

# **TOWN OF McCANDLESS**

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

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## **TOWN OF McCANDLESS ZONING HEARING BOARD PROCEDURES**

To initiate a variance, the attached application must be completed and submitted to the Zoning Office with a check in the amount of \$200.00 for R-1 and R-2 zoned districts, \$250.00 for all other zoning districts. Please call the zoning office for fee information on other Zoning Hearing Board procedures.

The Town must receive all required information and fees thirty (30) days prior to the date of the hearing. The Town will advertise the hearing and give the applicant a placard, which is to be conspicuously placed on the property in question at least fifteen (15) days prior to and up to the date of the hearing.

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).** If appeal involves a structure, please obtain McCandless Township Sanitary Authority's Stamp of Approval.
2. **FIVE (5) SETS OF CONSTRUCTION PLANS – (If applicable).**

Date filed: \_\_\_\_\_

Appeal No. \_\_\_\_\_

Placard: \_\_\_\_\_

**TOWN OF McCANDLESS  
ZONING HEARING BOARD**

(I)(We) \_\_\_\_\_ of \_\_\_\_\_  
*(Name of Applicant)* *(Mailing Address)*

\_\_\_\_\_  
*(City/State/Zip)*

\_\_\_\_\_  
*(Telephone No. Contact Person)*

\_\_\_\_\_  
*(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.
- An interpretation of the zoning ordinance or zoning map is requested.
- It is a special exception.
- It is a request for variance relating to:
  - use  area  frontage  yard
  - height  other (state) \_\_\_\_\_
- Specific variance requested: (amount of feet or square feet, if applicable)* \_\_\_\_\_
- Other: \_\_\_\_\_

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 1349.04 VARIANCES attached. If hardship is claimed, state the specific hardship:

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NOTE: The application must be submitted to the Zoning Office of the Town of McCandless. Four (4) copies of the plot plan showing location and size of lot, the 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.

NOTE: 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.

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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.

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Signature

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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.

The Zoning Hearing Board shall hear and decide requests for variances where it is alleged that the provisions of the Zoning Code inflict unnecessary hardship upon the applicant.

The Board may grant a variance provided the following findings are made where relevant in 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 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; and
- (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.

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.

(Ord. 741 2004. Passed 7-3-78.)

## STENOGRAPHIC RECORD

- \* **Section 908 (7) of the Pennsylvania Municipalities Planning Code (Act 247) requires a stenographic record of Zoning Hearing Board proceedings. The Town of McCandless Zoning Hearing board generally utilizes a secretary and a tape recorder in lieu of a court stenographer. The Town reserves the right to require a court stenographer and to charge half of the appearance fee to the applicant.**

**By signing this form, the applicant hereby agrees to the use of the tape recorder in lieu of a court stenographer. If the applicant requests a court stenographer, please advise the Town when submitting this Appeal. The appearance fee for a court stenographer will be shared equally by the applicant and the Board.**

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**Signature**

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**Date**