

Residential: \$250.00 _____
Commercial: \$500.00 _____

SPECIAL EXCEPTION/VARIANCE APPLICATION
TO ELIZABETH TOWNSHIP ZONING HEARING BOARD

DATE OF APPLICATION _____

DATE RECEIVED _____

\$_____ FILING/ADVERTISING FEE

VARIANCE NO. _____

Cash _____ Check No. _____

HEARING DATE _____

APPLICANT NAME: _____ PHONE: _____

ADDRESS: _____

PROPERTY OWNERS' (S) NAME: _____

(If different from owner) _____

ADDRESS: _____

SPECIFIC VARIANCE REQUEST: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS WHICH ARE APPLICABLE TO THE PROPERTY FOR WHICH THE SPECIAL EXCEPTION/VARIANCE IS REQUESTED:

Address or brief description of Property Location: _____

Lot size/Acreage: _____

Zoning Classification of Property: _____

Present Use of Property: _____

Description of Existing Structures: _____

Description of additions intended to be made under this application (Indicate size of proposed improvements): _____

NOTE: ALSO ATTACH PLOT PLAN INDICATING SIZE AND LOCATION OF BOTH EXISTING
STRUCTURES AND PROPOSED IMPROVEMENTS & SHOW DISTANCES TO ALL PROPERTY
BOUNDARIES.

Applicant believes this application should be approved for the following reasons: _____

(SEE ATTACHED INFORMATION ON GRANTING OF VARIANCE AND NOTE ANY PHYSICAL
HARDSHIPS SO DEFINED AS BEING APPLICABLE.)

Applicant

Owner

AFFIDAVIT

State of Pennsylvania

SS.

County of Allegheny

Being Duly Sworn According to Law, Deposes and Says That the Facts Set Forth Heretofore are True and
Correct.

Sworn to and Subscribed Before Me: _____ This Day of: _____

VARIANCES

A variance is a means of solving the problems created by attempting to apply the general terms of the ordinance to fit the land which is regulated. It is necessary because the zoning requirement could possibly prevent any use of a property if strictly applied. A variance procedure prevents problems in applying general legislation to specific situations. All zoning ordinances contain many detailed pre-set regulations designed to be self-executing. Various setbacks and height limitations are examples of these provisions which omit administrative discretion. Variances act as a relief valve for the rigid ordinance.

VARIANCES COMPARED WITH SPECIAL EXCEPTIONS AND CONDITIONAL USES

An application for a variance seeks permission to do something which is not in conformance with or violate the zoning ordinance. A variance is an overriding of legislative judgment, justified by the existence of "unnecessary hardship." In contrast, an applicant for a special exception does not seek to "vary" the ordinance. The permission the applicant seeks is one envisioned by ordinance. Accordingly, while an applicant for a variance must show both

- a.) Unnecessary hardship and
- b.) Consistency with the public interest, a special exception or conditional use case generally involves only the latter.

REQUIREMENTS FOR A VARIANCE

The Zoning Hearing Board hears requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may, by rule, prescribe the form of application and may require preliminary application to the zoning officer. Pursuant to MPC section 910.2, the board may grant a variance provided that all of the following findings are made where relevant in a given case:

- 1.) 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 the zoning ordinance in the neighborhood or district in which the property is located;
- 2.) 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 the zoning ordinance and that the authorization of a variance of a variance is therefore necessary to enable the reasonable use of the property;
- 3.) That such unnecessary hardship has been created by the appellant;
- 4.) 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; and
- 5.) 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.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this act and the zoning ordinance.

BUILDING INSPECTOR'S REPORT:

Zoning Classification Verified: _____ Signs posted for Public Hearing On: _____

Location of Signs Posted: _____

Ordinance Requirement: _____

Variance Requested: _____

Additional comments: _____

Building Inspector: _____