

WHO IS THE ZONING HEARING BOARD?

The Plainfield Township Zoning Hearing Board is an independent quasi-judicial Board consisting of five citizens of the Township who are appointed by the Board of Supervisors to serve a four year term.

WHAT IS THE PURPOSE OF THE ZHB?

The ZHB conducts hearings and renders decisions regarding various applications including: Challenges to the validity of any land use ordinance; Appeals from the determination of the zoning officer, (i.e. issuance or denial of a zoning permit, cease and desist order, the registration or refusal to register any nonconforming use, etc.); Applications for variances; Applications for special exceptions; Applications for change of condition.

WHEN DO THE HEARINGS OCCUR?

The Board conducts hearings at 6:30 p.m. on the fourth Wednesday of each month; all hearings are open to the public. Generally, the deadline for submitting an application to the Board is the date of the prior month's ZHB meeting; call the Township if the application will be submitted any later.

HOW DO I FIND OUT ABOUT A HEARING?

As required by the MPC, neighboring property owners within a 200-foot radius of the subject property are formally notified of a scheduled hearing. The subject property is also required to be posted with the hearing information at least a week ahead of the hearing. In general, the agenda for each meeting is advertised on the Township's website and in the legal section of the local newspaper, The Express Times.



HOW DOES A HEARING WORK?

Hearings are conducted by the Board and are open to the public. An official record is documented by a stenographer and the Applicant and each witness must be sworn. Due to the quasi-judicial nature of the hearing, the Applicant is not permitted to communicate directly or indirectly with members of the ZHB in reference to their case and it may benefit to contact an attorney before filing an application. A meeting with the Zoning Officer to discuss a potential application is recommended. An agenda will be provided prior to the scheduled hearing to notify the Applicant when the case will be heard, the applicant is required to attend. Each Applicant is provided an opportunity to present testimony, after which the Board will question the Applicant and witnesses to document and understand the case. Township representatives present may also offer testimony, evidence or ask questions. Any physical evidence must be presented to the Board to be offered as an exhibit which will be documented in the written decision. Ten copies of any evidence presented is requested to assist in the presentation of your case, i.e. plans, pictures, etc. Other interested parties are also provided an opportunity to present testimony and may also be cross-examined. Lastly, all parties are provided an opportunity to make closing arguments. After all testimony has been officially recorded, the hearing is opened to the public for comment; excessive, repetitious or irrelevant comments are not tolerated. The Board will then go into executive session to form a decision and will usually render a verbal decision that evening. However, this decision is not official until a written decision has been prepared by the Solicitor and has been signed and dated by the Board.

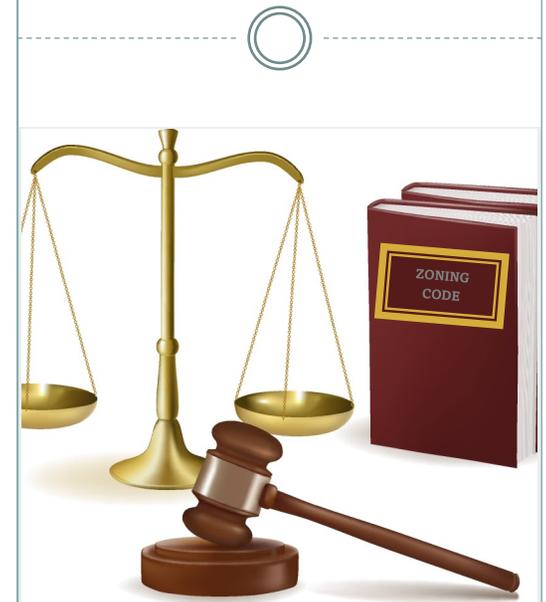
GOT MY ZONING RELIEF, SO NOW WHAT?

You will receive a signed Order from the Board in the mail. The date of this Order starts a 30-day public appeal period. You must await your zoning permit to proceed with your project, the permit will be conditioned upon the Order. It is best to wait until the expiration of the appeal period, otherwise you would be constructing at your own risk. Zoning relief is typically granted for the 'property' and not a 'person', if conditions were placed on the Order, they must be followed by all property owners, present and future. Always be sure to disclose any zoning permits and zoning relief during the sale of a property.



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A Guide to the Zoning Hearing Board



Plainfield Township Zoning & Code Department

*Focus on Public Health, Safety &
Quality of Life*

www.plainfieldtownship.org



What is Zoning?

Zoning is a tool utilized by the Township to coordinate and guide development within the Township and to maintain the quality-of-life standards desired by the community.

The zoning regulations adopted by the Plainfield Township Board of Supervisors are found in Chapter 27 of the Code of Ordinance which is available for public view through our website www.plainfieldtownship.org. This chapter is commonly referred to as the Plainfield Township Zoning Ordinance.

Among other regulations, the Zoning Ordinance establishes uses permitted by right and uses permitted by special exception or condition for each zoning district.



PERMITTED USES AND SPECIAL EXCEPTIONS

Uses permitted by right are basic uses that are allowed in the various zoning districts. The Zoning Ordinance still requires the issuance of a permit to establish a use permitted by right. However, the use must meet all the criteria established in the ordinance to be considered legal. In addition, other Township ordinances -- such as the Building Code and Subdivision and Land Development Ordinance -- may require that permits be issued or a plan be recorded prior to the occupancy of a lot or structure where a new use is created or an existing use is expanded. Special exception uses are also uses allowed in the various zoning districts. However, a special exception use is subject to the approval of the Zoning Hearing Board. The Zoning Ordinance allows the Plainfield Township Planning Commission to review and provide an advisory recommendation on any special exception request before the Zoning Hearing Board. The Zoning Hearing Board may authorize a special exception when it is demonstrated that the use is consistent with the criteria established in the Zoning Ordinance. In approving a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards. It should be noted that the term "special exception" is misleading. A special exception use is not an exception to the requirements of the Zoning Ordinance. Rather, it is a use envisioned by the ordinance that is permitted when the express standards and criteria established in the ordinance are met. The difference between a use permitted by right and a special exception is that the Zoning Officer may approve a use permitted by right, while only the Zoning Hearing Board may approve a special exception use.



WHAT IS A VARIANCE

A variance is permission to do something that is not permitted by the Zoning Ordinance. The PA Municipalities Planning Code (MPC), Act No. 247 of 1968, establishes that variances may be granted by municipal Zoning Hearing Boards under special circumstances as a means of alleviating problems created by attempting to apply general land use regulations to specific situations. Since a variance is essentially an override of the established zoning law, variances are only authorized when unnecessary hardship and consistency with the public interest are demonstrated by the Applicant.

REQUIREMENTS FOR A VARIANCE

Each of the below five criteria must be demonstrated before a variance can be authorized. If any of the criteria is not met, the Board may deny the request. The Board may also attach reasonable conditions to a variance.

- (1) There are unique physical circumstances or conditions of the property and there is an unnecessary hardship due to such conditions and not the circumstances or conditions created by the zoning ordinance or zoning district.
- (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in conformity with the provisions of the zoning ordinance, and a variance is therefore required to enable the reasonable use of the property.
- (3) Such unnecessary hardship has not been created by the applicant/owner.
- (4) The variance would not alter the essential character of the associated neighborhood or zoning district, impair the appropriate use or development of adjacent properties, or be detrimental to public welfare.
- (5) The variance requested would represent the minimum relief required and least modification possible of the regulation.