

FEE PAID: _____
CHECK NUMBER: _____

DATE RECEIVED: _____
RECEIVED BY: _____

CANTON TOWNSHIP
APPLICATION FOR ZONING VARIANCE AND USE BY SPECIAL EXCEPTION

1. SUBJECT PROPERTY

Address: _____ Zoning District: _____
(Property address for which application is submitted)

Current Use: _____
(Residential, Commercial, Industrial, Vacant, Etc.)

PARCEL ID NOS: _____
(Attach additional sheet if needed)

2. APPLICANT

Applicant Name: _____

Address: _____
(If different than subject property)

Relationship of Applicant to Property: _____
(Owner, Contract Purchaser, Etc.)

Phone: _____ Mobile: _____ E-Mail: _____

3. OWNER INFORMATION

OWNER-TITLE HOLDER

IF JOINT OWNERSHIP

Name: _____

Joint Owner: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Email: _____

Email: _____

If ownership is other than individual and/or joint ownership, please check appropriate category and provide all additional ownership information as an attachment:

- Corporation Trust
- Land Trust Other: _____
- Partnership

7. STANDARDS FOR VARIANCE

Pursuant to Chapter 27, the Zoning Hearing Board, upon appeal, shall have the power to authorize variances from the requirements of the Zoning Ordinance and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of the Zoning Ordinance. Responses provided by the Applicant must fully address each standard for variance. A variance may be granted if all of the findings below are made where relevant in a given case. The Applicant has the burden of establishing each of these standards both in writing and at the Public Hearing (attach additional sheets if necessary):

A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical 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.

B. That, 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.

C. That such unnecessary hardship has not been created by the Applicant.

D. That the variance 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.

E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

Applicants must submit 5 copies of this Application along with 5 copies of:

- Current property survey (to scale) indicating all existing/proposed structures and improvements; and
- Photos of the existing and proposed structures to the existing site.

Each **Commercial Variance** Application requires the submission of a **\$2,000 escrow** plus a **\$1,500 non-refundable application fee**. Each **Residential Variance** Application requires the submission of a **\$1,500 escrow** which includes a **\$300 non-refundable application fee**. The escrow will cover any associated engineering, & legal review, advertising costs, and a portion of stenographic appearance fees. Applicants will be reimbursed any remaining escrow funds at the conclusion of the Application process.

8. USES BY SPECIAL EXCEPTION

Pursuant to Chapter 27, the Zoning Hearing Board shall have the authority to hear and decide on applications for Uses by Special Exception as authorized by the Zoning Ordinance, in harmony with its general purpose and intent and in accordance with the standards set forth in the Zoning Ordinance. The Zoning Hearing Board shall approve Uses by Special Exception only if it meets all applicable requirements and the express standards and criteria set forth in the Zoning Ordinance. In granting a Use by Special Exception, the Zoning Hearing Board may attach additional reasonable safeguards as it may deem necessary to properly implement the Zoning Ordinance and protect the public health, safety and welfare.

General Standards for Uses by Special Exception

Applicants must demonstrate compliance with all of the following standards both in writing and at the Public Hearing:

1. The use shall not endanger the public health, safety or welfare, nor deteriorate the environment, as a result of being located on the property where it is proposed.

2. The use shall comply with the performance standards of the Zoning Ordinance.

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3. The use shall comply with all applicable requirements of the Zoning Ordinance, providing supplementary regulations, governing parking and loading, governing signs, and all other applicable provisions of this chapter.

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4. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.

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5. Outdoor lighting, if proposed, shall be designed with cutoff luminaires that direct and cut off the light at a cutoff angle of 60° or less.

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6. For all uses that are subject to the requirements of the Americans with Disabilities Act (ADA) the Applicant shall certify that all applicable ADA requirements have been met in the design.

Standards for Specific Uses

In addition to the General Standards identified above, Applicants must also address the applicable standards to the specific use identified in the Zoning Ordinance.

Applicants must attach additional sheets.

Applicants must submit 5 copies of this Application along with 5 copies of:

- Current property survey (to scale) indicating all existing/proposed structures and improvements;
- Photos of the existing and proposed structures to the existing site;
- Additional sheets addressing Standards for Specific Uses; and
- Traffic impact study (if applicable).

Each **Commercial Exception** Application requires the submission of a **\$2,000 escrow** plus a **\$500 non-refundable application fee**. Each **Residential Exception** Application requires the submission of a **\$1,500 escrow** which includes a **\$300 non-refundable application fee**. The escrow will cover any associated engineering & legal review, advertising costs, and a portion of stenographic appearance fees. Applicants will be reimbursed any remaining escrow funds at the conclusion of the Application process.

9. SIGNATURE AND ACKNOWLEDGEMENT

The undersigned hereby request, upon all of the penalties of the law, for the purpose of inducing Canton Township to take the action herein requested, that all statements herein and on all related attachments are true and that all work here mentioned will be done in accordance with the ordinances of Canton Township and the laws of the Commonwealth of Pennsylvania. The owner and applicant must sign the application.

Owner **Signature:** _____ **Date:** _____

Print Name: _____

Applicant **Signature:** _____ **Date:** _____

(If other than owner)

Print Name: _____

GENERAL INFORMATION

The information that follows is for the Applicant's reference and is not to be submitted with the application.

Once the application is received, written notices shall be sent by the Township, by regular mail, to all property owners located within 300 feet of the entire perimeter of the subject property no less than 7 days prior to the Public Hearing for a Use by Special Exception and at least 14 days prior for a Variance. The cost of mailing the notices shall be paid by the Applicant. Additionally, written notice of said Public Hearing shall be conspicuously posted on the subject property at least 7 days before the Public Hearing for both Variances and Uses Special Exception.

A Public Hearing pursuant to public notice is conducted by the Zoning Hearing Board within 60 days of the submission of a complete and properly filed application requesting a Variance and 20 days if requesting a Use by Special Exception. The Applicant may request, in writing, an extension of time. Said Hearing shall be conducted in accordance with the procedures specified by the Zoning Ordinance.

Approval of a Use by Special Exception shall expire automatically, without written notice to the Applicant, if no application for a land development plan, a grading permit, a building permit or a certificate of occupancy to undertake the construction or authorize the occupancy described in the application for approval of the Use by Special Exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval upon written request of the Applicant prior to its expiration. The maximum extension permitted shall be 12 months.

A traffic impact study, as defined and prepared in accordance with the requirements for a traffic impact study specified in the Subdivision and Land Development Ordinance (Section 206 of the Township Code) for any use that, according to the latest edition of the Institute of Transportation Engineers Trip Generation Manual, will generate 75 or more additional trips during the adjacent street's peak hours.

If land development plan approval is required for the Use by Special Exception, the application for approval of a land development plan required by the Subdivision and Land Development Ordinance (Chapter 206 of the Township Code) shall be submitted to the Township Planning Commission following approval of the Use by Special Exception by the Zoning Hearing Board. Variances that may be required for new or changes to existing development will be considered by the Zoning Hearing Board prior to the Planning Commission's consideration of a proposed land development plan.

In all proceedings before the Zoning Hearing Board, it is the responsibility of the Applicant, or a duly authorized representative, to physically attend the Public Hearing and present the application and any and all relevant information supporting the application. Failure to do so will result in the Zoning Hearing Board not acting on the application.

All referenced to the Zoning Ordinance and Subdivision and Land Development Ordinance may be reviewed by written request to the Township.

