

**Rules of Procedure
Zoning Hearing Board
East Bradford Township, Chester County, Pennsylvania**

Procedure to be followed by all applicants before the Zoning Hearing Board of East Bradford Township:

These rules of procedure are adopted by the Board pursuant to authority granted in the East Bradford Code, §115-79.

The rules set forth herein are intended by the said Board to apply to all applications filed before it and to govern the receipt, processing, hearing and deciding of matters before the Board. These rules may be adopted, amended, repealed or modified from time to time by resolution adopted at any public meeting of this Board.

Rule 1: Form of Application. All applications to the East Bradford Zoning Hearing Board shall take the following format, setting forth all information required. No application will be accepted which is incomplete. The application must include:

1. Name, address, and phone number of applicant.
2. Specific address of the affected real estate and county tax parcel number identification. (Do not use P.O. Box.)
3. Relationship of applicant to the property in question, i.e. owner, equitable owner (copy of agreement must be filed), lessee (copy of lease must be filed).
4. Owner of the property in question.
5. Specific description of the property in question (size of lot/tract and all improvements).
6. Present zoning classification of the property in question. If non-conforming use, so state.
7. Present use of the property.
8. A brief description of the specific use proposed for the property, a citation to the Zoning Ordinance which authorizes said use, and the nature of the relief sought, whether variance, special exception, review of the decision of the Zoning Officer, registration of non-conformity thereof, etc.
9. A concise statement describing the relief sought and the reason(s) why such relief is necessary.
10. The applicant shall submit with the application a plot plan of the property prepared by a registered engineer or registered land surveyor, indicating the location and size of the lot, contours shown at ten (10) foot intervals, the size and location of the existing improvements, the size and location of the improvements proposed to be erected, all dimensions, computations, areas, percentages and measurements necessary to demonstrate compliance with (1) all of the applicable area and bulk regulations and design standards for the Zoning District in which the property is located and (2) the general regulations and requirements, as applicable, as established in Article XVI of the Zoning Ordinance, all existing and proposed public and private easements on or adjacent to the lot, clear site triangles at all points of ingress and egress, (if construction on an undeveloped

lot is proposed) and such other information as applicant believes will assist in clarifying the issues raised by the application. The plan must bear the seal and signature of the engineer or land surveyor.

11. If the appeal is from the denial of the issuance of a permit by the Zoning Officer, attached to the application shall be the formal application for the zoning permit together with the Zoning Officer's denial thereof and the reasons therefore.
12. If any portion of the property is located within the Flood Hazard District, as defined in the Zoning Ordinance, the location of the District as it affects the property shall be shown on the plot plan.
13. The application shall be accompanied by the requisite filing fee payable to "East Bradford Township" and shall be signed by the applicant. *(The filing fee is a deposit (or escrow) for certain expenses incurred in the process and permitted (under the Municipalities Planning Code, PA Act 247) to be reimbursed to the Township by the applicant and may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs, administrative overhead including court reporter. The initial filing fee may not be sufficient to cover the total cost of the expenses permitted reimbursement by the township. The municipality shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs. 4/28/08)*

Rule 2: Filing Procedure. All applications shall be filed in the following manner:

- (a) The application shall be filed at the office of the Township Appointed Solicitor for the Zoning Hearing Board.
- (b) The Solicitor shall not accept an incomplete application, and an incomplete application shall not be deemed to be filed for any purpose. The Solicitor shall not accept partial applications on representation that other documents or plans will be later filed or the fee paid at a later time. Incomplete applications shall be returned promptly with a cover letter indicating the items lacking and a clear statement indicating that the application shall not be deemed filed for any purpose whatsoever until a complete application has been filed.
- (c) Where the Zoning Ordinance requires any certificates of compliance from other offices or agencies, such as the Federal Emergency Management Agency and Flood Hazard District or Flood Plain Relief applications, the same shall accompany the application.
- (d) The applicant shall furnish five (5) copies of the application and the attached plans and explanatory material.

Rule 3: Processing of the Application: Upon receipt of the completed application and sufficient copies of all supporting plans and documents and payment of the proper fee, the Solicitor shall do the following:

- (a) Note the date of receipt in the office of the Solicitor of the completed application. The date of filing shall be the date received by the Solicitor and not the date of mailing.

(b) If the application requires plan interpretation or engineering opinion, the Solicitor shall forward a copy of the application, plan, and all supporting information to the Township Engineer for review and report thereon.

(c) Schedule a date for hearing and send notice thereof at least fourteen (14) days prior thereto to the applicant, his/her attorney and all parties designated by the Zoning Ordinance to receive such notice. Provided, the failure of any person to receive a notice properly stamped and addressed or the failure to send notices to persons other than the applicant who would be entitled to receive such notice shall not in any way invalidate the hearing or impair the Board's jurisdiction.

(d) The notice to the applicant shall include an additional copy thereof and direction to the applicant to post the property with the notice of the hearing at least ten (10) days prior to the hearing and obtain from the applicant, at hearing, his certification of such posting.

(e) Notice of the hearing shall be advertised as required by Zoning Code §115-81A(1).

(f) Copies of the application shall be sent to the members of the Board with a copy of the notice of the hearing.

(g) According to §115-81A (2), the applicant shall:

(1) Post the written notice of said hearing in a conspicuous location on the affected tract of land, at least one week prior to the hearing.

(2) At least 10 days before the date fixed for the hearing, mail written notice thereof to the residence of the owner, if known, or to the occupier of every lot on the same street within 500 feet, measured along the street frontage, of the lot or building in question and of every lot not on the same street but within a five-hundred-foot radius of said lot or building, provided that failure to give notice as required by this subsection shall not invalidate any action taken by the Board. The applicant shall obtain certificates of mailing for each notification.

(3) The notice herein required shall state the location of the lot or building and the general nature of the question involved.

Rule 4: Pre-Hearing Procedures:

1. Hearing Date.

(a) The Board shall meet on call on the date and at the time and place set forth in a duly advertised notice of the hearing. Unless otherwise designated by special order of the Board, all hearings shall be held at the East Bradford Township building, Frank and Copeland School Roads, this Township.

(b) All hearings shall be scheduled for 7:00 p.m., prevailing time, but multiple applications scheduled for the same night may be called in any order at the discretion of the Board of Hearing Officer.

(c) Continuances will be granted only for substantial cause shown and only upon application made at a public meeting in person by the applicant or his/her attorney.

2. Appearances before the Board.

Any applicant may appear representing himself/herself and present his/her own application without the need of counsel. The applicant is cautioned, however, that issues raised in zoning appeals are often technical in nature, and the applicant may benefit from the assistance of legal counsel. A corporate applicant may be represented by an officer of the corporation and a partnership by partner and an estate or trust by its fiduciary. Any other representations shall be by an attorney at law authorized to practice in the Commonwealth of Pennsylvania. A civic association may be represented by an officer thereof.

Rule 5: Procedure at Hearing.

1. Rules of procedure before the Board shall be as set forth in Section 908 of the Pennsylvania Municipalities Planning Code and §115-81 of the East Bradford Zoning Code.

2. In all applications for a variance, the burden of proof shall be upon the applicant to prove entitlement to the relief requested in accordance with the requirements of MPC Section 910.2 and East Bradford Code §115-85.

3. In all applications for a special exception, the applicant shall have the burden of proving entitlement to the relief requested, and the applicant is cautioned that it is the applicant's burden to prove compliance with each of the elements required in East Bradford Zoning Code §115-86.D.

4. The applicant is reminded that statements of counsel for the applicant are not evidence and will not be considered by the Board as evidence in ruling on the issues presented.

5. In any application where proof of the applicant's case is dependent upon the presentation of expert testimony, it shall be incumbent upon the applicant to present oral testimony of such expert witness, which shall be subject to cross-examination. Written reports of expert witnesses, without the appearance of such witness, will not be accepted by the Board as evidence.

6. No testimonial evidence will be accepted by the Board unless a witness is first sworn and qualified. Thus, letters, petitions and other forms of documentary evidence, not properly qualified under the rules of evidence, will not be accepted or considered by the Board, nor will they be admitted as evidence.

7. In all other respects, the rules of procedure before the Board, unless otherwise modified by written order of the Board, shall be in accordance with the Pennsylvania Municipalities Planning Code and the East Bradford Township Zoning Code.