

BRIDGEVILLE ZONING HEARING BOARD

VARIANCE PROCEDURE

The Zoning Hearing Board of the Borough of Bridgeville has been advised that you filed an Application for a Variance from the specific requirements of the Zoning Ordinance of the Borough of Bridgeville.

Upon filing the Variance, the Zoning Hearing Board will schedule a formal, evidentiary hearing with notice to you and to all surrounding property owners. The hearing is a formal hearing, at which a sworn testimony is taken and a stenographic record of the testimony is taken. You, and any of your witnesses, have the burden of proof to prove your entitlement to the requested Variance.

Under the Bridgeville Zoning Ordinance, the Zoning Hearing Board can grant Variances only under the following conditions:

Borough of Bridgeville Zoning Ordinance Chapter 27 §1406, Variances, provides as follows:

§1406 Variances

The Zoning Hearing Board, upon appeal, shall have the power to authorize Variances from the requirements of this Chapter, and to attach such conditions to the Variance as it deems necessary to assure compliance with the purposes of this Chapter. A Variance may be granted if all of the following findings are made where relevant in a given case:

§1406.1 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 Ordinance in the neighborhood or district in which the property is located.

§1406.2 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.

§1406.3 That such unnecessary hardship has not been created by the Applicant.

§1406.4 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.

§1406.5 That the Variance, if authorized, will represent the minimum Variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

§1406.6 A Variance granted by the Zoning Hearing Board shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use or a Grading Permit or Building Permit to undertake the work described in the Variance has been submitted within twelve (12) months of said approval; unless the Zoning Hearing Board, in its sole discretion, extends the Variance upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

The Zoning Hearing Board does not have the authority to make changes to the Zoning Ordinances. Changes to the Zoning Ordinances are legislative in nature and are made by the Borough of Bridgeville in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

Since this is a formal hearing, you should be prepared to present all of your evidence that you desire to present to support your request for a Variance. This evidence may include testimony, experts, surveys of property, building plans, photographs and/or any other evidence that you desire to present in support of your burden of proof.

You, as the Applicant, have the burden of proof. The Zoning Hearing Board is not authorized to grant Variances unless the burden of proof has been met.

At the conclusion of the hearing, you will receive a written Decision from the Zoning Hearing Board. Any appeal from this Decision must be timely made to the Court of Common

Pleas of Allegheny County. The Court of Common Pleas usually decides the appeal based on the record that you have made.

This memorandum is informational only and is not designed to provide you with legal advice. You should arrange to consult your own attorney for any advice that you believe is needed in your Variance appeal.

Zoning Hearing Board, Borough of Bridgeville