

GUIDELINES FOR USE BY SPECIAL EXCEPTION
USC CODE 130.54.4

Revised 9/06

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 UPPER ST. CLAIR TOWNSHIP ZONING CODE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE. 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 (EXCEPT IN THE PREPARATION OF PLANS), 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.

A Use by Special Exception is a use authorized by the Township Zoning Code, which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria set forth in the Zoning Code of the Township.

APPLICATIONS AND HEARINGS

Applications shall include the following:

1. Six (6) copies of the Zoning Hearing Board Application, provided by the Township, must be filled out completely and be signed by the landowner and the Applicant. If the Applicant is other than landowner, evidence of authorization by landowner is required.
2. Six (6) copies of a plan demonstrating conformity with the express standards and criteria set forth in the Zoning Code, prepared by a registered professional land surveyor, must accompany the Application Form. This plan must include, as a minimum, property boundaries, important topographical, natural or structural features which are relevant to the application, and the location and dimensions of existing and proposed structures, parking areas and driveways. The actual distance from such structures and intended structural changes (including overhangs) to the property lines shall be clearly shown. No Application will be deemed to be complete if the plan fails to meet these requirements when submitted. Failure to include relevant information on your site survey may result in a substantial delay in scheduling your hearing before the Board, and could result in the continuation of your hearing or a denial of your application if the Board should deem the information contained on the plan to be insufficient, inaccurate, or unreadable.

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3. Filing Fee -- The Application shall be accompanied by a check or money order made payable to the Township of Upper St. Clair in the amount of \$225.00 [Amended 12-6-99 by Ord. 1818]. No cash please. No refund of the application fee can be made once the application is filed.
4. One (1) copy of a map showing the site which is the subject of the appeal and indicating and identifying with Lot/Block numbers all lots within two hundred (200) feet of the site. The base map is to be obtained from the Allegheny County Tax Assessment Office
5. Six (6) copies of a complete list (on Public Notice Property Owners List form supplied by Township) of the Lot/Block numbers and names and addresses of the owners thereof of all lots adjacent to and all lots otherwise within two hundred (200) feet of the lot which is the subject of the appeal from the most current records of the Allegheny County Tax Assessment Office.

PROCEDURES

1. Submit the application from 8:00 AM to 4:00 PM, Monday through Friday to the following:

ZONING ADMINISTRATOR
Department of Community Development
Upper St. Clair Township
1820 McLaughlin Run Road
Upper St. Clair, PA 15241

The filing deadline is the fourth (4th) Friday prior to the meeting at which the matter is to be heard. When the fourth (4th) Friday is a day when the Township offices are closed, the deadline shall be the working day preceding the fourth (4th) Friday.
See the attached schedule.

2. Township 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. Public notice consists of mailing notices by certified mail to property owners adjacent to the property involved and by regular mail to other property owners within 200 feet of the subject property, by legal advertisements in a newspaper of general circulation in the Township 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 the 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 objectors' witnesses;
 - (2) Applicant's cross-examination of objectors' witnesses.
- (L) Other testimony and evidence;
- (M) Concluding remarks, including statement of continuance, final decision, or notice of when decision is expected to be made;
- (N) Adjournment 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 zoning approval, building permit and grading 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.