

# Zoning Hearing Board Application Packet

## **NOTICE TO APPLICANTS**

A variance is a zoning adjustment which permits minor changes of district regulations where individual properties are both harshly and uniquely burdened by the strict application of the zoning law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use variations are specifically prohibited. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

A variation recognizes that the same district requirements do not affect all properties equally: it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the zoning ordinance. Where hardship conditions extend to other properties, a variation cannot be granted. The remedy for general hardship is a change of the map or the text of the zoning ordinance.

You must prove that the combination of the zoning ordinance and the uncommon conditions of your property prevents you from making reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application or a variation: a) proof that land, (b) personal hardship, c) self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the zoning ordinance would encourage and condone violation of the law.

No variation may be granted which would adversely affect surrounding property or the general neighborhood. All variations must be in harmony with the intent and purposes of the zoning ordinance.

## **VARIANCE APPLICATION PROCEDURES**

1. Upon request, the zoning officer will show the petitioner a sample variance petition.
2. The petitioner will be responsible for filing the necessary documents with the zoning office in Borough Hall, Annex Building, 140 Church Street, Phoenixville, PA at least twenty-five (25) days prior to the next available zoning board of appeals meeting date. The regular meeting dates are the third Wednesday of each month.
3. Petitioner's signature and address - the petitioner should read over the petition carefully for accuracy, completeness, and neatness. If the petitioner is acting as an agent, alter ego, or representative of a principal, he should provide the name and address of the actual and true principals.

If the petitioner is a corporation, the petitioner must obtain the correct name and addresses of all officers and directors, all stockholders or shareholders owing any

interest in excess of 20% of all outstanding stock of such corporation. If the petitioner is a business or entity doing business under an assumed name, the name and address of all true and actual owners will be provided. If the petitioner is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association will be provided.

4. Telephone - the petitioner will provide at least one phone number at which a responsible party can be reached during normal business hours - 8:00 a.m. - 4:30 p.m., Monday thru Friday in regards to any questions that may arise from the petition. If the phone number given is not the petitioner's number, then please indicate whose number it is.
5. The petition will also be accompanied by a site plan drawn to scale on 8-1/2 x 11" plain white paper (i.e., typewriter paper). The drawing should be done in black ink or other reproducible dark color (blue is not generally acceptable). Site plans on larger sheets are acceptable but the petitioner must furnish seventeen (17) copies, street name(s), size of proposed structures and all and other physical features which the petitioner may feel are relevant to the cause under consideration. Also indicate direction (n, s, e, w,). **ALL PLANS SUBMITTED MUST BE FOLDED.**
6. The zoning officer has full authority to determine whether an application meets the foregoing filing requirements. The zoning officer is not authorized to set the case for hearing or publish notices of the hearing until all such requirements are fulfilled and filed with him/her. No exceptions are permissible.
7. The petitioner will submit with the application a non-refundable filing fee which will cover filing costs. Check or money orders should be made payable to the Borough of Phoenixville. Refunds will not be granted AFTER THE PUBLICATION OF THE LEGAL NOTICE.

Applications should be addressed to:  
Borough of Phoenixville  
140 Church Street  
Phoenixville, PA 19460

Any questions concerning the application should be referred to the zoning enforcement officers at (610) 933-8801.

### PUBLIC HEARING PROCEDURES

At the public hearing, the chairman of the zoning board of appeals will announce the zoning case set for hearing. The petitioner and all interested parties who wish to make comments or ask questions will be sworn in by the chairman. The petitioner is given an opportunity to present his case board. At the conclusion of the petitioner's presentation, any zoning hearing board member may question the petitioner. It is requested that the petitioner confine his presentation to no more than ten minutes, if possible. After the petitioner is excused from the witness chair, the objectors may present their comments to the board. At the conclusion of their presentation, the zoning hearing board members may ask questions of the objectors. Either side may present to the board any supporting documents or material to substantiate their position.

The board will deliberate and render a decision on each case heard. The deliberation and decision will take place after all of the cases have been heard or within forty-five (45) days as provided by law.

### **Site Plan Requirements**

1. Drawn to scale with scale shown (8-1/2 x 11").
2. Show boundaries of property.
3. Show any existing adjacent streets.
4. Show all existing buildings, parking and ingress/egress points on property.
5. Show any new or existing buildings with square footage.
6. Show any new or existing parking areas (with space outlined), driveways, and ingress/egress points, lighting and landscaping.
7. Show any proposed fences, landscaping and signs.



Borough of Phoenixville  
140 Church Street  
Phoenixville, PA 19460  
(610) 933-8801  
[www.phoenixville.org](http://www.phoenixville.org)

To the Zoning Hearing Board of the Borough of Phoenixville, I/WE hereby file notice of

request for:  APPEAL       APPLICATION       INTERPRETATION  
 VARIANCE       SPECIAL EXCEPTION

1. Name, Address and Phone Number of Applicant/Appellant:

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2. Name, Address and Phone Number of Applicant's Attorney:

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3. Name, address and phone number of owner if different from that of Applicant:

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Property Address: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_

5. The Interpretation, Special Exception or Relief through Variance sought by the Applicant/Appellant, citing the section of the Zoning Ordinance under which the Interpretation, Exception or Variance is requested:

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6. THE GROUNDS FOR APPEAL FOR INTERPRETATION OR REASONS FOR SPECIAL EXCEPTION, OR VARIANCES ARE:

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A. NAME:  
ADDRESS:

B. NAME:  
ADDRESS:

C. NAME:  
ADDRESS:

D. NAME:  
ADDRESS:

***I (We) also agree to reimburse the Borough for all costs, fees and expenses incurred by the Borough.***

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

If not signed in the presence of the Zoning Officer Signature will be notarized by a Registered Notary.

**Zoning Hearing Board Review – All application fees are Non-Refundable**

Special Exception	
Residential Application Fee .....	\$ 250.00
Commercial Application Fee.....	\$ 500.00
Variance or Appeal applications	
Residential Application Fee.....	\$ 300.00
Commercial Application Fee.....	\$ 500.00
Escrow Deposit	
Residential Special Exception.....	\$ 250.00
Commercial Special Exception.....	\$ 500.00
Residential Variance or Appeal.....	\$ 400.00
Commercial Variance or Appeal.....	\$1,000.00

<b>FOR OFFICE USE ONLY</b>	
Date Application Received	
Application Fee	\$
Escrow Fee	\$
ZHB Number	
Escrow Number	