Hall, 351 Bridge Street, 2nd Floor, Phoenixville, PA at least thirty (30) days prior to the next available ZHB regular meeting date. The regular meeting dates are held at 7PM on the third Wednesday of each month.
2. Every application shall cite the specific provision of the Zoning Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of the Zoning Ordinance, the use for which a special exception is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
3. The application shall be accompanied by seven (7) copies of a site plan drawn to scale. Any site plans on sheets larger than 8½"X 11" paper shall be **FOLDED**.
4. Site Plan Requirements
 - a. Plan shall be drawn to a clearly-indicated scale.
 - b. Show boundaries of property.
 - c. Show any existing adjacent streets.
 - d. Show all existing buildings, parking and ingress/egress points on property.
 - e. Show any new or existing buildings with square footage (footprint).
 - f. Show any new or existing parking areas (with space outlined), driveways, and ingress/egress points, lighting and landscaping.
 - g. Show any proposed fences, landscaping and signs.
5. The zoning officer has full authority to determine whether an application meets the aforementioned filing requirements. The zoning officer is not authorized to schedule the matter for hearing or publish notices of the hearing until all requirements are fulfilled and filed with the zoning officer. No exceptions are permissible.
6. The applicant shall submit with at the time of application:
 - a. **One (1) non-refundable check** to satisfy the application fee as set forth in the current Fee Schedule.
AND
 - b. **One (1) deposit (escrow) check** to satisfy the deposit requirements, as set forth in the current Fee Schedule and in accordance with the MPC that reads: *Fees for said hearings may include compensation for the secretary and members of the zoning*

hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

ADVERTISING COSTS AND PROCEDURES:

Notice of the public hearing will be given as follows:

- by publishing a notice once each week for two successive weeks in a newspaper of general circulation within the Borough. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication not less than seven (7) days from the date of the hearing.
- by mailing a notice of hearing to the parties of interest at least fourteen (14) days prior to the public hearing.
- by mailing or issuing a notice to the Borough Manager, Zoning Officer, Borough Council, Planning Commission, and to every person or organization who or which have registered with the ZHB for the purpose of receiving such notices.
- the ZHB or Zoning Officer may mail notice of the hearing to the owner of every lot within 500 feet of the lot or building in question, provided that failure to give notice, either in part or in full, as stated by this subsection shall not invalidate any action by the ZHB.
- the required notices shall state the location of the lot or building that is the subject of the application, as well as the general nature of the request(s) being made by the applicant(s).

CHECKS OR MONEY ORDERS SHALL BE MADE

PAYABLE TO:

The Borough of Phoenixville

ESCROW DEPOSIT REFUNDS WILL NOT BE GRANTED AFTER THE PUBLICATION OF THE LEGAL NOTICE HAS BEEN PLACED



Borough of Phoenixville
351 Bridge Street
Phoenixville, PA 19460
Phone (610) 933-8801
www.phoenixville.org

Application Date:	_____
Application Fee:	_____
Escrow Deposit:	_____
Escrow Number:	_____
ZHB Number:	_____

Zoning Hearing Board Application

Residential Commercial

Property Information: (Please Print)

Property Address: _____
Tax Parcel Number: _____ Zoning District: _____

Owner Information:

Name: _____
Mailing Address: _____
Phone: _____ Email: _____

Applicant Information:

Name: _____
Address: _____
Phone: _____ Email: _____

Applicant Type:

Owner Contractor Corporate Officer Owner's Representative
 Attorney Business Operator Heir Other

Application Type:

Variance Special Exception Appeal

Relief/Appeal Sought:

Describe in detail, the relief/appeal/special exception sought, citing the specific portion of the Zoning Ordinance:

Grounds for the Appeal/Relief sought are:

On August 9, 2011, Phoenixville Borough Council adopted the "Neighborhood Blight Protections and Enforcement" Ordinance 2180, that enables Borough Staff to deny any permit or governmental approval application if the owner of said property, on that or any other property owned in the Commonwealth, (1) has Tax and/or Municipal Services delinquencies on account of the actions of the Owner; or (2) has a Serious Violation with having no corrective, Substantial Steps in place. A printed copy of this ordinance is available upon request at the Borough Code Enforcement Department.

I hereby certify that the proposed application and subsequent actions or uses are authorized by the owner. As the owner or authorized representative, I agree to conform to all applicable laws of the jurisdiction. Construction shall comply with all Borough Codes and the most current ICC Building Codes as adopted by the Commonwealth of Pennsylvania. I have examined this application, its requirements and to my knowledge and belief, it is a true, correct and complete application.

Applicant Printed Name: _____

Applicant Signature: _____ Date: _____

OFFICE USE ONLY

Submissions Checklist:

Application Completion:	YES	NO	
Renderings/Elevations:	YES	NO	N/A
Existing Conditions Photo:	YES	NO	N/A
Scaled Drawings:	YES	NO	N/A
Samples:	YES	NO	N/A

Accepted/Returned by: _____ Date: _____

Ordinance 2180 Clearance: _____ Date: _____

Zoning Officer: _____ Date: _____

BOROUGH USE ONLY

Record of Events:

Application date:	Date: _____
Hearing to be held within 60 days of application date	Date: _____
Initial hearing date	Date: _____
Advertisement Dates:	Date 1: _____
	Date 2: _____
Subsequent hearing date (shall be within 45 days if needed)	Date: _____
Applicant's requirement to complete present case within 100 days	Date: _____
45 day to decision/findings after last hearing	Date: _____