

Zoning Variance Application Packet



Patton Township
100 Patton Plaza
State College, PA 16803
(814) 234-0271

Patton Township website: www.twp.patton.pa.us

Procedures for Applying for a Zoning Variance

1. **Variance Criteria:**

One of the functions of the Zoning Hearing Board is to hear requests for variances from the provisions of the Zoning Ordinance. The granting of variances is strictly regulated by state law. The Pennsylvania Municipality's Planning Code provides that all of the following five (5) criteria must be addressed in order to grant a variance.

The function of the Zoning Hearing Board is to hear requests for a variance where it is alleged that the provisions of the zoning ordinance or sign ordinance inflict unnecessary hardship upon the applicant; to grant or deny special exceptions as stated in the Zoning Ordinance; and hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures, misinterpreted or misapplied any provisions of the Zoning Ordinance.

The Board may grant a variance:

- (1) Where there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topography or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and
- (2) Where, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; and
- (3) Where such unnecessary hardship has not been created by the appellant; and
- (4) Where the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (5) Where the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purpose of this act and the Zoning Ordinance.

Explanation: This form is developed to give the citizens who want to know the criteria, which are established by law, for the granting of a variance.

2. The following forms must be completed and returned with the required fee to start the variance process:
 - a) Variance Application
 - b) Entry of Appearance
 - A copy of this form must be completed by you and everyone that will be presenting testimony on your behalf
 - c) Waiver of Stenographic Record
 - This form must be completed if you do not want a stenographic record of the hearing to be taken. If you desire a stenographic record, the cost of a stenographic record will be shared equally by the Township and the applicant if you desire a stenographic record. The Township will record the hearing if a stenographic record is not being utilized.

Schedule of Fees

Zoning Hearing/Sign Review Boards:

1. Each Zoning/Sign Variance Application (except as noted in 2 below) All permissible costs:	\$1,500 deposit required; unused portion of fee returned to applicant
2. Each variance application under Code Section 175-51 for a single-family dwelling on a non-conforming lot of record	\$60.00
3. Appeal from Zoning Officer's interpretation of Ordinance (refunded if appeal is granted by the Township)	\$240.00
4. Challenge to validity of Zoning Officer: All permissible costs:	\$1,500 deposit required; unused portion of fee returned to applicant
5. Rezoning Application: The cost of posting the property plus	\$300.00
6. Curative Amendment Application: Actual costs of engineering review, advertisements, and transcription costs: \$1,500 advance fee, advance fee is refunded if the Township grants the curative amendment	\$1,500 deposit required

**ADOPTED BY THE PATTON TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 9, 2000 RESOLUTION 2000-003**

LAST REVISED July 21, 2022



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Centre County, Pennsylvania
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Phone (814) 234-0271 Fax (814) 238-7790
Email: epz@twp.patton.pa.us
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Application Tracker
(TOWNSHIP OFFICE ONLY)

Date Received: _____

Fee Received: _____

Receipt No. _____

Application for Zoning Hearing Variance

The undersigned hereby applies to the Zoning Hearing Board for a hearing.

APPLICANT (Name): _____

Address: _____

Phone: _____ Email: _____

PROPERTY OWNER: (If different from Applicant)

Name: _____

Address: _____

Phone: _____ Email: _____

PROPERTY LOCATION:

Address: _____

Description (lot number or other, optional): _____

Tax Parcel No. _____

PRESENT USE OF THE PROPERTY:

PROPOSED USE OF THE PROPERTY:

JURISDICTION OF ZONING HEARING BOARD:

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- §175-65.A (1) Substantive Validity Challenge
- §175-65.B (2) Procedural Validity Challenge
- §175-65.C (3) Appeal from Zoning Officer
- §175-65.D (4) Flood Plain or Flood Hazard Ordinance
- §175-65.E (5) Variance
- §175-65.F (6) Special Exception
- §175-65.G (7) Transfer Development Rights
- §175-65.H (8) Preliminary Opinion of Zoning Officer
- §175-65.I (9) Sedimentation, Erosion Control, Stormwater Management
- §175-65.J (10) Chapter 140 (Signs)

To view **Chapter 175-65 – Jurisdiction**, please click on the following link:

<https://ecode360.com/6634462>

Fill in the information requested to describe your appeal or request:

1. Identify the ordinance or section of the ordinance involved.

2. Describe the action you are appealing or the request you are making to the Board.

3. Describe what you desire to build or to do.

4. Describe the reasons for your appeal or request.

Attach all documents, plans, maps, correspondence or other materials relevant to your appeal.



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ENTRY OF APPEARANCE

NAME OF CASE: _____

PROPERTY ADDRESS OR LOCATION: _____

I DESIRE TO BE CONSIDERED A FORMAL PARTY TO THESE PROCEEDINGS. PLEASE SEND ALL NOTICES TO ME OR TO MY ATTORNEY.

NAME: _____

ADDRESS: _____

I AM PRESENT ON BEHALF OF: _____

EXPLANATION:

This form must be filled by every person or his attorney, including the applicant, who desires to be considered a formal party or attorney of record in these proceedings. It is not required to be signed by persons who are only present as witnesses.



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WAIVER OF STENOGRAPHIC RECORD

I AGREE TO WAIVE THE REQUIREMENTS OF SECTION 908 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, WHICH REQUIRES THAT A STENOGRAPHIC RECORD OF THE PROCEEDINGS BE MADE, AND I CONSENT THAT A RECORD OF THE PROCEEDINGS MAY BE MADE ON A TAPE RECORDER.

DATE: _____

SIGNATURE

PRINT NAME

EXPLANATION:

Parties have a right under Section 908 of the Municipalities Planning Code to have a stenographic record made of the hearing. This usually requires that a court reporter be called in. If the parties waive the requirement of a stenographic record, the record of the hearing shall be kept on the municipality's sound recording system. If a party does not desire to waive this taking of the record by a stenographer, they shall so advise the Board prior to the hearing so that a stenographer can be arranged to be present.