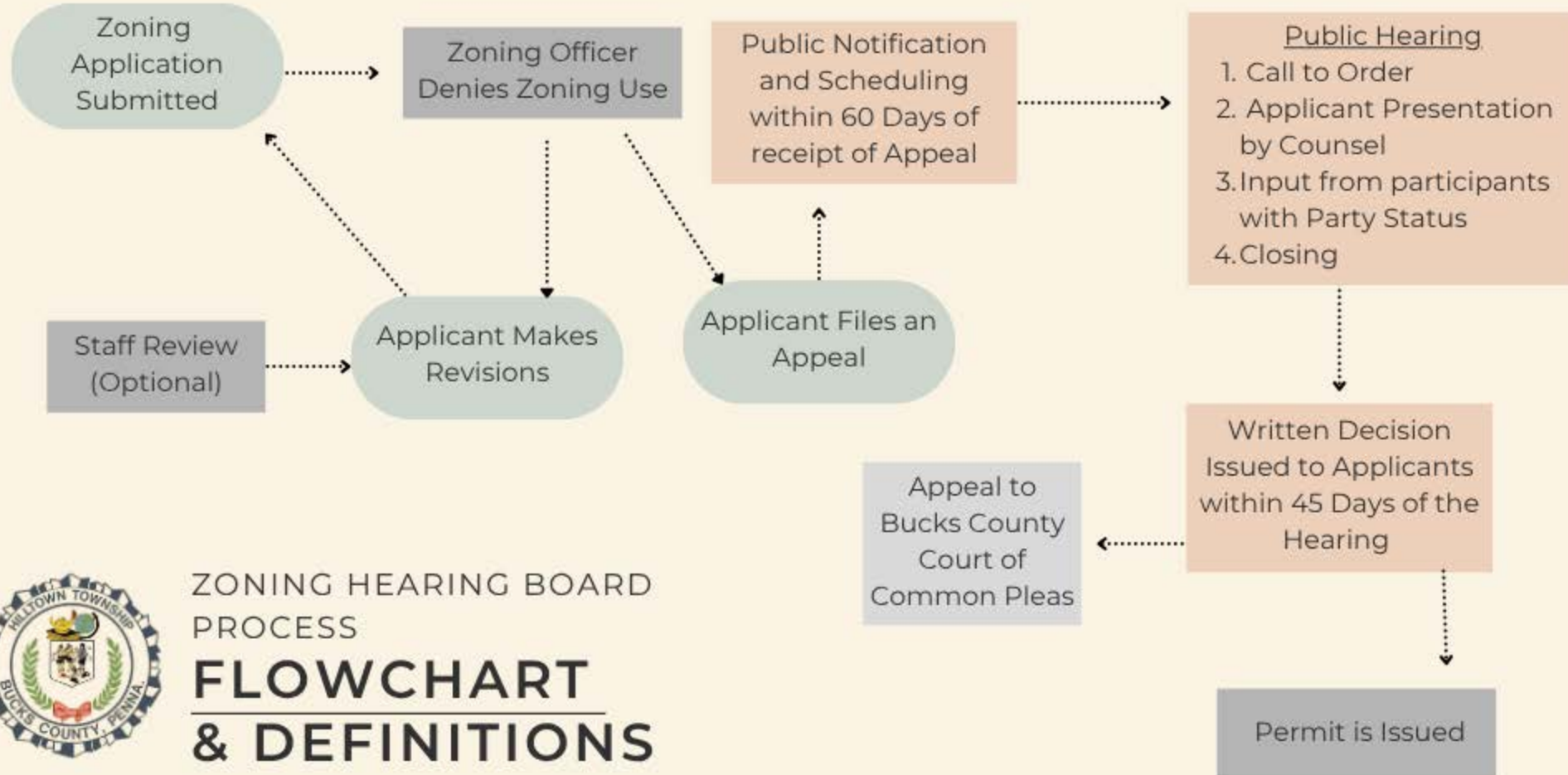




## ZONING HEARING BOARD PROCESS **FLOWCHART & DEFINITIONS**



**Staff Review** - Also referred to as a Professional Service Agreement (PSA), where applicants are able to review their sketch plans or concepts with the Zoning Officer, Solicitor, Township Engineer, and Township Manager, so they may provide input on the project design to assist with the preliminary plan prior to presentation to the planning commission.

**Publication Notification** - Includes newspaper advertisement which will publish the Notice of the hearing in a local paper; a conspicuous posting of the notice on the subject property; letters sent via USPS to neighbors within 500 feet of the subject property.

**Party Status** - The formal designation that allows a person or organization to be recognized as a "party of record" in a zoning hearing; it is required to be obtained before providing any evidence, conducting cross-examinations on witnesses, and to fully participate in the hearing process. To obtain party status, one must demonstrate they are "aggrieved" by the application.



## ZONING HEARING BOARD (ZHB) Q&A

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### **Q: What is the Zoning Hearing Board?**

A: The Zoning Hearing Board (ZHB) is a quasi-judicial body that hears and renders decisions regarding specific types of land use actions. The ZHB functions like a court, although formal court procedures are not necessarily required. The Pennsylvania Municipalities Planning Code (MPC) provides a specific set of rules that must be followed for applications submitted to the ZHB.

### **Q: How long does it take to schedule a Hearing?**

A: A hearing must be scheduled within 60 days of the Township receiving an application for the Zoning Hearing Board to review a matter.

### **Q: What happens if a hearing is not scheduled within 60 days?**

A: If a hearing is not scheduled within 60 days of the Township receiving an application, an extension must be agreed upon by the applicant in writing.

### **Q: I'm concerned about a project, how can I speak on record at the hearing to share my concern?**

A: As a resident in order to speak on record at a hearing you must obtain Party Status. Party Status is the formal designation that allows a person or organization to be recognized as a "party of record" in a zoning hearing; it is required to be obtained before providing any evidence, conducting cross-examinations on witnesses, and to fully participate in the hearing process. To obtain party status, one must demonstrate they are "aggrieved" and must demonstrate that you and your property are directly affected by an application. Simply being a taxpayer is usually not enough. To formally establish party status, attend the hearing and submit an Entry of Appearance.

### **Q: What types of relief can be granted by the Zoning Hearing Board?**

A: There are typically three types of relief that a Zoning hearing Board Grants: variance, special exception, and interpretations of the zoning ordinance. Conditional uses are similar to special exceptions, but the conditional uses are heard before the Board of Supervisors.

**Q: What is a variance?**

A: A zoning variance is any deviation from the zoning code. There are two types of variances: use variance and dimensional variances. A zoning/use variances are required any time you would like to use land or a piece of property in a different way or for a different purpose than is legally allowed in the Zoning Ordinance.

**Q: May the Board of Supervisors overturn a decision of the Zoning Hearing Board if it doesn't agree with the decision?**

A: No. If the Board of Supervisors does not agree with a decision of the Zoning Hearing Board, it must appeal the decision to the County Court of Common Pleas.

**Q: How can we learn more about special exceptions, conditional uses, and variances?**

A: The Governor's Center for Local Government Services has several useful publications on the Municipalities Planning Code and the planning process, which are available free of charge online. To view these publications, go to [www.dced.pa.gov](http://www.dced.pa.gov) and choose "Local Government", and the "Publications and Documents". The free downloads are available by choosing "Library".

**Q: What does it mean when a Zoning Hearing is 'continued'?**

A: When the ZHB states that a hearing is 'continued', it means the hearing was paused and will resume on a future date. If a hearing is continued, the ZHB has not reached a final decision, and the application has been neither denied nor approved. Continuances happen for several reasons, including but not limited to: time constraints, outstanding requests for more information, scheduling conflicts, and time extensions. The notice requirements are not-applicable to a continued hearing, as notice would have already been given for the initial meeting, by statutory requirements.

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**Q: How long does it take to get a decision back from the Zoning Hearing Board?**

A: The ZHB must render a written decision or findings within 45 days of the last hearing.