

CITY OF WILKES-BARRE ZONING HEARING BOARD

The City of Wilkes-Barre Zoning Hearing Board is a five (5) member Board that conducts regularly scheduled public hearings once a month on Wednesdays at 4:30 p.m. in City Council Chambers, Fourth Floor, City Hall, Wilkes-Barre, Pennsylvania 18711. The Zoning Hearing Board conducts hearings in accordance with the requirements of Article 14 of the City of Wilkes-Barre Zoning Ordinance, as amended, and Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The members of the Zoning Hearing Board are citizens of the City of Wilkes-Barre and are not employees of the City of Wilkes-Barre. As such, Board members do not receive compensation for the performance of their duties on the Zoning Hearing Board.

Pursuant to the above, public notice will be provided for each monthly schedule of hearings. Agendas will also be posted on line once they are published in the newspaper legal advertisement. Please be advised that an application for appeal must be filed for placement on the agenda of the Zoning Hearing Board. Preliminary application for zoning permit is usually required before filing a zoning appeal. Please read all instructions carefully. Please note that various forms of zoning permit applications are available as applied to different activities and uses. (See Planning and Zoning web page).

APPEAL FILING DEADLINES: Typically, zoning hearing board appeal applications must be filed approximately thirty (30) days in advance of the hearing date. The actual date will be determined on a monthly basis based upon the number of applications, the calendar, and the ability to comply with the required public notice requirements. You may contact the Office of Planning and Zoning for further information in this regard. Every effort will be made to expedite matters to the Board for review, however, **restrictions do apply.**

Decisions made by the Zoning Hearing Board are subject to a thirty (30) day appeal period. Please seek independent qualified professional advice concerning appeals from decisions of the Zoning Hearing Board.

APPLICATION FOR HEARING BEFORE THE WILKES-BARRE CITY
ZONING HEARING BOARD

DATE FILED: ____/____/____

BY: _____

APPLICATION NUMBER: _____

DATE OF HEARING: ____/____/____

I HEREBY MAKE APPLICATION TO THE ZONING HEARING BOARD AND REQUEST A HEARING BE SCHEDULED ON THE MATTER(S) PRESENTED HEREIN. THIS APPLICATION IS SUBMITTED IN ACCORDANCE WITH ARTICLE 14, SECTION 1408 OF THE WILKES-BARRE CITY ZONING ORDINANCE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, AS AMENDED.

ADDRESS OF PREMISES: _____

APPLICANT'S NAME: _____

PHONE NUMBER: _____

MAILING ADDRESS: _____

OWNER'S NAME: _____

PHONE NUMBER: _____

MAILING ADDRESS: _____

STANDING OF APPLICANT

_____ OWNER

_____ EQUITABLE OWNER (Provide copy of Purchase Agreement)

_____ LESEE (Property Owner must sign this application)

DOES THIS MATTER REQUIRE ANY PRELIMINARY ACTIONS(S) BY THE WILKES-BARRE CITY PLANNING COMMISSION? (If yes, please explain):

PLEASE INDICATE BELOW THE ACTIONS YOU REQUEST FROM THE ZONING HEARING BOARD (for example: Variance, Special Approval, Validity Challenge, Appeal from Determination of the Zoning Officer, or other action as provided for under Section 1408 of the Zoning Ordinance) AND ATTACH ZONING OFFICER'S WRITTEN DECISION/OPINION: (attach additional sheets as necessary)

STATE SPECIFICALLY THE GROUNDS (AS APPLIED TO ZONING LAW) OR ANY REASONS WHICH CAN SUPPORT THE REQUESTS CONTAINED IN THIS APPLICATION (Refer to Section 1409 for Variances, Section 1410 for Special Approvals and/or any other applicable provisions contained within the City of Wilkes-Barre Zoning Ordinance and Pennsylvania Municipalities Planning Code, Act 247, as amended): (attach additional sheets as necessary)

Owner/Applicant Signatures: _____

ADVISORY NOTICE TO ALL APPLICANTS

All applicants must read and sign this advisory:

1. The applicant(s) and property owner(s) are advised to attend any necessary meetings or hearings pertaining to their particular application. Legal standing is required and this generally consists of owning the property, leasing the property, or having an executed agreement of sale. It is the sole responsibility of the applicant, lessee, and/or property owner to establish and have standing to represent to the Planning Commission and/or Zoning Hearing Board.
2. Other persons may be allowed to represent subject to the acceptance of the Commission or Board. However, the applicant and property is advised to attend together with other accepted individuals, professionals, or representatives.
3. Staff will process applications as presented. It is the applicant(s) sole responsibility to provide adequate and detailed information and plans sufficient to meet the needs of the Planning Commission and Zoning Hearing Board. The Planning Commission and Zoning Hearing Board could require additional information and may require additional plans or diagrams as deemed necessary for the review of your application.
4. Please direct any inquiries regarding legal standing to your attorney or legal advisor.
5. Although we will guide you through the appropriate process, it is not the responsibility of the City of Wilkes-Barre, City Employees, Board or Commission, to prepare you, advise you, or to represent, provide, or produce documentation you may need to provide for your application.

APPLICATION NUMBER: _____

SIGNATURE: _____

DATE: _____

GENERAL INFORMATION AND GUIDELINES FOR APPLICANTS

1. PLEASE MAKE AN APPOINTMENT IN ADVANCE FOR SITE PLAN AND ZONING PERMIT REVIEW. THIS WILL ELIMINATE ANY POSSIBLE FRUSTRATION YOU MAY EXPERIENCE IF THE APPROPRIATE OFFICIALS ARE NOT AVAILABLE AND/OR ARE BUSY ASSISTING OTHERS WHO HAVE APPOINTMENTS WHEN YOU VISIT THE OFFICE UNANNOUNCED.
2. PLEASE HAVE ACCURATE INFORMATION AND FULLY COMPLETE THE FORMS YOU ARE GIVEN. MOST OF THE TIME, ZONING PERMITS REQUIRE MORE INFORMATION THAN YOU MIGHT THINK. THIS INFORMATION IS NOT REQUIRED TO MAKE IT DIFFICULT, IT IS REQUIRED TO DETERMINE COMPLIANCE WITH A WIDE VARIETY OF REGULATIONS. RESISTANCE IN PROVIDING INFORMATION USUALLY RESULTS IN A DELAY AND WON'T SPEED UP THE PROCESS. Please remember, the regulations are not the opinion of the application examiner. They are ordinances enacted by the City of Wilkes-Barre.
3. PROVIDE ACCURATE SITE PLAN DRAWINGS WHEN REQUESTED. UNLESS DIRECTED OTHERWISE, A SITE PLAN MUST INCLUDE: a) Shape and ACTUAL dimensions of the lot (OFF DEED). B) Size and shape of all buildings and structures and their exact location on the property. Indicate all distances to the structures and/or buildings from the property lines of your lot, i.e., front, sides and rear. C) Size and shape of any new additions/structures/buildings and the distances to the property lines, i.e., front, sides and rear. PLEASE REMEMBER, IT IS YOUR RESPONSIBILITY TO PREPARE AND PROVIDE THIS DOCUMENT TO PROVIDE INFORMATION THAT IS NEEDED TO DETERMINE COMPLIANCE.
4. Please remember, the sooner you complete your applications and provide accurate and complete site plans, the sooner you will get an answer on your application.
5. Please make sure that your applications are completed and signed in INK. Property owners must sign all applications submitted to this office. Please do not ask if someone else can sign. We cannot grant power of attorney.
6. Incomplete and/or inaccurate applications and drawings will be rejected.
7. All permits and approvals are done on paper. ANY DISCUSSION, INCLUDING PHONE CALLS, IS NOT A PERMIT OR APPROVAL.

questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the Board within thirty (30) days after the effective date of the Ordinance subject to the appeal.

- C. Appeals from the determination of the zoning officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, the revocation of a zoning permitted/or building permit or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the zoning officer with reference to the administration of any flood plain provision or regulation within any land use ordinance.
- E. Applications for variances, pursuant to Section 1409 of this Ordinance.
- F. Applications for special exceptions pursuant to Section 1410 of this Ordinance.
- G. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not related to development which is classified as a subdivision, land development, or a planned residential development.

SECTION 1409 VARIANCES

1409.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a variance shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a Zoning Permit to the Zoning Officer in accordance with Section 1302 of this Ordinance.
2. The Zoning Officer is reviewing the subject application renders a determination that the proposed development and/or use of property fails to comply with an applicable provisions and/or regulations of this Ordinance.
3. The Zoning Officer specifies the applicable Sections of this Ordinance relative to the applicant's need to secure a variance(s) from the Zoning Hearing Board.

1409.2 PROVISIONS FOR GRANTING VARIANCES

The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. 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.
2. 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.
3. That such unnecessary hardship has not been created by the appellant.
4. That 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.
5. That 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 purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1410 SPECIAL EXCEPTIONS

1410.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a special exception use shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a zoning permit to the Zoning Officer in accordance with Section 1302 of this Ordinance and a Site Plan in accordance with Section 603 of this Ordinance.
2. The Zoning Officer shall initially review the Site Plan to determine its compliance with Section 603 of this Ordinance.
3. The Zoning Officer shall also render a determination regarding whether the proposed development and/or use is required to secure any variances from the Zoning Hearing Board, in addition to securing a special exception approval.

1410.2 PROVISIONS FOR GRANTING A SPECIAL EXCEPTION APPROVAL

The Zoning Hearing Board shall hear and decide requests for uses and/or development which are permitted as special exception uses. Special exception uses may be referred to the Planning Commission for its review, comments and recommendations prior to final action by the Board. The Board shall grant approval only upon the determination that the proposed

use and/or development conforms with all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. The proposed use shall not jeopardize Community Development Objectives of the Wilkes-Barre City Comprehensive Plan, including any updates, revisions and/or amendments thereto.
2. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
3. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
4. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
5. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
6. The proposed use shall not substantially impair the value of other property in the neighborhood where it is proposed to be located.
7. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
8. The submission of any reports and/or studies, required by the Zoning Hearing Board within the context of the definition "Impact Analysis" as contained within Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Zoning Hearing Board, in requiring such reports and/or studies.
9. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1411 PARTIES APPELLANT BEFORE THE BOARD

Appeal and/or applications for hearings before the Zoning Hearing Board pursuant to those matters contained within Section 1409 of this Ordinance may be filed with the Board in writing by the affected landowner or by any aggrieved person or party. The Board shall not accept appeals or applications for hearings from any tenant or equitable owner of a property without the express written consent of the landowner. In such cases, the landowner's



January 10, 2013
Wilkes-Barre, Pa.

Resolution No. R0006-13

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the Wilkes-Barre Code of Ordinances Appendix A, Article 13, Section 1304, entitled "Schedule of Fees, Charges and Expenses provides, *inter alia*, that Council shall establish by resolution a schedule of fees for matters pertaining to the administration of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wilkes-Barre hereby adopts the following fee schedule:

<u>ZONING</u>	<u>FEES</u>
1. Residential Zoning Application	\$55.00
2. Residential Zoning Permits limited to one of the following:	
Permits limited to:	
Fence Permit:	\$55.00
Shed	\$55.00
Swimming Pool	\$55.00
Driveway Installation	\$55.00
3. Non-residential Application:	\$150.00
4. Zoning District and/or Flood Plain Zone Classification:	\$25.00
5. Appeals to Zoning Hearing Board	
(a) Residential Uses	\$150.00
(b) Non-residential uses	\$350.00
(c) Special Hearing Fees	
(in addition to Regular Fee)	\$350.00
(d) Home occupations	\$250.00
6. Amendments to Zoning Ordinance	\$350.00
7. Amendment to Zoning Map	\$300.00 plus mapping fees

ATTEST:


Jim Ryan, City Clerk

- | | |
|---------------------------------|----------|
| 8. Curative Amendments | \$300.00 |
| 9. Certificate of Nonconformity | \$100.00 |

SUBDIVISION and LAND DEVELOPMENT APPLICATIONS

1. Minor Subdivision

Two Hundred Fifty (\$250.00) Dollars, plus Fifty (\$50.00) Dollars per lot, based upon the number of lots resulting upon subdivision approval.
2. Minor Land Development

Two Hundred Fifty (\$250.00) Dollars, plus Fifty (\$50.00) Dollars per principal structure.
3. Major Subdivision

One Thousand (\$1,000.00) Dollars, plus Fifty (\$50.00) Dollars per lot, based upon the number of lots resulting upon subdivision approval.
4. Major Land Development
 - a. Multiple Structures:

One Thousand (\$1,000.00) Dollars, plus Fifty (\$50.00) Dollars per principal structure.
 - b. Single Structure

One Thousand (\$1,000.00) Dollars, plus Fifty (\$50.00) Dollars per unit of proposed residential or non-residential occupancy.

ENGINEERING/TECHNICAL ASSISTANCE/ZONING FEES

- | | |
|--------------------------|---------|
| 1. ZONING MAPS | \$20.00 |
| 2. ZONING SECTIONS | \$10.00 |
| 3. ZONING ORDINANCE | \$50.00 |
| 4. SUBDIVISION ORDINANCE | \$50.00 |
| 5. TOPOGRAPHICAL MAPS | \$30.00 |
| 6. STREET MAPS (Large) | \$15.00 |
| 7. STREET MAPS (Small) | \$10.00 |

BE IT FURTHER RESOLVED, that all prior fee schedules inconsistent herewith are hereby repealed.

Anthony G. George
Mayor
CITY of WILKES-BARRE
Pennsylvania

William C. Harris
Director of Planning &
Zoning / Zoning Officer



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Wilkes-Barre, PA 18711
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wharris@wilkes-barre.pa.us

OFFICE OF PLANNING AND ZONING

MEMORANDUM

TO: JIM RYAN, City Clerk

FROM: WILLIAM C. HARRIS, Director of Planning & Zoning/Zoning Officer

DATE: November 18, 2015

RE: SCHEDULED MEETINGS FOR THE ZONING HEARING BOARD

The following is a list of regularly scheduled dates of meetings before the City of Wilkes-Barre Zoning Hearing Board. The meetings start at 4:30 p.m. in City Council chambers, Fourth Floor, City Hall, 40 East Market Street, Wilkes-Barre, Pennsylvania. Please note that each agenda of the Zoning Hearing Board is prepared monthly.

January 27, 2016
February 17, 2016
March 16, 2016
April 20, 2016
May 18, 2016
June 15, 2016
July 20, 2016
August 17, 2016
September 21, 2016
October 19, 2016
November 16, 2016
December 21, 2016

William C. Harris

Cc: Zoning Hearing Board
Solicitor