

**RULES OF THE ZONING HEARING BOARD
OF WEST CHESTER BOROUGH**

1. Name

The Board adopts “Zoning Hearing Board of West Chester Borough” as its title.

2. Location

The Offices of the Board shall be in the Borough Hall, 401 East Gay Street, West Chester, Pennsylvania.

3. Zoning Administrative Officer

Borough Council shall appoint a Zoning Administrative Officer who will maintain an Office in the Borough Hall, 401 East Gay Street, West Chester, Pennsylvania. The Zoning Administrative Officer shall have custody of the records and papers of the Board. He shall not permit any original records or papers to be taken from his custody except at the direction of the Board or its Solicitor.

4. Agents

The Board shall use such agents, including a Solicitor, as are authorized by Borough Council.

5. Meetings

The Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. Normally, the Board will meet at Borough Hall, 401 East Gay Street, West Chester, Pennsylvania.

6. Notice of Issuance or Denial of Permits

The Zoning Officer shall give notice to the applicant of the issuance or denial of any permit.

7. Appeals to the Board from an Administrative Decision

Appeals to the Board shall be taken within thirty (30) days after the action which is the subject of the Appeal. Such an Appeal shall be taken by filing with the Board a notice of Appeal specifying the grounds thereof.

8. Form of Appeal of Application

An Appeal filed with the Board as prescribed in Rule #7, or on Application for a Special Exception, or an Application for a Variance from the terms of the Ordinance, shall be filed with the Zoning Officer, and each Appeal or Application shall state:

- The Name and Address of the Applicant.
- The name and address of the Owner or Real Estate to be affected by the Appeal or the proposed Special Exception or Variance.
- A brief description and location of the Real Estate to be affected by the Application or Appeal.
- A statement of the present Zoning Classification of the real estate in question, the improvements thereon and the present use thereof.
- A Statement of the Section of the West Chester Code under which the Variance or Special Exception requested may be allowed, and reasons why it should be granted. The Board may decline to consider any ground or reason for the relief sought which is not stated in the Notice of Appeal or Application.
- A reasonably accurate description of the present improvements and the additions intended to be made under the Appeal or Application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a Plot Plan of the Real Estate to be affected, prepared (except where otherwise authorized by the Zoning Officer) by a Registered Engineer or Land Surveyor, indicating the location and size of the lot and the size of improvements now erected and proposed to be erected thereon.
- Minimum two (2) copies of the above application and all plans associated with the application.
- A PDF copy of the application and plans on disk.

9. Authentication of Interest in Property

Before an application can be filed the Applicant must establish to the satisfaction of the Zoning Officer the he/she has such an interest in the property as would enable him/her, except for the provisions of the Zoning Ordinance, to make use of the property requested by him/her. The Zoning Officer may require the production of the appropriate leases, deeds and other legal documents in order to make this initial determination.

10. Pre-Hearing Memoranda - Briefs

In all cases involving a challenge to the validity of any provisions of any Ordinance, the person asserting the challenge shall file with the Board and the Borough Manager at least five (5) working days prior to the hearing a Memorandum listing;

- The witnesses who will be called, describing the substance of their testimony;
- The Legal Authorities which support the challenge;
- The Memorandum shall be available for inspection by interested parties at the Office of the Board
The Board may refuse to accept any evidence offered without compliance with this rule;

- Briefs shall be furnished to the Board where their filing has been requested by the Chairman of the Board; and,
- Where Memoranda or Briefs are required or permitted, seven (7) copies shall be filed with the Board and a copy shall be served upon opposing parties or their representatives, if their identity is known to the person filing the Memorandum or Brief.

11. Parties

The Parties to a proceeding before the Board shall be limited to:

- The applicant
- The Board
- Civic or Community Organizations and any person affected by the application, who shall both (i) attend the Hearing personally or through Counsel and (ii) enter an Appearance on a Form provided by the Board. Persons who attend the Hearing but do not file the Appearance Form shall not be deemed to be parties to the proceeding.

12. Decisions

All Decisions of the Board shall be filed with the Zoning Officer and be Matters of Public Record. Notice of such Decisions will be given only to parties who, either personally or through Counsel, request at the time of the Public Hearing that such Notice be given them.

13. Amendment of Decisions

The Board may, on its own motion or upon timely request of any party in interest, amend any of its decisions in whole or in part.

14. Direction to Zoning Officer

The Board may, upon request, authorize or direct the Zoning Officer to issue or deny a Permit if, in its opinion, the issuance or denial of such Permit is authorized or required by the Ordinance. In such cases, no Public Hearing will be held unless an Appeal from the issuance or denial of a Permit is taken as provided in these Rules.

15. Disqualification

Any Member of the Board or the Board's Solicitor will disqualify himself from participation in the Hearing or Disposition of any Application or Appeal if such Member or the Solicitor considers that he is personally interested in the outcome of the Application or Appeal.

16. Scope of Rules

These Rules shall be broadly construed in order to give the Board the maximum discretion which it is authorized to exercise.

17. Amendment

These Rules may be amended or rescinded at any time by a majority of the Board.

Promulgated by the Zoning Hearing Board of West Chester Borough this 11th Day of June, 2012

