

GUIDELINES FOR APPEAL OF ANY DECISION OF THE ZONING OFFICER

THE ZONING HEARING BOARD IS A QUASI-JUDICIAL BODY, THE DETERMINATION OF APPEALS AND/OR APPLICATIONS MADE TO THE BOARD WILL BE BASED ON LEGAL AND TECHNICAL CONSIDERATIONS CONTAINED IN THE WAYNESBURG BOROUGH ZONING CODE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING ORDINANCE. ANY APPLICANT WITHOUT A GOOD WORKING KNOWLEDGE OF THE ZONING CODE AND THE PLANNING CODE WOULD BE WELL ADVISED TO CONSULT WITH A REGISTERED LAND SURVEYOR AND AN ATTORNEY PRIOR TO PROCEEDING WITH THE APPLICATION OR APPEAL. WHILE SUCH PROFESSIONAL ASSISTANCE IS NOT SPECIFICALLY REQUIRED, IT MAY SAVE MUCH TIME AND UNNECESSARY EXPENSE IN ESTABLISHING A COURSE OF ACTION AND INSURING THAT PROPER PROCEDURES ARE FOLLOWED. FAILURE TO PROPERLY PREPARE OR PRESENT THE CASE MAY RESULT IN THE DENIAL OF THE REQUESTED ACTION.

APPEALS

Appeals may be made to the Zoning Hearing Board by any aggrieved person, firm or corporation or by any officer of department of the Borough affected from the following:

1. A determination of the Zoning Officer relative to interpretation of Zoning Ordinance.
2. A determination of the Borough Engineer or Zoning Officer regarding flood plain restrictions in the Zoning Ordinance.
3. Applications for variances from the terms of the Zoning Ordinance or of flood plain provisions with the Zoning Ordinance.
4. A determination of the Zoning Officer under Section 916.2 of the Pennsylvania Municipalities Planning Code, entitled Procedure to Obtain Preliminary Opinion.
5. A determination of the Zoning Officer or Borough Engineer with reference to sedimentation and erosion control and storm water management for development not involving subdivision and land development or planned residential development.
6. Nonconforming uses and structures authorization of expansion, enlargement, alteration or extension.

Such appeal shall be made within thirty (30) days from the date of notice of such decision by filing with the Zoning Officer and with the Zoning Hearing Board a Notice of Appeal specifying the grounds therefor.

When an Applicant has been denied Zoning Approval and it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant, the Applicant may appeal to the Zoning Hearing Board for a variance. See Guidelines for variances.

APPLICATIONS AND HEARINGS

Applicant shall include the following:

1. Eight (8) copies of the Zoning Hearing Board Application, provided by the Borough, must be filled out completely and be signed by the Applicant. If the Applicant is the agent of the landowner, evidence of authorization by landowner is required.
2. Eight (8) copies of the action being appealed along with any statement of the reason for the appeal and other information thought to be pertinent to law and fact.
3. Filing Fee- - The application shall be accompanied by a check or money order made payable to Waynesburg Borough in the amount of \$500.00. No refund of the application fee can be made once the application is filed.

PROCEDURES

1. Submit the application from 8:00 a.m. to 4:00 p.m., Monday through Friday to the following:

**Zoning Officer
Waynesburg Borough
90 East High Street
Waynesburg, Pa 15370**

The filing deadlines are established by the attached schedule.

2. Borough staff will review the application for completeness. Incomplete applications will be returned to the applicant for resubmission.
3. The Zoning Hearing Board will hold a public hearing on the application within sixty (60) days of filing of a complete application. (See attached meeting schedule) Public Notice consists of legal advertisements in a newspaper of general circulation in the Borough and by posting a notice on the property.
4. A decision must be made at a public meeting and a written decision rendered within forty-five (45) days after the close of a public hearing.

ORDER OF HEARING

The following is the order of the hearing as established in the Zoning Hearing Board Rules of Procedure:

- A. Hearing called to order;
- B. Chairman's statement of reason for hearing;
- C. Outline of Procedures to be followed during hearing;
- D. Chairman's statement of parties to hearing;
- E. Swearing in of all those about to give testimony;
- F. Secretary's presentation of evidence of public notice
- G. Statement of the case by Zoning Officer;

- H. Applicant's presentation of their case;
 - 1. Board cross-examination of applicant's witnesses;
 - 2. Objectors' cross-examination of applicant's witnesses;
- I. Statement of the Zoning Officer;
 - 1. Board's cross-examination;
 - 2. Applicant's cross-examination;
 - 3. Objectors' cross-examination;
- J. Identification of other parties wishing to be heard;
- K. Objectors' presentation of their case;
 - 1. Board cross-examination of Objector's witnesses;
 - 2. Applicant's cross-examination of objectors' witnesses;
- L. Other testimony and evidence;
- M. Concluding remarks, including statements of continuance, final decision, or notice of when decision is expected to be made;
- N. Adjourning of hearing;

AFTER THE DECISION

After the written decision of the Zoning Hearing Board is issued, the applicant must obtain all required permits before proceeding with the project including, but not limited to building permit and occupancy permit. If an appeal of the decision is filed, a project could be jeopardized or at least delayed.

APPEALS

After the written decision is issued, all parties have 30 days to file an appeal to the Court of Common Pleas. Generally, the assistance of an attorney is needed for filing an appeal. An appeal does not stay the action appealed from but appellants may appeal for a stay.