

RULES OF PROCEDURE
ZONING HEARING BOARD OF WEST GOSHEN TOWNSHIP

ARTICLE I- GENERAL

1.1 Rules of Procedure.

It is the intention of the Zoning Hearing Board of West Goshen Township to adopt and it does by resolution hereby adopt Rules of Procedure for the receipt, processing, hearing and deciding of matters brought before it. These rules may be adopted, amended, repealed or modified from time to time by resolution adopted at any public meeting of this Board.

1.2 Waiver.

Any rule may, on written application made and for cause shown, be waived by the Board in its sole discretion. The burden of going forward with evidence to justify any such waiver and the burden of persuasion with respect thereto shall at all times be and remain upon the person seeking such waiver.

1.3 Definitions.

1. *Major Application* - Any application or appeal before the Board unless specifically excluded as a minor application pursuant to Section 1.3.2 below.
2. *Minor Application* - Any application before the Board which meets all of the following criteria:
 - a. Does not alter the use classification of the property.
 - b. Does not change the general appearance of the property to render it inconsistent with the other uses or structures in the neighborhood. Thus, an application to use a commercial structure in a residential neighborhood shall not be deemed a minor application.
 - c. Does not have substantial impact upon the adjacent roads.
 - d. Does not involve anything other than dimensional relief.
3. *Board* - The Zoning Hearing Board of West Goshen Township
4. *Plan* - Where a plan is required by this ordinance or by any special or general rule or order of the Board or by any decision of any court, such plan shall (a) comply with the general requirements except as herein specifically excused of Section 84-72-E(6) of the West Goshen Zoning Ordinance; (b) be drawn to scale; (c) have the necessary information thereon to show, both as to existing and proposed conditions, all dimensions relevant to the size and location of buildings and structures on the land, the percentage of lot and building coverage, green area and all other design standards and dimensional standards of the Zoning Ordinance; (d) show adjacent uses and structures; (e) show all existing and proposed public and private easements on or adjacent to the lot; (f) show the extent of compliance or noncompliance, both with respect to existing and proposed conditions, with all objective standards of the Zoning Ordinance; (g) show clear sight triangles at all points of ingress and egress; and (h) such other information as will assist in clarifying issues raised by the application.
5. *Certified Plan* - A plan conforming in every particular with definition (4) above and certified as such and as to its accuracy by and bearing the seal and signature of a professional engineer, registered architect or registered surveyor.
6. *Quorum* - A majority of the members of the Board.

7. *Hearing Officer* ĩ A member of the Zoning Hearing Board designated by general or special order of the Board to receive testimony and file a report thereon to the Board for consideration by an action of the Board.
8. *Secretary or Township Secretary* ĩ Secretary or Township Secretary shall mean the Township Secretary or the generally or specially designated delegate.

ARTICLE II ĩ PREHEARING PROCEDURES

2.1 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 hearings. Unless otherwise designated by special order of the Board, all hearings shall be held at the West Goshen Township Building, 1025 Paoli Pike, this Township.
- (b) Generally, the Board shall schedule and hold its hearings on the first Thursday after the second Tuesday of the calendar month (regular hearing date), but may, upon concurrence of the majority of the Board or order of a hearing Officer, hold its hearings at any other reasonable time satisfactory to the majority of the Board or the Hearing Officer.
- (c) All hearing shall be scheduled for 7 o'clock, P.M., prevailing time, but multiple applications scheduled for the same night may be called in any order at the discretion of the Board or Hearing Officer.
- (d) 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 attorney.

2.2 Appearances Before the Board.

Any applicant may appear in propria persona and present his own application without intervention of counsel. A corporate applicant may be represented by an officer of the corporation and a partnership by a partner and an estate or trust by its fiduciary. Any other representation 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.

2.3 The Application.

1. All applications shall be field on forms therefore supplied by the Township for that purpose.
2. The application shall be accompanied by all plans and supporting data required under these rules and the Zoning Ordinance.
3. The applicant shall, at the time of filing, pay the required fee.
4. The application shall be filed at the office of the Secretary of the Township during normal business hours.
5. The Township Secretary shall not accept an incomplete application, and an incomplete application shall not be deemed to be filed for any purpose. The Township Secretary shall not accept partial applications on representation that other documents or plans will be later files 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, all in capital letters, indicating that the application shall not be deemed filed for any purposes whatsoever until a complete application has been filed.

6. All applications shall be accompanied by a plan. The plan shall be certified for all major applications.
7. Where the Zoning Ordinance requires any certificates of compliance from other officers or agencies, such as Federal Emergency Management Agency in flood plain relief applications, the same shall accompany the application.
8. The application shall contain the following information:
 - a. The name of the applicant.
 - b. The name of the owner of the subject land.
 - c. The location of the subject land by address, if available, the tax parcel reference.
 - d. The zoning district.
 - e. Sufficient information to demonstrate the applicant's status as landowner or person aggrieved and his standing to bring and maintain his application.
 - f. A brief description of the use or other relief sought.
 - g. A brief description of the present use and improvements on the premises.
 - h. If the application alleges error by the Zoning Officer, governing body or other agency, a citation to the official action and a statement of the error alleged.
 - i. If nonconforming or vested rights are alleged, a statement of the source of these rights and the dates such rights arose.
 - j. If the invalidity of any ordinance is asserted, the material required under Sections 1004 or 1005, as applicable, of the Municipalities Planning Code.
 - k. If the applicant seeks relief from the flood hazard regulations, the information required thereunder.
 - l. Any specific relief desired, such as variance, special exception, review of official action, registration of nonconformity or a change of extension thereof, or validity challenge and reference to applicable sections of ordinances.
 - m. Signature of the applicant and his certification of the accuracy of the application, plan and supplemental information.
 - n. The applicant shall furnish three (3) copies of attached plans and explanatory material.
 - o. The name, address and phone number of the applicant, the landowner, the attorney, if any, and the engineer, if any.

2.4 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 Secretary shall do the following:

1. Give the applicant a dated receipt for said application and fee.

2. If the application requires plan interpretation or engineering opinion, forward a copy of the application, plan and all supporting information to the Township Engineer for review and report thereon.
3. Schedule a date for the hearing and send notice thereof at least ten (10) days prior thereto to the owner, the applicant, the attorney and engineer noted on the application, the West Goshen Planning Commission, the Chester County Planning Commission, the Township Solicitor, the Township Engineer, each Supervisor, the Zoning Officer, the Court Reporter, each member of the Zoning Hearing Board, the Zoning Hearing Board Solicitor, all adjacent property owners and those persons whose names are on file with the Township to receive such notices. Provided, however, 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.
4. Cause the Zoning Officer to post the property with notice of the hearing at least ten (10) days prior to the hearing and obtain from the Zoning Officer a certificate of posting.
5. The Secretary may schedule any application for hearing on a regular hearing date, but shall not schedule a hearing to other than a regular hearing date without the concurrence of the Board and its Solicitor.
6. Not more than three (3) hearings shall be scheduled for the same night without the concurrence of the Board.
7. Notice of the hearing shall be advertised in the Daily Local News, or such other newspaper as the Board may by special or general order direct, once a week for two consecutive weeks, the first notice appearing not more than thirty (30) not less than (14) days prior to said hearing date. Proof of publication shall be appended to the record when received.
8. Copies of the application shall be sent to the members of the Board and the Board's Solicitor with the copy of the notice of the hearing.

2.5 Notice List.

The Secretary shall maintain as a public record a list of persons requesting to be notified of hearings. The list shall contain the name, address and last registry date of each person whose name appears thereon. Eleven (11) months after the registry date, the Secretary shall send notice to such person that, unless he requests re-registration by the anniversary date, his name will be stricken therefrom and, if that persons does not renew such registration, the secretary shall delete his name from the list. If the person renews, the Secretary shall enter the anniversary date as the new registration date.

2.6 Processing of Engineering Review.

The Township Secretary shall forward a copy of the application, plan and supporting documents, when required for review under Section 2.4.2, to the Township Engineer within two (2) working days of filing for a review and report thereon.

1. Upon receipt, the Engineer shall review the material and file a written report within twenty (20) working days with the Township Secretary.
2. Upon receipt of the Township Engineer's report, the Township Secretary

shall forward a copy thereof to the applicant's engineer, if any is listed, or, in the absence thereof, to the applicant with notice that no amendment to the plan will be considered by the Board unless submitted at least seven (7) working days prior to the hearing.

3. If the applicant files amended plans or supplemental material seven (7) or more working days prior to the hearing, they shall be submitted to the Township Engineer immediately upon receipt, who shall, prior to the hearing, file a written report thereon.
4. Once the initial application and plans are forwarded to the Township Engineer, the Township Engineer and applicant's engineer may communicate freely to the end that a full review may be presented to the Board. Provided, however, all amended plans and documents shall be submitted only to the Township Secretary and not directly to the Township Engineer.
5. In all matters involving major applications where an engineering review is involved, the Township Engineer shall attend the zoning hearing.