

*77864 53 P.S. § 10910.2

**PURDON'S PENNSYLVANIA
STATUTES AND CONSOLIDATED
STATUTES ANNOTATED
PURDON'S PENNSYLVANIA
STATUTES ANNOTATED
TITLE 53. MUNICIPAL AND
QUASI-MUNICIPAL
CORPORATIONS
PART I. GENERAL MUNICIPAL
LAW
CHAPTER 30. PLANNING AND
DEVELOPMENT
ARTICLE IX. ZONING HEARING
BOARD AND OTHER
ADMINISTRATIVE
PROCEEDINGS**

Current through Act 1999-47

**§ 10910.2. Zoning hearing board's
functions; variances**

(a) The board shall hear requests for variances where it is alleged that the provisions of the zoning 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.

(b) In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

CREDIT(S)

*78113 53 P.S. § 10912.1

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Current through Act 1999-47

§ 10912.1. Zoning hearing board's functions; special exception

Where the governing body, in the zoning ordinance, has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the board may attach

such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

CREDIT(S)

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*1968, July 31, P.L. 805, No. 247, art. IX, § 912.1, added
1988, Dec. 21, P.L. 1329, No. 170, § 91, effective in 60
days.*

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