

**BOROUGH OF WATSONTOWN ZONING HEARING BOARD  
NORTHUMBERLAND COUNTY, PA**

**318 Main Street, Watontown, PA 17777**

**APPLICATION FOR VARIANCE  
(Section 1004 of Zoning Ordinances)**

**GENERAL INFORMATION**

Name of Applicant(s) \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Application Date \_\_\_\_\_

Name of Landowner of Record \_\_\_\_\_

Subject Property Address \_\_\_\_\_

Subject Property Zone \_\_\_\_\_

Requested Variance(s) and Section Nos. \_\_\_\_\_

Name, address and telephone of representative or consultant \_\_\_\_\_

**ADDITIONAL REQUIREMENTS**

- \_\_\_\_\_ 1. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
- \_\_\_\_\_ 2. A written description of the proposed use in sufficient detail to demonstrate compliance with each of those criteria listed in Section 1004 of the Zoning Ordinance.
- \_\_\_\_\_ 3. A scaled site plan, with sufficient detail and accuracy to depict the nature of the request, and reflect its relationship with adjoining properties, and their improvements.

**FEES**

A deposit fee for the hearing for a variance is \$300.00.

SIGNATURE

I hereby certify that the information submitted is in accordance with this application is correct, and I further agree to pay for those costs outlined above.

\_\_\_\_\_ **Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**ADMINISTRATION**

Date Application Accepted \_\_\_\_\_ Total Costs \_\_\_\_\_

Dates Advertised (two successive weeks no more than 30 and no less than 7 days before hearing) \_\_\_\_\_

Property Posting (at least one week before hearing) \_\_\_\_\_

Date of Hearing (within 60 days of application) \_\_\_\_\_

Date of Decision (within 45 days of last hearing) \_\_\_\_\_

Decision \_\_\_\_\_

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\_\_\_\_\_ **Chairman** \_\_\_\_\_ **Vice Chairman** \_\_\_\_\_ **Secretary** \_\_\_\_\_

E. Appeals from the determination of the zoning officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the zoning officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 1990-5, 8/6/1990, §2)

§1004. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter 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. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. 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 this Chapter in the neighborhood or district in which the property is located.

B. 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 this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. 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.

E. 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.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(Ord. 1990-5, 8/6/1990, §2)

§1005. Special Exceptions. Where the Borough Council, in this Chapter, 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 this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. (Ord. 1990-5, 8/6/1990, §2)

§1006. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the zoning officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the zoning officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 1990-5, 8/6/1990, §2)

§1007. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative