

Zoning Hearing Board Meetings: What to Expect

Overview

The Zoning Hearing Board of Langhorne Manor Borough meets on a case-by-case basis. Cases are scheduled after a completed application is submitted.

The Zoning Hearing Board conducts hearings to consider requests for special exceptions consistent with the Borough's Zoning Ordinance or variances from requirements of the Borough's Zoning Ordinance and makes decisions on challenges to the findings of the Zoning Officer, and challenges to the validity of the Zoning Ordinance or map.

What Is the Difference Between a Special Exception and a Variance?

A special exception is a listed permitted use that has conditions attached. A special exception request is required to appear before the Zoning Hearing Board to ensure the listed conditions are met.

A variance is a request to be exempt from some of the rules of the zoning ordinance due to a hardship. The Pennsylvania Municipalities Planning Code states five conditions that must all be met to be granted a variance. A summary of those conditions are:

- there must be unique circumstances
- no possibility the lot can be developed in conformance with the ordinance
- the hardship has not been created by the applicant
- the variance will not alter the character of the neighborhood
- it is the minimum variance possible

Applications to the Zoning Hearing Board

Applicants must fill out an application and render the appropriate fees and/or escrows prior to appearing before the Zoning Hearing Board. The Borough uses the application fee to cover costs of the hearing, including the applicant's share of the stenographer's fee.

<https://langhornemanor.org/wp-content/uploads/2021/01/Variance-Application-fillable-1.0.pdf>

<https://langhornemanor.org/wp-content/uploads/2022/06/2022-LMB-Fee-Schedule.pdf>

Zoning Hearing Board Members & Solicitor

The Zoning Hearing Board members are appointed by the Borough Council, and the Zoning Hearing Board appoints a solicitor. Members and solicitor can be found here:

<https://langhornemanor.org/boards-commissions/zoning-hearing-board/>

Note: The Municipalities Planning Code, which governs the conduct of Zoning Hearings and Zoning Hearing Board Members prohibits members from engaging in *ex parte* communications regarding a pending application."

What happens at a Zoning Hearing Board Meeting?

The following persons will be present:

- Members of the Zoning Hearing Board
- Zoning Hearing Board Solicitor
- Stenographer
- Applicant
- Applicant's legal counsel
- Applicant's witnesses

In addition, the following persons may be present:

- Borough Solicitor may be present if Borough Council has voted to take a stance on the application/appeal
- Borough Manager
- Zoning Officer
- Witnesses
- Members of the public

The typical procedure followed at a Zoning Hearing Board meeting is outlined below:

- The meeting is called to order.
- The applicant/appellant is sworn in and presents the facts of the case. Expert witnesses may be introduced at this time.
- At the hearing the board places into the record the application, record of notice, and other documents or maps relevant to the application which have been submitted by Applicant with the Application or produced by the Borough or ZHB Solicitor in advertising the hearing. If the Applicant wishes to use documentary materials, such as maps, pictures, reports and the like they also must be placed into the record of the proceedings.
- Other parties are given the opportunity to comment or offer additional evidence depending on party status.
- At the conclusion of the case, the testimony is submitted into evidence and the case is closed. Normally, the Zoning Hearing Board will recess to discuss the evidence and testimony.
- Upon return, a motion will be made to grant or deny the request. This is typically the same evening as the hearing but in some instances, the case is continued.

What is a Party or Standing?

Parties to the hearing can be any person affected by the application who has made a timely appearance of record before the board, including civic or community organizations. All persons who wish to be considered as a party should make themselves known at the hearing.

A party has the right to be represented by counsel. A party must be given the opportunity to respond, present evidence, and cross-examine adverse witnesses on all relevant issues.

After a decision is made, a party will be provided with information on how to obtain the written decision. A party can appeal that decision within 30 days. Generally, the assistance of an attorney is generally needed for filing an appeal to the Bucks County Court of Common Pleas.

What is Public Notice?

Any application received to go before the Zoning Hearing Board is advertised for public notice. The notice will be made public in the following manner:

1. The notice will be posted in a conspicuous location as near the property involved as possible. This is done at least one (1) week prior to the hearing.
2. Letters are sent to the applicant and to all “parties in interest, who shall be at least those persons whose properties adjoin or are across public roads from the property in question.” See, Langhorne Manor Borough Zoning Ordinance, Sec. 1111(a)(2).
3. As per Pennsylvania Municipalities Planning Codes (§ 107. Definitions): *The notice will be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the nature of the matter to be considered at the hearing. The first publication shall not be more than (thirty) 30 days and the second publication shall not be less than seven days from the day of the hearing.*

How Should the Applicant Prepare for the Meeting?

The applicant should be prepared to present the case in a clear and concise manner referencing the section(s) of the Zoning Ordinance where relief, a special exception or appeal is being requested.

Applicants are not required to secure legal counsel when presenting to the Zoning Hearing Board, but some applicants choose to seek legal counsel due to the nature of the request.

What Happens After the Zoning Hearing Board Meeting?

The Zoning Hearing Board must render a final written decision within 45 days of the date of the hearing. Official copies of the decision will be distributed to the Zoning Officer, the Chairman of the Zoning Hearing Board, and, in person or by certified mail, to the Applicant. Unofficial copies will be sent to other parties who are directly interested in the property involved. If the variance or special exception is granted, all special standards and conditions will be stated in the final decision

Can the Decision of the Zoning Hearing Board be Appealed?

The applicant or anyone who was given party status has thirty (30) days from the issuance of the written decision to appeal the decision. Appeals from to a Zoning Hearing Board decision should be made to the county court of common pleas.

Generally, the assistance of an attorney is needed for filing an appeal. An appeal does not stay the action appealed but appellants may appeal for a stay.

For More Information:

https://dced.pa.gov/download/tip-sheet-zoning-hearing-board-procedures/?wpdmdl=56224&refresh=6532bd861e9371697824134&ind=1591197267859&filename=ZoningHearingBoardProcedures_2020.pdf