

**BROOKHAVEN BOROUGH ZONING HEARING BOARD
2 CAMBRIDGE ROAD, BROOKHAVEN, PA 19015
(610) 874-2557**

APPLICATION INSTRUCTIONS

A. General Instructions.

Applicants who have a request to make of the Zoning Hearing Board must: 1) submit a complete application; 2) pay the applicable fee; and 3) present their request to the Zoning Hearing Board at a public hearing. The hearing will be scheduled by the Zoning Hearing Board and the applicant will be notified in advance of the date and time of the hearing. Reasonable efforts will be made to resolve scheduling conflicts. Some cases may require more than one hearing.

Notice of the hearing will be posted prominently on the property and published in a newspaper. The public, particularly neighbors of the property, will be given the opportunity to ask questions and present testimony at the hearing. You should be prepared to answer questions from the Board and from the public.

The zoning hearing is a formal judicial proceeding. A stenographer (court reporter) will record the hearing and prepare a transcript. The testimony, documents and plans presented at the hearing form the basis for the Zoning Hearing Board's decision. If you eventually appeal the Zoning Hearing Board's decision to the Court of Common Pleas, or higher courts, the record of the Zoning Hearing will also be considered by the judge who will decide your case.

**A COMPLETE WELL-ORGANIZED PRESENTATION TO THE ZONING
HEARING BOARD WILL HELP YOUR CASE.**

B. Completing the Application for Special Exception or Variances.

1. All information requested must be completed. No application will be considered to have been filed unless the information on the application is complete and the correct fee has been paid.
2. If you are represented by an attorney, the attorney's information should be filed in/on the application. You are not required to be represented by an attorney.
3. The property affected by this application must be posted with notice by the Borough Zoning officer. Therefore, the location of the property must be described clearly so that the Zoning officer can find the property to post the notice.

4. The application must specify whether you are seeking a special exception, variance, an appeal from a decision of the Zoning Officer or some other permission or combination of permits. If the application is for something other than a special exception or variance, the exact permission requested must be explained in the application.
5. A plot plan of the affected property shall accompany the application. If the location of any structure(s) on the property will be at issue, see Section D. below for the "Items Required at the Time of Hearing" list for more detail about the plans you may need to bring to the hearing.
6. All required notices will be mailed to you at the address you fill in on the form as the address of the petitioner.
7. You must submit eight (8) copies of your application. All copies are to be signed by the applicant.
8. Zoning Board hearings are generally scheduled on the second Tuesday of the month at 7:00 P.M. Applications must be submitted at least 21 days prior to the next scheduled meeting.

C. Fees.

Fees are determined by a Resolution Fee Schedule and are included in the check list.

D. Items Required at Time of Hearing.

THE FOLLOWING ITEMS MUST BE PRESENTED TO THE ZONING OFFICER PRIOR TO OR AT THE TIME OF HEARING. ALL ITEMS PRESENTED WILL BECOME PART OF THE BOROUGH FILE AND WILL NOT BE RETURNED TO YOU. IF YOU DO NOT HAVE ALL OF THE ITEMS LISTED BELOW AT THE TIME OF THE HEARING, YOU SHOULD REQUEST A CONTINUANCE BEFORE THE TIME FOR THE SCHEDULED HEARING OR THE BOARD MAY CONTINUE THE HEARING UNTIL ALL OF THE ITEMS ARE SUBMITTED.

1. PROOF OF OWNERSHIP: You must submit all documents necessary to prove that you own the property or have signed an agreement of sale or lease for the property. (i.e. equitable owner). A deed, agreement of sale or option to purchase will be adequate.
2. SURVEY PLAN: It is required that the applicant attach to each application a detailed and clearly legible plot plan of the subject property and properties within a 200' (two hundred feet) radius drawn to scale, and a sketch plot plan including structures.
3. SUBDIVISION PLANS: For those Applicants who are requesting relief from

the Zoning Hearing Board before submitting Subdivision and Land Development Plans to the Borough Council of Brookhaven Borough, any plans required by the Subdivision Ordinance (including survey plans, topographical surveys, sedimentation and erosion plans, etc.) that have been completed should be submitted to the Zoning Hearing Board.

4. EVIDENCE OF LEGAL NON-CONFORMITY: For those applicants who are requesting an extension of a legal non-conformance, evidence or testimony establishing the length of time in existence and legality of the existing non-conformity.

5. ALL COMMUNICATIONS SHALL BE DIRECTED TO THE BOROUGH SECRETARY OR ZONING OFFICER at 2 Cambridge Road, Brookhaven, PA 19015 prior to the meeting.

CHECK LIST

Completed Applications Must Contain the Following Items:

- _____ Eight (8) Copies of Completed Application
- _____ Application Fee
- _____ Eight (8) copies of either Proof of Ownership or Lease Agreement
- _____ Eight (8) copies of Plot Plan
- _____ Subdivision Plans (If Applicable)
- _____ Eight (8) copies of Zoning Permit Application form from Zoning Officer.

Fees – To be included with the application

(1) When the property is located in a residential zone and is not larger than one-half acre, a payment of expenses of \$500.00 shall be made by the applicant upon the filing of the application. Said amount shall be for the purpose of paying expenses associated with processing the application. Unused amounts will be refunded to the applicant;

(2) When the property involved in the application is in a nonresidential zone the applicant shall make a prepayment of expenses of \$750.00. Said payment shall be to compensate for expenses associated with processing the application. Unused amounts will be refunded to the applicant; and

(3) When an application is made involving either residential or nonresidential property and the relief requested is the development of such property, as defined in the Pennsylvania Municipalities Code, or such other relief as is within the jurisdiction of the Board under such Code, including any request to expand a nonconforming use, the

applicant shall make a prepayment of expenses of \$750.00 for the first acre and \$100 for each additional acre or part thereof involved in the application. Said payment shall be for the expenses associated with processing the application. Unused amounts will be refunded to the applicant.

(4) The expenses referred to in the above-referenced paragraphs hereof include, but are not limited to, one-half of the cost of the Court Reporter's appearance fee and the full costs of a copy of the notes of testimony of the hearing if the applicant wants a copy, advertising costs and such other reasonable and necessary costs involved in the application as are incurred by the Borough. The fee for use of the Borough's facilities for zoning hearings shall be \$150.00 per hearing.

(5) The failure of the applicant to deposit the fees prescribed hereof shall constitute a failure on the part of the applicant to submit a completed application to the Borough. Upon such failure to pay such fees, the Borough shall promptly reject such application and give its reasons therefor, in writing, to the applicant.

**BOROUGH OF BROOKHAVEN
2 CAMBRIDGE ROAD
BROOKHAVEN, PA 19015**

BROOKHAVEN BOROUGH ZONING HEARING BOARD APPLICATION

DATE: _____

1. Petition of: _____

2. The location of the property: Please give a brief description and state location of the property for which the proposed application which is being requested including buildings or other structures. (Example: "0.5 acres located at 1234 Main Street, with three story residence, adjacent to Police Station, Tax Folio Number 62093,") (Please give the Tax Parcel or Folio Number).

3. Name, postal address, email address, and telephone number of person making petition:

4. Name, postal address, email address, and telephone number of the owner:

5. Your attorney's name, postal address, email address, and telephone number, if any:

6. That the Brookhaven Borough Zoning Ordinance, Chapter 1244 regulates, restricts, zones and classifies the said property, or tract of land as: (check appropriate zoning district)

R1A Residence District	_____
R1 Residence District	_____
R2 Residence District	_____
R2S Residential Two Special District	_____
R3 Residential Apartment District	_____
R3S Residential Apartment District	_____
R4 Residence District	_____
RS Residential Special District	_____
C-1 Commercial District	_____
C-2 Commercial District	_____
C-2A Commercial District	_____
C-3 Commercial District	_____
C-4 Commercial District	_____
S Special District	_____
P Park-Recreation District	_____
FP Flood Plain Conservation District	_____

7. Request a hearing for the following:

Special Exception	_____
Variance	_____
Appeal or other	_____

8. Give details of specific zoning relief requested and cite applicable sections of Brookhaven Zoning Ordinance.

9. What is the property being used for now and intended future use?

10. What additions to or improvements in the property do you intend to make under this application, if any? (Please describe below as completely as possible and on another sketch or plot plan of the real estate indicating the size of the lot, size of buildings or other structures now erected and size and location of those to be erected.)

Signature of Applicant