

TOWN OF McCANDLESS

OFFICE OF PLANNING/ZONING
9955 GRUBBS ROAD
WEXFORD, PA 15090
(412) 364-0616 x129

TOWN OF McCANDLESS ZONING HEARING BOARD PROCEDURES

To initiate a variance, the attached application must be completed and submitted to the Planning Department along with the required fee associated with the request. The Town must receive all required information and fees thirty (30) days prior to the date of the hearing in order to consider an application complete.

Fees are set by Town Council from time to time via the Master Fee Schedule resolution. The following application fees are current as of January 2025.

Dimensional Variance:	Residential – \$300	Commercial – \$750
Appeal of Decision:	Residential – \$300	Commercial – \$750
Special Exception:	\$500	
Use Variance:	\$1,000	

Appeals related to a mixed-use development, or a residential development as a whole (i.e. multiple lots in a forthcoming subdivision; an apartment complex) are charged at the commercial rate. Notice of Violation appeals fall under the Appeal of Decision rates.

The Town will place a placard on the property 2 weeks prior to the hearing date. This placard must remain in place through the hearing date.

The hearing will be held at the McCandless Town Hall, 9955 Grubbs Road, and all relevant testimony will be taken. If a decision is not rendered immediately following the conclusion of testimony, a future date of the decision will be announced. The decision of the Zoning Hearing Board may be appealed to the Allegheny County Court of Common Pleas within thirty (30) days of the date of the decision.

**FIVE (5) COPIES OF THE COMPLETED APPLICATION SHALL BE SUBMITTED
WITH THE FOLLOWING:**

1. **FIVE (5) PLOT PLANS (SURVEY).** The requirements for a qualifying survey are described in the Permit Submission Guidelines Packet available on the [Building & Planning Department online page](#). If appeal involves a structure, the survey must be stamped for any easements by the McCandless Township Sanitary Authority (MTSA).
2. **FIVE (5) SETS OF CONSTRUCTION PLANS – (If applicable).**

Date filed: _____

Appeal No. _____

**TOWN OF McCANDLESS
ZONING HEARING BOARD**

(I)(We) _____ of _____
(*Name of Applicant*) (Mailing Address)

_____ (City/State/Zip) (Telephone No. Contact Person) (E-mail address)

_____ (Property Owner Name) (Address) (City/State/Zip)

request a public hearing of the Zoning Hearing Board in the following matter:

() An appeal from the determination of the Zoning Officer.
() Special Exception application
() Dimensional variance
() Use variance
() Other (state): _____

Provisions of the Ordinance are as follows:

Article # _____, Section # _____, Subsection _____, Paragraph _____ states:

Appeal is for (reason): _____

Property Description:

Location: _____ Lot & Block No.: _____

Lot Size: _____ Present use of lot: _____ Zoning District: _____

Present improvements upon land _____

Proposed use _____

Has a previous application of appeal been filed in connection with these premises? Yes () No ()

Applicant's interest in the premises affected? _____

owner, agent, lessee, etc.

(I)(We) believe that the Board should approve this request because: (Include the grounds for appeal or reasons, both with respect to law and fact for granting the appeal or special exception or variance – refer to Section 1301.260(C)1, VARIANCES, attached. If hardship is claimed, state the specific hardship:

This application must be submitted to the McCandless Planning Department. Four (4) copies of the plot plan showing the location and size of the lot, size of improvements now erected or proposed to be erected, or other change desired, together with any other information required by the Zoning Hearing Board, must be attached to the application. If more space is required, attach a separate sheet to each copy of this application and make specific reference to the question being answered.

All appeals from the decision of the Zoning Hearing Board shall be taken to the Court of Common Pleas of Allegheny County and shall be filed within thirty (30) days after entry of the decision as provided in 42 PA C.S. 5572 (relating to time of entry order) or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in the Pennsylvania Municipalities Planning Code.

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Signature

Date

If the applicant is not the property owner, the applicant must submit an original letter from the owner giving written permission to file the appeal.

McCandless Zoning Ordinance §1302.260(C)1, Zoning Hearing Board

The Zoning Hearing Board will hear and decide requests for Variances where it is alleged that the provisions of the Zoning Code inflict unnecessary hardship upon the Applicant. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Code.

The Board may grant a Variance provided the following findings are made where relevant to 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 the Zoning Code in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no reasonable possibility that the property can be developed in strict conformity with the provisions of the Zoning Code 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.