

§1106 Zoning Hearing Board – Hearing and Decisions

§1106.4 - Representation by Counsel –

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

§1107 VARIANCES -

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

§1107.1 Standards -

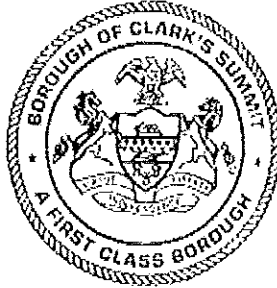
The Board may grant a variance only within the limitations of the Municipalities Planning Code. The applicant shall have the burden of proof to show compliance with such standards. As of 1993, the Municipalities Planning Code provided that all the following findings must be made, where relevant in a particular case:

- A. 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 Ordinance in the neighborhood or district in which the property is located; and,
- B. 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 a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Such unnecessary hardship has not been created by the appellant; and,
- D. 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, not be detrimental to the public welfare; and,
- E. 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.

§1107.3 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 Ordinance, and to protect the public health, safety and welfare.

The full Clarks Summit Borough Zoning Ordinance 2002-01 is available at the Borough office to review or on the web site at www.clarkssummitboro.org for your convenience.



CLARKS SUMMIT BOROUGH ZONING HEARING CHECKLIST

Please note: It is the Applicant/Applicants representative's responsibility to present a complete oral presentation at the time of the public hearing.

In addition to the oral presentation, it is important that the applicant have the information requested below. The requested information should be attached to the application when applying.

FROM THE APPLICANT:

1. Fully completed ZHB Application for Hearing
2. Copy of Deed(s) to property describing boundaries and ownership. If Deed references a recorded subdivision a "true" copy of said recorded subdivision.
3. A plot plan showing:
 - Boundaries of lot(s)
 - Abutting street(s)
 - Abutting property(ies) showing size and ownership of same.
 - Existing structure and/or improvements
 - All utilities
 - Placement of proposed structure and/or improvement (depicted in broken lines)
 - North reference arrow
 - Scale of plot plan
4. A true representation of the proposed structure. IE- House plans, garage plans, shed plan, fence (can be a marketing brochure).
5. Any related information the applicant can furnish to the Zoning Hearing Board that the applicant deems relevant. IE- Letter of no objection from neighbors, narrative description of what is being proposed, etc. Is there a hardship (a hardship can not be economic)? Be prepared to explain why (what "hardship" exists that the variance should be granted).
6. Attach a true copy of a prior order, requirement, decision, or determination of the Zoning Officer and/or the Board.
7. Check made payable to the "Borough of Clarks Summit" in the amount of five hundred dollars (\$500.00) for said hearing.

*Note this is a general guideline of items which may be required for a hearing before the ZHB. It is not intended to be an all inclusive listing.

ZONING HEARING BOARD APPLICATION

CLARKS SUMMIT BOROUGH
LACKAWANNA COUNTY, PENNSYLVANIA

Type of hearing requested (circle one): Special Use: Variance: Appeal: Interpretation:

APPLICANT INFORMATION:

NAME: _____ SIGNATURE: _____

ADDRESS (STREET, PO BOX): _____ TELEPHONE: _____

CITY: _____ STATE: _____ ZIP: _____

PROPERTY OWNER INFORMATION (If DIFFERENT THAN APPLICANT):

NAME: _____ SIGNATURE: _____

ADDRESS (STREET, PO BOX): _____ TELEPHONE: _____

CITY: _____ STATE: _____ ZIP: _____

PROPERTY INFORMATION:

EXISTING USE: _____

LOCATION: _____ TAX MAP#: _____ Zoning District: _____

(ROUTE NUMBER, ROAD NAME, VILLAGE, ETC.)

SECTION OF ORDINANCE:

LIST THE SECTIONS OF ZONING ORDINANCE UNDER WHICH YOU ARE REQUESTING (INTERPRETATION), (SPECIAL USE), (APPEAL) AND/OR (VARIANCE) OF:

GROUNDS FOR: (INTERPRETATION), (SPECIAL USE), (APPEAL) AND/OR (VARIANCE):

APPLICANTS ATTORNEY:

NAME: _____ ADDRESS (STREET, PO BOX): _____

CITY: _____ STATE: _____ ZIP: _____

BOROUGH USE ONLY REQUESTING:

FEE: \$500.00 CHECK NAME: _____ CHECK NO. : _____

DATE RECEIVED: _____ FEE PAID: _____ RECEIVED BY: _____