

BRIDGEVILLE ZONING HEARING BOARD

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 Ordinances, the Zoning Hearing Board can grant Variances only under the following conditions:

Borough of Bridgeville Zoning Ordinance Chapter 27 §714, Variances, provides as follows:

§714. Variances

1. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a Variance provided that all of 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 Ordinance 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 Ordinance 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.

2. In granting Variances, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

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 and 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
Curtis Copeland, Chairman
Bud Estatico
Lin St. Clair
Joseph Colosimo
Jason Sarasnick