

Penn Hills Zoning Ordinance 2420 Section 15.11

15.11 Powers and Duties - The Zoning Hearing Board shall have the power and duty to perform the following functions in accordance with the Pennsylvania Municipalities Planning Code, (M.P.C.), Act of 1968, P.L. 805, No. 247 as reenacted and amended:

- 15.11.A. To hear and decide appeals from any order, decision, determination, or requirement made by the Code Enforcement Officer in the administration and enforcement of this ordinance, where it is alleged that the Code Enforcement Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any provision of a valid ordinance, map, or rule or regulation governing the action of the Code Enforcement Officer.
- 15.11.B. To hear challenges to the validity of this ordinance or the zoning map, as prescribed by the M.P.C.
- 15.11.C. To hear and decide requests for a variance from the requirements of this ordinance, where it is alleged that the strict application of the provisions of this ordinance would result in unnecessary hardship that would deprive the owner of the reasonable use of the land. The Board shall also have the power to attach such conditions to the variance as it deems necessary to implement the general purpose and intent of this ordinance. No variance shall be granted unless the Board determines and fully describes in its findings, the following:
 - (1) That there are unique physical circumstances or conditions, including irregularity, 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 locate.
 - (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 this 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.

15.11.D. To hear and decide requests for special exceptions expressly allowed by the provisions of this ordinance, and subject to the standards and criteria set forth in Section 12 of this ordinance.

15.11.E. To hear, where the Board has jurisdiction over zoning matters in this section, all other appeals which the applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. The Board shall take evidence and make findings on all relevant issues of fact. However, the Board shall have no power to pass upon the non-zoning issues.

15.11.F. The Board shall also have such other powers as are set forth in the M.P.C. now, and as hereinafter amended.

15.12 Appeal to Court - Any party aggrieved by any decision of the Board may appeal therefrom within thirty (30) days to the Court of Common Pleas of Allegheny County, in the manner prescribed by the M.P.C.

15.13 Time Limitations - Variances and Special Exceptions: Upon receiving an approval for a variance or special exception a landowner will have twelve (12) months from the date of the Zoning Hearing Board decision to obtain a building permit, an occupancy permit, or otherwise establish or develop the property in accordance with the Board approval or the variance or special exception shall become null and void. The Planning Director may, however, grant an extension of time if the landowner requests such an extension, and if good cause is shown.

