

# MAHONING TOWNSHIP (CARBON COUNTY) PENNSYLVANIA

## ZONING BOARD HEARING APPLICATION FOR HEARING

**BOARD MEETS:** First Tuesday of each Month

**DOCKET NO:**

**DATED:**

**FEE:** \$

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### **READ CAREFULLY BEFORE ATTEMPTING TO COMPLETE APPLICATION**

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It is the responsibility of the applicant or his representative or attorney to appear and present his case to the Zoning Hearing Board. Applications for hearings must be submitted to the Board Secretary **AT LEAST TWENTY-ONE (21) DAYS BEFORE THE NEXT REGULARLY SCHEDULED MEETING.** Notice of Appeal must be filed within thirty (30) days after the decision of the Zoning Officer. Certain supporting data must be submitted with and made a part of this application, as follows:

1. Six copies of plot plan and diagram indicating thereon all exact measurements as applicable.
2. Written statement of applicant outlining variances required and special reason, circumstances and conditions upon which the application is submitted.
3. A copy of the building or construction plans, if applicable to this case.

(I), (WE), \_\_\_\_\_  
(Names of Owners)

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(Address) \_\_\_\_\_ (Telephone No.) \_\_\_\_\_

hereby apply for a hearing before the Zoning Hearing Board to provide:

\_\_\_\_ Variance to the following requirements of the Zoning  
Ordinance : Section \_\_\_\_\_

\_\_\_\_ Temporary Use Permit

\_\_\_\_ Authorization for Change of Non-Conforming Use.

\_\_\_\_ Ruling on decision of the Zoning Officer made on  
Date: \_\_\_\_\_

\_\_\_\_\_ Authorization for Special Exception Use.

The reasons, circumstances and/or special conditions concerning this application are attached and made part of this application.

**PHYSICAL LOCATION OF SUBJECT MATTER:** \_\_\_\_\_

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**ZONING DISTRICT AS SHOWN ON ZONING MAP:** \_\_\_\_\_

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**Signature of Applicant/Owner**

**Telephone Number**

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**Address**

#### **ZONING HEARING BOARD APPEAL INFORMATION**

The following is a list of questions designed to assist you and the Zoning Hearing Board in the efficient and speedy review of your appeal. It is strongly recommended that you be prepared to thoroughly answer all the questions herein contained. Failure to answer adequately any of these questions will result in the denial or continuance of your appeal.

1. What is the full name and home address of the owner (s) of the premises, which is the subject of the appeal?

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2. If appellant is other than the owner, what is the full name and home address of the appellant, and the specified interest of the appellant in the appeal (e.g. agent for owner, equitable interest, agreement of sale, etc.)?

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3. What was the date of acquisition of the subject premises by the Owner?

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4. What was the exact location of the property in question (i.e., abuts)?

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5. What are the exact dimensions of the premises (i.e. the length of front, side and rear boundary lines of the subject property)?

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6. What is the square footage or acreage of the premises?

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7. What are the dimensions (height, width and depth) type of construction (materials used), and front, side and rear yard setbacks of the buildings, structures or other improvements (including signs) existing and proposed for the subject premises?

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8. What is the specific nature of the present use being made of the property?

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9. Upon what grounds do you base this appeal?

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A. **SPECIAL EXCEPTIONS:** Where the governing body in the Zoning Ordinance has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of the Zoning Ordinance.

B. **VARIANCES:** The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant variances provided 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 Ordinances 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 is therefore necessary to enable the reasonable use of the property;
- (3.) That such unnecessary hardship has not 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 purposes of this act and the Zoning Ordinance.

**PLEASE NOTE: ONLY HARSHIP PECULIAR TO LAND MERITS AN ALLOWANCE OF A VARIANCE.**

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10. Does there exist 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? (It must be remembered that the granting of the variance is based upon the unnecessary hardship due to existing 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.)

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11. Will the variance, if authorized, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of development of adjacent property, or be detrimental to the public welfare? Explain.

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12. What is the specific intended use of the premises, considering such factors as: traffic generated; parking facilities; number of employees; nuisance characteristics; such as emission of noise, dust, odor or smoke; fire hazards; and hours and manner of operation?

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13. What landscaping is planned, if any?

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14. What is the character of the structures and uses being considered on properties abutting the subject premises (e.g. single family residential dwellings, commercial, recreational)?

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15. What type of sewage and water facilities are available on the property in question?

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If the provided space is insufficient, use additional sheets of paper and attach.

Copies of the Zoning Ordinance of the Township are available in the Township office.

**PLEASE RETURN THIS INFORMATION 21 DAYS BEFORE YOUR SCHEDULED HEARING.**

**NOTE:** A sketch plan must be prepared if applicable, showing how the proposed structure will be situated on the tract, giving exact dimensions of the lot with distances indicated from lot lines to the structure. (Front, rear and side yard distances).

**FOLLOWING HEREAFTER ARE THE NAMES AND ADDRESS OF PROPERTY OWNERS ABUTTING (including those separated by streets and alleys).**

**THE PROPERTY INVOLVED IN THIS APPEAL, AS SHOWN BY THE LATEST ASSESSMENT ROLES FOUND IN THE ASSESSMENT OFFICE LOCATED AT THE COUNTY COURTHOUSE OF CARBON COUNTY, IN JIM THORPE, PENNSYLVANIA.**

**NAME:**

**ADDRESS:**

**PHONE:**

**SPECIAL NOTICE:**

The undersigned has examined the latest assessment rolls found in the Assessor's Office for the County of Carbon at the Courthouse in Jim Thorpe, Pennsylvania, and certifies that the above-listed individuals are the only property owners abutting the property involved in this appeal at the time of the filing of this appeal. It is understood by the undersigned that any omission from the list of property owners above shall be considered insufficient ground by and of itself for the revocation of any decision which may be rendered in favor of the within applicant.

I hereby certify that all of the above-statements and the statements contained in any documents, papers, plans or exhibits submitted herewith are true and correct to the best of my knowledge and belief.

**DATED:** \_\_\_\_\_

**THIS APPEAL IS** \_\_\_\_\_ **GRANTED** \_\_\_\_\_ **DENIED.**

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**ZONING OFFICER**

**FILE THREE (3) COPIES OF THIS FORM WITH THE SECRETARY OF THE  
ZONING HEARING BOARD OF MAHONING TOWNSHIP.**