

File No. _____
Date Fully Completed Application Received: _____
Date of First Advertised Hearing: _____
Amount of Fees Paid \$ _____ Receipt No. _____

(Applicant- Do Not Write Above This Line)

**ZONING HEARING BOARD
GREENWICH TOWNSHIP
APPLICATION/APPEAL
(Please File Original and Two Copies)**

I. **Applicant(s):**

_____	_____
name	name
_____	_____
_____	_____
address	address
_____	_____
phone	phone

II. **Applicant's attorney:**

name

address

phone

III. **Request for Hearing:**

In accordance with the provisions of The Greenwich Township Zoning Ordinance as amended from time to time (hereinafter "Zoning Ordinance"), and pursuant to Section 909.1(a) of the Municipalities Planning Code, 53 P.S. 10101, et seq., Applicant(s) request a hearing before the Zoning Hearing Board for the reasons specified below.

IV. **Type of proceedings(s): (COMPLETE ALL SECTIONS THAT APPLY)**

- ____ 1. A variance is requested from Article _____, Section _____, Subsections _____, _____ of the Zoning Ordinance.

- ____ 2. A variance/special exception is requested from Article _____, Section _____, Subsections _____, _____ of the Zoning Ordinance relating to uses permitted in a Floodplain.

- ___ 3. A special exception is requested under Article _____, Section _____, Subsections _____, _____ of the Zoning Ordinance.
- ___ 4. This is an appeal from the determination of the Zoning Officer with respect to the granting, or denial of a permit or failure to act on an application for a permit. (Attach a copy of the determination).
- ___ 5. This is an appeal from an enforcement notice issued pursuant to Section 616.1 of the Pennsylvania Municipalities Planning Code. (Attach a copy of the enforcement notice).
- ___ 6. This is a substantive challenge to the validity of a land use ordinance or map, or a provision thereof. (The written challenge must be filed with this application).
- ___ 7. This is a challenge to the validity of a land use ordinance raising procedural questions or alleging defects in the process of adoption. (The defect must be set forth in Article VIII below).
- ___ 8. Any other appeal from a determination by an officer, body or agency of the Township charged with the administration of any land use ordinance or application thereunder, to the extent that determination is appealable to the Zoning Hearing Board under the Pennsylvania Municipalities Planning Code.

V. The Status of the Applicant(s) (check one)

- ___ A. A person having any interest in the land specified below, which use or development thereof is prohibited or restricted by a Township ordinance or map. (Landowner must attach a plot plan as set forth in VIII below).
- ___ B. A person potentially affected by the use or development of the land specified below as permitted by a Township ordinance or map.

VI. Real Estate Information:

A. The land involved is currently owned by:

- 1. Record owner(s): _____
- 2. Date acquired: _____
- 3. Deed Book _____ Page _____ (Must attach copy of deed or legal description)
- 4. Equitable owner(s), if any: _____
- 5. Date of agreement: _____

B. Property location:

1. Name of road providing primary access: _____
2. Which side of road: _____
3. Identify nearest street intersection and approximate distance and direction:

C. Dimensions and improvements:

1. Width at road frontage: _____
2. Approximate average width: _____
3. Approximate average depth: _____
4. Lot/parcel acreage: _____

D. Current improvements on the land include: _____

E. Current use is: _____

F. Zoning district (Accurate reference to the applicable zoning districts of the Zoning Ordinance required):
This parcel is located in the () AP- Agricultural Preservation; () R- Rural; () Conservation; () LDR- Low Density Residential; () HDR- High Density Residential; () Village; () Commercial; () Industrial; or () Public Recreation/OpenSpace.

G. Describe the proposed use or improvements:

VII. Nature of Request.

Describe in detail the relief requested and the reasons for this application. (Attach additional sheets if necessary).

VIII. Interested Parties

You must list the names and correct mailing address of ALL property owners adjoining and directly opposite the real estate in question and directly opposite the same on any street of the boundaries of the property which is the subject of this Application. The Application cannot proceed without this information. Any information required herein that the Applicant(s) neglect to provide may result in the Zoning Hearing Board's decision being nullified. (Attach additional sheets if necessary).

IX. Certification

By signing this Application, the Applicant(s) certify/certifies as follows:

- A. If the Applicant(s) is/are the owner(s) of the land in question, he/she/they has/have attached a plot plan showing the location, lot size, dimensions, north point, scale, adjoining owners, existing buildings and improvements, and proposed buildings and improvements.

- B. The Applicant(s) has/have received and read the document entitled "Information for Persons Appearing before the Zoning Hearing Board".
- C. All the information and statements in this application and any documents or plans filed in this matter are true and correct to the best of the applicant's(s') knowledge, information, and belief.

Date: _____

SWORN TO AND SUBSCRIBED
BEFORE ME THIS DAY
OF , 202__.

Notary Public

INFORMATION FOR PERSONS APPEARING BEFORE THE ZONING HEARING BOARD

The Greenwich Township Zoning Hearing Board ("Board") is a quasi-judicial branch of the local government consisting of three (3) residents of Greenwich Township. The Board is represented by an attorney who is called the Solicitor ("Solicitor"). In general, a zoning hearing board only has jurisdiction in specific areas as set forth in Section 909.1(a) of the Pennsylvania Municipalities Planning Code 53 (MPC). This Board's jurisdiction can, in general, be summarized as including the following matters: certain substantive and procedural challenges to the Zoning Ordinance or other Township ordinances; appeals from certain decisions of the Zoning Officer, requests for variances; special exceptions, and review of interpretations of land use ordinances by Township officials. Copies of the provisions of the MPC relating to variances and special exceptions are attached.

After an application is completed, filed, and the fee paid, the Board must convene a hearing within 60 days. The hearing is advertised in The Reading Eagle and posted on the premises. At the hearing, the Applicant must present evidence in support of his Application and anyone determined to have legal standing by the Solicitor can participate in the hearing by asking questions of witnesses and presenting evidence. The Applicant has the burden of proof to show that the Applicant is legally entitled to the relief requested. While the Board is not required to follow the formal rules of evidence in the conduct of its hearings, it generally conducts a rather formal hearing since the law requires the Board to make a stenographic record of the proceeding, and generally to file a written decision. The formal proceedings help the Board to provide a fair opportunity for all participants to make their positions known, and this results in an opportunity for everyone to present evidence and for the Board to render decisions based on the law and all the relevant facts.

PROCEEDINGS BEFORE THE ZONING HEARING BOARD ARE SIMILAR TO HEARINGS IN COURT. IT IS STRONGLY RECOMMENDED THAT THE APPLICANT(S) RETAIN THE SERVICES OF AN ATTORNEY TO ASSIST THEM IN PRESENTING THEIR EVIDENCE. Neither the Board nor its Solicitor can or will give legal advice; nor will the Board or its Solicitor attempt to help a participant prepare or present the case. **FAILURE TO PRESENT PROPER EVIDENCE CAN RESULT IN THE DENIAL OF AN APPLICATION.**

An Applicant must be aware that the Applicant has the responsibility to present evidence to proving the matters asserted in the Application which are being offered as justification for granting whatever relief has been requested from the Board. The Applicant cannot simply come to the Board and expect the Board to tell them what to do. Likewise, the Board does not function to gather evidence or information. The Board will only receive evidence which is under oath and subject to cross-examination.

Applicants and any persons interested in the application, whether for or against it, should be aware that a hearing before the Zoning Hearing Board is not for the purpose of dispensing information, but rather for the Board to receive information and evidence. Therefore, the Board cannot be questioned nor will it respond to questions with regard to how it reaches a decision on any given matter, etc. The Board is constituted much like a court and is to receive information presented to it and to render a decision based upon the evidence brought to the Board. The Zoning Hearing Board is not permitted to communicate with any party in connection with any matter before the Board except as part of the hearing process itself. Applicants and other interested persons, whether in favor or against the application, must be prepared at the time of the hearing to present whatever information or evidence they think is important to the Board's determination and to do so within the confines of a relatively formal

judicial proceeding. Experience has taught the Board that it can best meet its legal obligations to remain fair and impartial and create a meaningful record only if it conducts its hearings more like a court than like a town meeting.

Finally, anyone interested in a matter pending before the Board must understand that it is not the same as the Township and its Board of Supervisors. Township government has three branches, like the federal and state governments. The Township Board of Supervisors is the legislative branch of government which enacts the Township laws (ordinances). The Township Board of Supervisors acting through its duly appointed employees and officials, such as the Zoning Officer, the Sewage Enforcement Officer, Township, Administration, Secretary, Engineer, and/or the Township Solicitor, is the executive branch of the government. The Zoning Hearing Board can be considered to be the independent judicial branch of the Township government and like the Court it is separate and distinct from the other branches. The Board renders its own decision on any given matter although the Township has the right to offer a non-binding recommendation on what the Board should do and present its position at the hearing. The Board does not engage in land use planning, the drafting of ordinances, or their prosecution. The Board can only hear evidence presented to it and then apply ordinances to particular factual situations in reaching a decision pursuant to the jurisdiction provided for under the MPC. THIS IS WHY THE BOARD STRONGLY RECOMMENDS THAT APPLICANT(S) CONSULT WITH AN ATTORNEY AT LAW.

Applicant(s) acknowledge receiving and reviewing a copy of this document.

Date: _____

See attached copies of MPC Sections 910.2 (variances) and
Section 912.1 (special exceptions).