ZONING HEARING BOARD

BOROUGH OF CHAMBERSBURG

NOTICE OF APPEAL

APPEAL NO. _____

DATE _____

Appeal is hereby made by the undersigned (check applicable item or items)

☐ from the action of the Zoning Enforcement Officer in refusing my application for a Building Permit, dated _____ 19 _____.

☐ for a special exception or variance from the terms of the Chambersburg Zoning Ordinance.

Appellant _____ (Name) , _____ (Address)

Appellant's Phone Number _____

Owner _____ (Name) , _____ (Address)

Attorney (if any) _____ (Name) , _____ (Address)

Interest of appellant if not owner (agent, lessee, etc.) _____

1. Application relates to: (check applicable item or items) _____

Use ☐ Lot Area ☐ Yards ☐ Height ☐

Existing building ☐ Proposed building ☐ Other _____

2. Brief description of real estate affected:

Location: _____

_____

Lot size: _____

Present use: _____

Present zoning classification: _____

Present improvements upon land: _____

(See other side)

3. If this is an appeal from action of the Zoning Enforcement Officer, complete the following:

Date determination made _____

Your statement of alleged error of Zoning Enforcement Officer or Building Inspector _____

_____

_____

_____

_____

4. Action desired by appellant:

_____

_____

_____

5. Reasons appellant believes Board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and note whether hardship is (or is not) claimed, and the specific hardship).

_____

_____

_____

_____

_____

_____

_____

6. Has previous appeal been filed in connection with these premises? _____
(Yes) or (No)

Note: Attach one copy of plan of real estate affected, indicating location and size of lot, size of improvements now erected and proposed to be erected thereon, or other change desired, also any other information required by the Zoning Hearing Board. If more space is required, attach a separate sheet and make specific reference to the question being answered. In question 5, above, include the grounds for the appeal or reasons both with respect to law and fact for granting the appeal or the special exception or variance. Specifications of errors must state separately the appellant's objections to the action of the Zoning Enforcement Officer with respect to each question of law and fact which is sought to be reviewed.

_____

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

_____
(Appellant's Signature)

PLEASE NOTE:

1. If you are filing for a **"VARIANCE"** read Section 1610, A. through F.
2. If you are filing for a **"SPECIAL EXCEPTION"** read Section 1611, A. and B.
3. If you are filing for a **"CONVERSION APARTMENT"** read Section 1901, A., (1) through (4).

SECTION 1610. BOARD'S FUNCTION - VARIANCES. 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:

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 this chapter 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 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 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.

F. In granting any variance, the Board may attach some reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

The Board shall have no authority to hear a request for a use variance. **(Ordinance 82-7,** June 23, 1982, Section 16.10)

SECTION 1611. SPECIAL EXCEPTIONS.

A. The Board shall have the power to approve issuance of a special exception permit for any of the uses for which this chapter requires the obtaining of such permits and for no other use or purpose.

B. In granting such permit, the Board shall make findings of fact consistent with the provisions of this chapter and shall not grant such permit except in conformance with the conditions and standards outlined in this chapter.

(**Ordinance 82-7**, June 23, 1982, Section 16.11)

SECTION 1901. SPECIAL EXCEPTIONS.

A. **CONVERSION APARTMENTS** — The Zoning Hearing Board may authorize as a special exception the conversion of any building existing at the effective date of this chapter into a dwelling for two or more families in any residential district subject to the following requirements:

(1) The lot area per family shall not be reduced to less than six thousand (6,000) square feet in Low Density Residential Districts, and six hundred twenty-five (625) square feet in other residential districts.

(2) The yard, building area, off-street parking, and other applicable requirements for the district shall not be reduced.

(3) No structural alteration of the building exterior shall be made except as may be necessary for purposes of sanitation or safety.

(4) Such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a conforming dwelling or other conforming use.

Chapter 300. Zoning

Article XVIII. Zoning Hearing Board

§ 300-108. Notice of hearing; standard of proof.

[Amended 4-23-2007 by Ord. No. 2007-04]

A. Notice of hearing. Upon filing with the Board of an application for special exception, registration and/or request for expansion of a nonconforming use, variance or appeal from alleged error of the Zoning Officer, the Board shall fix a reasonable time and place for a public hearing thereof and give notice of the time and place of the public hearing and the issue to be considered, as follows:

   (1) At least seven days prior to the date fixed for public hearing, publishing notice in a newspaper of general circulation in the Borough.

   (2) Posting a conspicuous notice in a conspicuous place, as determined by the Zoning Enforcement Officer, on the property involved, such posting to take place at least seven days prior to the public hearing.

   (3) By personal delivery of the notice at the principal residence or business located on the premises, of those properties adjoining the property in question as well as those properties located within 300 feet of the property in question. While it is desirable for the personal notice to be delivered to an occupant, in the event no occupant is available at the time of delivery, the notice can be left at a conspicuous place to be found by the occupant.

   (4) The giving of written notice, by ordinary mail, by mailing not less than 10 days prior to the scheduled hearing, to the owners of record of properties adjacent to the lot in question as well as the owners of all properties within 300 feet of the property in question.

B. Standard of proof. The standard of proof for registration of a nonconforming use or to establish the extent of a nonconforming use at the time a property or building(s) first became nonconforming shall be on the applicant to prove by clear and convincing evidence.

CHECKLIST OF ITEMS FOR CHAMBERSBURG ZONING HEARING BOARD HEARINGS

1. Copy of deed and/or most recent real estate tax bill providing proof of ownership and information relating to the size of the applicant's lot (i.e. acres, perches, or square feet).

2. Survey, sketches, or building diagrams.

3. Photographs of the site and area.

4. Witnesses including neighbors, builders, contractors, surveyors, or engineers who may support your application and the relief requested.

ITEMS THAT WILL GENERALLY NOT BE CONSIDERED BY THE BOARD

1. Hearsay statements by the applicants that their neighbors either agree or disagree with their application.

2. Letters or petitions that are not accompanied with the appropriate acknowledgments before a notary public that the statements contained therein are true.

3. Evidence or statements by individuals or entities that have no interest in the matter before the Board and who are not offering testimony relative or pertinent to the individual application.

THIS LIST OF SUGGESTED ITEMS THE CHAMBERSBURG ZONING HEARING BOARD WILL OR WILL NOT CONSIDER AT ITS HEARINGS SHOULD NOT BE CONSTRUED AS LEGAL ADVICE AND IS MERELY A SUGGESTED REFERENCE GUIDE TO THE APPLICANT. THE APPLICANT IS ENCOURAGED TO CONSULT WITH AN ATTORNEY OF THEIR CHOOSING AND ARE ENCOURAGED TO RETAIN COUNSEL TO REPRESENT THEM AT THE HEARING.

ZONING HEARING BOARD
BOROUGH OF CHAMBERSBURG
IMPORTANT NOTICE

Every real property owner, agent, individual, company or corporation completing the attached notice of appeal for submission to the Zoning Hearing Board for the Borough of Chambersburg is advised that applicants are expected to meet particular requirements depending on the type of request they are making to the Zoning Hearing Board. If your appeal is not granted you will be prevented in obtaining the relief requested. Therefore, you are encouraged to seek the advice of an attorney of your choice. The Zoning Hearing Board and/or the employees' of the Borough of Chambersburg are unable to recommend an attorney to represent you; however, you may call the phone number provided below to obtain a referral to an attorney who may assist you.

Pa. Bar Association Lawyer Referral
Service at 1-800-692-7375 (PA only)
or 717-238-6715

Hugh E. Jones

Hugh Jones, Chairman
Zoning Hearing Board
Borough of Chambersburg

RESOLUTION ESTABLISHINIG FEES

FOR

ZONING HEARING BOARD

APPROVED AUGUST 20, 2007

EFFECTIVE NOVEMBER 1, 2007

On motion of Councilman Manns, seconded by Councilman Shank, it was unanimously resolved to authorize an increase in the fees charged for applying for a Zoning Variance, Special Exception, Request for Continuation or Expansion of a Nonconforming Use, or a Dispute on the interpretation of the Zoning Ordinance before the Zoning Hearing Board of Appeals of the Borough of Chambersburg from $150.00 TO $250.00 effective November 1, 2007 based on actual costs incurred by the Borough.

CERTIFICATION

I, Jamia L. Wright, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Town Council of the Borough of Chambersburg at a Special Public Council Meeting held August 20, 2007.

Jamia L. Wright

Jamia L. Wright Assistant Borough Secretary