

ARTICLE 10

ZONING HEARING BOARD

SECTION 10.1 ESTABLISHMENT AND MEMBERSHIP:

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member.

SECTION 10.2 ORGANIZATION OF BOARD:

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided herein. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board

shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

SECTION 10.3 HEARINGS:

- A. The Board shall provide public notice, conduct hearings and render decisions all in accordance with the applicable provisions of “The Act”.
- B. The Board of Supervisors may prescribe reasonable fees that are established by resolution, which may be revised from time to time, with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

SECTION 10.4 BOARD’S JURISDICTION:

The Zoning Hearing Board shall have the exclusive jurisdiction in accordance with “The Act” to hear and render decisions in the following matters:

- A. Substantive Challenges to the Validity of the Zoning Ordinance.
- B. Procedural Challenges to the Validity of the Zoning Ordinance.
- C. Special Exceptions.
- D. Variances.
- E. Appeals from the determination of the Zoning Officer.
- F. Appeals from a determination by a municipal engineer or the Zoning Officer regarding any provision within the Floodplain Area Regulations;

G. Appeals from the determination of the Zoning Officer or municipal engineer regarding any land use Ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development.

H. Any other matter that is within the jurisdiction of the Hearing Board as provided by “The Act”.

SECTION 10.5 EFFECTS OF BOARD DECISIONS:

- A. If the variance or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
- B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;
- C. Should the appellant or applicant commence construction or alteration within said two (2) year period, (if the variance or special exception is granted or the issuance of a permit is approved) but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,
- D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed herein. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite timeframe for (1) issuance of a zoning permit, and (2) completion of construction of the project.

SECTION 10.6 APPEAL:

Any person, taxpayer, or the Township aggrieved by any decision of the Board, or the Board of Supervisors, may within thirty (30) days after such decision of the Board seek review by the Court

of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of "The Act" as amended.