



# APPEAL TO ZONING HEARING BOARD

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## Zoning Hearing Procedure

An application may be made for a variance to the Zoning Hearing Board when a property owner is refused a zoning permit, building permit by the Zoning Officer, or a Site Plan Review shows non conformance to the Zoning Ordinance requirements.

The Attached application must be submitted by the applicant and submitted to the Zoning Officer along with any required documentation which would include:

1. Copy of zoning denial by Zoning Officer
2. Description of plans for items to be erected
3. Completed building permit application
4. Up to date survey and/or plot plan in the current owner's name
5. Completely filled out appeal application (attached)
6. Payment for the appeal
  - a. Residential: \$250.00
  - b. Commercial: \$500.00

**The application, payment, and all required documentation must be submitted four (4) weeks prior to the hearing date.**

Once the Zoning Officer receives the above information, a hearing date will be set and the necessary arrangements will be made by the zoning office to advertise the hearing and post the property as required by the Municipal Planning Code. The sign posted on the property must remain for fifteen (15) days and will be removed by the Zoning Officer after the hearing.

The Zoning Hearing Board will hold the meeting at the Baldwin Borough Municipal Building (3344 Churchview Avenue, Pittsburgh PA 15227). The board will take any testimony for or against the appeal. At the conclusion of the hearing, either a decision will be rendered or a future date will be announced to render the decision. Once the decision is rendered, any party may appeal the to the Allegheny County Court of Common Pleas within thirty (30) days.

A building permit will not be issued until thirty days have lapsed from the date of the decision. The Zoning Officer may, at his or her discretion, issue a permit prior to the thirty day waiting period if the applicant signs a waiver releasing the Borough for any liability.

Anthony Ascioffa, BCO  
Zoning Officer, Code Enforcement, Building Inspector



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## Establishing the Need for a Variance

A variance is a minor modification of the zoning requirements controlling the use of property, and can only be granted if the property owner is able to demonstrate, to the satisfaction of the Zoning Hearing Board, that the subject property cannot be developed in strict accordance with the provisions of the Zoning Ordinance. In order to satisfy this requirement, the applicant must meet **all** of the following tests required by the ordinance:

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 to the circumstances 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 applicant (financial hardship shall not be construed as the basis for granting a variance);
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 or 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.

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Signature of Applicant/Date of Application



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## Notice of Appeal

Appeal Number: \_\_\_\_\_

Fee Paid/Method: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Posting Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Item(s) For Appeal: \_\_\_\_\_

Regulation Required

Proposed

Variance Requested

Regulation Required	Proposed	Variance Requested

\_\_\_\_\_ of \_\_\_\_\_  
(Name of Appellant) (Address)

Request that a determination be made by the Zoning and Hearing Board on the decision of the Building Inspector dated: \_\_\_\_\_

(I,We) believe that the Board should approve this because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



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Have any previous applications or appeals been filed in connection with this property? If yes, please provide the date.

YES Date: \_\_\_\_\_  NO

Variance Granted: \_\_\_\_\_

Applicant's Interest in this Property:  Owner  Agent  Lessee

(I, We) hereby certify that all of the above statements and any statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

**Please Note:** This application must be completed, signed, and submitted to the zoning office together with the fee and must include the following:

- Up-to-date (current) plot plan of property
- Complete plans for item to be erected, constructed, etc.
- Application for Building Permit completed and signed
- The Zoning Board Note of Hearing must be placed on the property visible to the public either in the window or on the property

The appellant(s) must attend the hearing. There is a thirty (30) day waiting period after the decision is rendered prior to a building permit being issued, if favorable to their applicant.

Decision Granted: \_\_\_\_\_ Denied: \_\_\_\_\_

Date of Decision: \_\_\_\_\_ Permit Issued: \_\_\_\_\_



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## SUPPLEMENTAL INFORMATION APPEALS TO THE ZONING HEARING BOARD

**Appeal Number:** \_\_\_\_\_

Property Location: \_\_\_\_\_

Appellant: \_\_\_\_\_

Appellant to list all adjacent properties:

**Right Side**

Address: \_\_\_\_\_

Owner(s): \_\_\_\_\_

**Left Side**

Address: \_\_\_\_\_

Owner(s): \_\_\_\_\_

**Rear**

Address: \_\_\_\_\_

Owner(s): \_\_\_\_\_

**Across (front)**

Address: \_\_\_\_\_

Owner(s): \_\_\_\_\_

**Other**

\_\_\_\_\_

This form is to be completed by the Appellant on all appeals to the Zoning Board