



Office Use Only: Hearing Date: _____ Time: _____ Place on agenda: _____

Application # _____ Fee \$ _____ check # _____

ZONING HEARING BOARD APPLICATION

Appeal is hereby made by the undersigned for the following action(s):

Check Applicable Item(s):

- () Variance from the terms of the Zoning Ordinance
- () Special Exception
- () Appeal from the Determination of the Zoning Officer
- () Substantive Validity Challenge

Appellant: Name: _____

Address: _____

Phone: _____

Owner: Name: _____

Address: _____

Phone: _____

Attorney: Name: _____

Address: _____

Phone: _____

Interest of appellant, if not owner (agent, lessee, etc.): _____

1. Application relates to: Check Applicable Item(s):

- | | |
|--|---|
| <input type="checkbox"/> Use | <input type="checkbox"/> Lot Area |
| <input type="checkbox"/> Height | <input type="checkbox"/> Yards |
| <input type="checkbox"/> Existing Building | <input type="checkbox"/> Proposed Building |
| <input type="checkbox"/> Occupancy | <input type="checkbox"/> Nonconforming Use or Structure |
| <input type="checkbox"/> Other: _____ | |

2. Brief description of the real estate affected:

Block and Unit No.: _____ Lot Size: _____

Location: _____

Present Use: _____

Present Zoning Classification: _____

Present Improvements Upon Land: _____

Deed Recorded at Norristown in Deed Book: _____ Page _____

3. Appeal to Challenge

Specific reference to the section(s) of the zoning ordinance upon which the challenge is based:

Statement and/or basis for the challenge to the validity of the zoning ordinance:

4. Appeal from of the Determination of the Zoning Administrative Officer

Date determination was made: _____ Section(s) of the ordinance involved: _____

Your statement of alleged error of zoning administrative officer: _____

5. Special Exception or Variance

Specific reference to section of the zoning ordinance upon which application based:

Action desired by appellant: (statement of relief sought): _____

Reasons appellant believes the Board should approve the desired action; note the specific hardship if applying for a variance): _____

6. Has previous appeal or application for special exception or variance been filed in connection with these premises? Yes No

NOTE:

Attach twelve (12) copies of plan of real estate affected, indicating location and size of lot, size of improvements now erected and proposed to be erected thereon, or other change desired. Attach any other information required by the Zoning Hearing Board.

If more space is required, attach a separate sheet and make specific reference to the question being answered.

All applications MUST be received a minimum of 21 days prior to the Zoning Hearing Board meeting date, which is the first Wednesday of each month (unless changed).

***I hereby depose and say 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.

***I hereby acknowledge receipt of the January 3, 2012 Resolution of the Zoning Hearing Board regarding the unauthorized practice of law.

Appellant's or Owner's Signature

Co-Appellant's or Co-Owner's Signature

SWORN TO AND SUBSCRIBED BEFORE ME THIS

_____ DAY OF _____, 20_____

Notary Public

DIRECTIONS FOR FILLING OUT THE ZONING HEARING BOARD APPLICATION

Application for Challenge: Check this item if you desire to challenge the validity of the Zoning Ordinance or the Zoning Map or any provisions thereof which prohibit or restrict the use or development of land in which the appellant has an interest.

Application from the Administrative Officer in Refusing my Application for a Building Permit: Check this item if you think the Zoning Officer acted improperly or in error by rejecting your zoning permit.

Application for Special Exception: Check this item in cases where the Zoning Ordinance states that a use is permissible by special exception.

Application for a Variance: Check this item when you require a variance from the Zoning Ordinance in order to build on your property. This may be a variance from setbacks, size of property, shape of property, use, etc. You must prove a hardship to the property and that such hardship was not created by the appellant.

Appellant: The individual applying for the appeal. **The appellant must have a vested interest in the property (owner, lessee, or equitable owner).**

Owner: Owner of record as listed in the Court House in Norristown.

Attorney: Please provide this information if an attorney is involved.

Interest of Appellant If Not Owner: Lessee or equitable owner.

INSTRUCTIONS FOR QUESTIONS 1 THROUGH 8

1. Check all items that apply.
2. Description information:
 - Block and Unit Number: This information can be found on the tax bill, at the Montgomery County Court House or at the Township Building.
 - Location: The address of the property involved in the appeal.
 - Lot Size: What are the dimensions of the lot?
 - Present Use: What is the use of the property at this time?
 - Present Zoning Classification: This information may be obtained by applying to the Zoning Officer for a Zoning Certification or by researching the zoning map located in the Montgomery Township Department of Planning and Zoning.
 - Present Improvements Upon Land: What is on the land now; house, garage, shed, etc.? List everything that is on the land. If nothing, state "none".
 - Deed Recorded in Norristown: What is the deed book and page number of the property? This information can be found in the deed or at the Office of the Recorder of Deeds in Norristown.
3. Appeal to Challenge (if applicable). Why do you think the Zoning Ordinance or Zoning Map prohibits or restricts your use or development of land?
4. Appeal from Action of the Zoning Officer (if applicable). Date determination was made by the Zoning Officer. What you believe to be the error of the Zoning Officer.
5. List the Article and Section numbers of the ordinance you are appealing.
6. List the type of action for which you are applying. (Special Exception, Variance, Challenge).
7. Explain why you feel this application should be granted. What is the hardship?
8. Has any application previously been filed for this property?

CHECK OFF SHEET FOR ZONING HEARING BOARD APPEAL

Check off each item that accompanies this application. If the item is not applicable, put "N/A". If check or N/A is not filled out, the application will not be accepted.

1. (12) Twelve copies of application ()
 2. (12) Twelve copies of plot plan ()
 3. (12) Twelve copies of zoning officer's rejection (if applicable) ()
 4. (12) Twelve copies of the proposed structure ()
 5. (12) Twelve copies of exhibits, if any ()
 6. (02) Two copies of deed ()
 7. (02) Two copies of the agreement of sale or lease agreement ()
 8. (01) One copy of the Deed Search (if applicable) ()
 9. **Original application must be notarized** ()
11. **Applications will not be accepted unless all required materials are placed in twelve (12) individual packs as follows:** ()
- a. Application
 - b. Deed (first 2 packs only)
 - c. Agreement of sale or lease agreement if applicable (first 2 packs only)
 - d. Deed searches, if applicable (first pack only)
 - e. Plot plan
 - f. Zoning Officer's rejection (if applicable)
 - g. Detailed plan of proposed structure
 - h. Exhibits

ORIGINAL APPLICATION MUST BE SIGNED AND NOTARIZED.

ALL EXHIBITS MUST BE PROVIDED IN A FORM THAT CAN BE PUT INTO A FILE FOLDER FOR THE PERMANENT RECORD.

If additional copies of application is required Township will notify applicant

*The Zoning Officer is not authorized to fill out your application, correlate the above items or answer any technical questions.

*If you are not sure how to go about appealing to the Zoning Hearing Board, it is advised you get an attorney to assist you.

Scaled plot plans may be hand drawn as long as all information is accurate. It must contain all pertinent zoning information including names, addresses and block and unit numbers of all adjoining owners.

Deed searches may be done in Norristown

FEE SCHEDULE

VARIANCES, SPECIAL EXCEPTIONS, APPEALS from Orders and Decisions of the Zoning Officer, Substantive Challenge, Non-Conforming Uses from the requirement of the Zoning Ordinances and other Ordinances of Montgomery Township and documents fee. ZONING HEARING BOARD - NOTICE OF APPEAL application required.

Residential

\$ 600 - for a lot on which a residential dwelling exists or for a lot in a residential district which is intended to be utilized for single family detached residential use, plus an additional **\$300** for each applicant requested postponement or continuance.

All other Zoning Districts or Non-Residential Uses

\$1,200 - for a lot in any district other than residential, except when a request for a non-residential use, plus **\$500** for each applicant requested postponement or continuance.

Non-conforming uses fee shall be based on the zoning district and requested use as noted above. Variance for non-conforming shall be determined by nature of variance as to use and/or adjoining property having greatest bordering line as to its zoning classification.

Substantive Validity Challenges –

\$5,000 - Applicant shall deposit **\$10,000** with the Township to be held in escrow, plus **\$500** for each applicant requested postponement or continuance.

- B. All fees and deposits required under terms of this resolution shall be paid at the time the application is filed, payable to Montgomery Township.
- C. Appropriate costs and charges include but are not limited to:
 - Notes of testimony (official file copy) - transcription costs
 - One half (50 percent) of Stenographer appearance costs
 - Zoning Hearing Board Members Compensation (proportioned among the members of applicants per meeting)
 - Advertising costs
- D. All application fees paid are non-refundable.
- E. Concurrent applications - An applicant who seeks more than one form of relief in his application shall pay the highest of applicable fees.
- F. The Township retains the right to recover any costs incurred for the use of outside consultants for the purposes of additional reviews or testing.
- G. Legal Fees – As per the rate schedule most recently adopted by the Township.

MONTGOMERY TOWNSHIP ZONING HEARING BOARD
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION

RESOLUTION PROHIBITING THE UNAUTHORIZED PRACTICE OF LAW BEFORE
THE ZONING HEARING BOARD OF MONTGOMERY TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA

WHEREAS, the unauthorized practice of law is a violation of 42 Pa. C.S. § 2524, which provides that a person who commits the unauthorized practice of law commits a misdemeanor of the third degree upon a first violation and a misdemeanor of the first degree upon the second or subsequent violation;

WHEREAS, the Montgomery Bar Association Unauthorized Practice of Law Committee issued an Opinion dated May 20, 2010, concluding that the appearance before a municipal quasi-judicial board by a person representing an applicant or appellant other than a duly licensed attorney at law in the Commonwealth of Pennsylvania constitutes the unauthorized practice of law; and

WHEREAS, the Zoning Hearing Board of Montgomery Township, Montgomery County, Pennsylvania, desires to prohibit the unauthorized practice of law in proceedings before the board.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Hearing Board of Montgomery Township, Montgomery County, Pennsylvania, shall prohibit the unauthorized practice of law in any matter before it which involves the presentation of an application and/or appeal under the provisions of the Pennsylvania Municipalities Planning Code and the Zoning Ordinance of Montgomery Township, Montgomery County, Pennsylvania, by requiring that a person representing an applicant or appellant before the Board shall be a duly licensed attorney-at-law in the Commonwealth of Pennsylvania.

DULY PRESENTED AND ADOPTED, by the Montgomery Township Zoning Hearing Board at a public meeting held on the 5 day of January, 2012.

MONTGOMERY TOWNSHIP ZONING HEARING BOARD






