



JENKINTOWN BOROUGH

Zoning Hearing Board Information

This informational sheet is designed to assist the applicant to properly complete the application for a hearing before the Jenkintown Zoning Board. **These instructions are not legal advice and it is recommended, but not required, that the applicant consult with an attorney as a zoning hearing is a formal hearing that will include sworn testimony and involve various legal issues.**

Definitions:

Legal Owner: is the title owner of the property whose name appears on the deed.

If the applicant is the legal owner, a copy of the most recent deed must be submitted with the application.

Equitable Owner: is listed as a buyer in an agreement of sale to purchase the real estate.

If the applicant is the equitable owner, a copy of the agreement of sale must be submitted with the application. NOTE: The price can be redacted from the agreement.

It is important that the applicant completes the application and provide as much detail as possible. If the answer to any questions on the application require the applicant to elaborate more than permitted by the space provided, the applicant should attach additional documentation completing the applicant's answer.

In addition to the application, applicants must supply:

- At least ten copies of a Plot Plan of the property that shall include lot area, lot dimensions, coverage percentages, existing structures, other improvements, proposed improvements, off-street parking, buffers and all characteristics on the site. The plan must be drawn to scale.
- Impervious surface and building coverage calculations.
- A complete copy of the deed, agreement of sale or lease.
- The applicant must present documentation that the property owner is a co-applicant of the Zoning Hearing Board Applicant and that the property owner agrees to be bound by the terms of the Zoning Hearing Board Decision.
- At least one photograph of the subject parcel.
- Any other documentation relative to the application and/or property.

At the time the application is filed, the applicant must submit a check in the amount described on Jenkintown's Annual Fee Schedule, attached. The check should be made payable to Jenkintown Borough. All of the materials listed in these instructions must be attached to the application at the time it is filed.

There are five members of the Jenkintown Zoning Hearing Board; occasionally, however, there may only be four members at the hearing. In this instance, the applicant may wish to consider continuing the cast until all five members are in attendance, as the applicant's relief cannot be granted if there is a tie vote, and therefore will be denied.

At the time of the hearing, the Board will request the applicant to present the applicant's case. The applicant should be prepared to offer testimony to support the application, as the applicant has the burden of proving that the request relief be granted.

The Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case:

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;
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;
3. That such unnecessary hardship has not been created by the appellant;
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 and
5. 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.

The applicant for a special exception must first show that the proposed use is a use allowed under the zoning ordinance as a special exception. The applicant must next show that the specific standards and criteria contained in the zoning ordinance for that use are met by the proposed development. Specific criteria, for example, may refer to such factors as lot size, increased setbacks, buffering or landscaping requirements or additional parking spaces, or to special studies such as traffic studies and environmental impact studies. An applicant for special exception is not required to carry the burden of proof of general or non-specific criteria.

The applicant's witnesses may be asked questions by the Board, or by someone else who attends the hearing. After the applicant concludes testimony, the members of the public may offer testimony either in support, or in opposition, to the application.

The members of the Zoning Hearing Board cannot be contacted by the applicant, or anyone on behalf of the applicant, as the Board sits in a judicial capacity. **Unauthorized contact by the applicant will result in denial of the requested relief.**

The Board can only take information presented to the Board at the time of the hearing; however, the applicant is encouraged to discuss their proposal with the immediate neighbors of the property brought before the board. The immediate neighbors will receive notice of the hearing and the proposed use of the property.

A written decision, or when no decision is called for, written findings must be issued within 45 days of the last hearing. However, where the hearing officer conducts the hearing and there has been no stipulation that his or her decision or findings are final, the zoning hearing board must make the hearing officer's report and recommendations available to the parties within 45 days. The zoning hearing board then has 30 days after issuance of the hearing officer's report to issue a written decision. If the applicant is not satisfied with the decision, the applicant should consult with an attorney to determine their right to appeal.

If you have any questions regarding the information required to complete the application, please contact George Locke, Zoning Officer, at 215-885-0700 or glocke@jenkintownboro.com