

# MAHONING TOWNSHIP SUPERVISORS

## REQUEST FOR CONDITIONAL USE

(I)(WE) \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

request that the Mahoning Township Supervisors hold a Conditional Use Hearing for the following use \_\_\_\_\_

pursuant to Section \_\_\_\_\_ of the Mahoning Township Zoning Ordinance and in furtherance thereof submit the following:

1. What is the full name and home address of the owner (s) of the premises which is the subject of this appeal?
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 subject premises (e.g. agent for owner, equitable interest, agreement of sale, etc.)?
3. What was the date of acquisition of the subject premises by the Owner?
4. What was the exact location of the subject premises (i. e., abuts)?
5. What zoning district is the subject premises located in?
6. What section of the Mahoning Township Zoning Ordinance permits the conditional use being requested?
7. What are the exact dimensions of the subject premises (i.e. the length of front, side and rear boundary lines)?
8. What is the square footage or acreage of the subject premises?
9. 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?
10. What is the specific nature of the present use being made of the property?

THE GRANTING OF CONDITIONAL USES IS GOVERNED BY SECTION 116-176 (a-b) OF THE MAHONING TOWNSHIP ZONING ORDINANCE. A COPY OF THAT SECTION IS ATTACHED TO THIS APPLICATION FOR YOUR EASY REFERENCE. IN ORDER TO GRANT A CONDITIONAL USE CERTAIN CONDITIONS MUST BE MET. PLEASE ANSWER THE FOLLOWING QUESTIONS AS FULLY AND COMPLETELY AS POSSIBLE. IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS TO THIS APPLICATION.

11. How is the proposed conditional use appropriate to the specific location for which it is proposed?
12. How is the proposed conditional use consistent with the community development plan?
13. How is the proposed conditional use in keeping with the purposes and intent of the Mahoning Township Zoning Ordinance?
14. Are there adjoining similar uses? If so, please list and describe the same.
15. Is there an adjoining zoning district in which the proposed conditional use is permitted?
16. Pursuant to the Mahoning Township Comprehensive Plan, is the proposed conditional use needed in the area proposed?
17. Is there sufficient area to effectively screen the conditional use from adjacent different uses?
18. Will the proposed conditional use detract from permitted uses in the zoning district?
19. Is the proposed permitted use permitted in any other zoning districts?
20. What safeguards will be utilized (e.g. parking, traffic control, screening and setbacks) to remove any potential adverse influence the proposed conditional use may have on adjoining uses?
21. What is the approximate cost of the project (including work and materials)?
22. Attach to this application a sketch plan showing the exact dimensions of the subject premises, any structures now erected or proposed to be erected on the subject premises, the setback distances of said structures from the boundary lines of the subject premises, and such other information as may be required by the Township Supervisors.
23. List the names and addresses of property owners adjacent to the subject premises pursuant to the latest tax assessment rolls found in the Carbon County Tax Assessment Office, in Jim Thorpe, PA.

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 sufficient 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:

**FILE THREE (8) COPIES OF THIS APPLICATION WITH THE MAHONING TOWNSHIP SECRETARY.**

(5) 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.

B. Reserved

C. **Variance Conditions.** In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this chapter, and to protect the public health, safety, and welfare.

**§116-176 Conditional Uses and Special Exceptions**

A. **Applications.** Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §116-176F. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

B. **Conditional Uses.** Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this chapter and in §116-176D and any other applicable standards in this chapter.

(1) **Expansions** - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.

(2) **Procedure.**

(d) **Submission** - The applicant shall submit the application as follows:

[1] Eight complete copies of any required plan with the information required by §116-176F shall be submitted to the Zoning Officer and the time for the Board of Supervisors to conduct the required public hearing shall not begin to run until a complete application has been accepted by the Zoning Officer.

[2] The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this chapter.

(e) **Distribution** - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Planning Commission.

(f) **Zoning Officer Review** - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this chapter. The Zoning Officer may request a review by the Township Engineer

(g) **Planning Commission Review.**

[1] The Planning Commission shall be provided with an opportunity to review any proposed conditional use at a regular meeting prior to a decision by the Board of Supervisors. The Commission, at its option, may provide a written advisory review.

[2] If such review is not received within the time limit within which the Board must issue a decision, or within 30 days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.

(h) Agency/Organization Review - The Zoning Officer, Planning Commission and/or the Board of Supervisors may refer the application to any other agency or organization deemed appropriate for review and comment.

(i) Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended. In granting a conditional use, the Board may attach such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this chapter, and to protect the public health, safety, and welfare.

C. Special Exceptions. Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this chapter and in §116-176D.

(1) Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.

(2) Procedure.

(a) Eight complete copies of any required plan with the information required by §116-176F shall be submitted to the Zoning Officer and the time for the Zoning Hearing Board to conduct the required public hearing shall not begin to run until a complete application has been accepted by the Zoning Officer.

(b) All plans shall contain the information required in §116-176F.

(c) Township Procedures.

[1] The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission, and the Zoning Hearing Board solicitor. A minimum of one copy shall be retained in the Township files.

[2] The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this chapter and report these findings to the Zoning Hearing Board. The Zoning Officer may request a review by the Township Engineer.

(d) Planning Commission Review of Special Exception Uses.

[1] The Planning Commission shall be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.

[2] If such review is not received within the time limit within which the Board must issue a decision,