

GUIDELINES FOR APPEAL OF ANY DECISION OF THE ZONING ADMINISTRATOR

USC CODE 130.54.5

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.

APPEALS

Appeals may be made to the Zoning Hearing Board by any aggrieved person, firm, or corporation or by any officer or department of the Township affected from the following:

1. A determination of the Zoning Officer relative to interpretation of Chapter 130 of the Township Code, Zoning.
2. A determination of the Township Engineer or Zoning Officer regarding flood plain restrictions in the Zoning Code.
3. A determination of the Zoning Officer under Section 916.2 of the Pennsylvania Municipalities Planning Code, entitled Procedure to Obtain Preliminary Opinion.
4. A determination of the Zoning Officer or Township Engineer with reference to sedimentation and erosion control and storm water management for development not involving subdivision and land development or planned residential development.

Such appeal shall be made within thirty (30) days from the date of notice of such decision by filing with the Zoning Administrator and with the Zoning Hearing Board a Notice of Appeal specifying the grounds therefor.

When an Applicant has been denied Zoning Approval and it is alleged that the provisions of the Zoning Code inflict unnecessary hardship upon the Applicant, the Applicant may appeal to the Zoning Hearing Board for a variance. See Guidelines for Variances.

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 Applicant. If the Applicant is the agent of the landowner, evidence of authorization by landowner is required.
2. Six (6) copies of the action being appealed along with any statement of the reason for the appeal and other information thought to be pertinent to law and fact.
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 by Ord. 1818, 12-6-99]. No cash please. No refund of the application fee can be made once the application is filed.

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 legal advertisements in a newspaper of general circulation in the Township. Due notice is given to the parties in interest.
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 on the decision of the Zoning Hearing Board. Generally, the assistance of an attorney is needed for filing such an appeal. An appeal does not stay the action appealed, but Appellants may appeal for a stay.