

**BOROUGH OF RUTLEDGE  
APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION**

212 Unity Terrace, Rutledge PA 19070  
(p) 610-544-1028 (e) rutledgepermits@gmail.com

**GENERAL INFORMATION**

The Zoning Hearing Board is an interpretive, quasi-judicial panel appointed by Borough Council. The panel consists of three voting members and one or more alternates who normally do not vote. The Board hears requests for variances from requirements of the Rutledge Borough Zoning Code as well as other types of zoning appeals. The Zoning Hearing Board meets on an as needed basis.

**APPLICANT**

In most cases, the owner of record of a property is the applicant (if owned jointly, both must sign the application), but an equitable owner (such as someone who has executed a contract to purchase a property) may also apply for a variance. All persons listed on the deed must be a party to the application. A lessee of a property may submit an application only if they are specifically authorized to exercise the rights of a landowner under the lease. In cases where the applicant is not the legal owner of the property, the application must include a copy of an agreement of sale or lease.

**NOTIFICATION**

The Borough will notify adjacent property owners of your variance request. Additionally, the Borough will publish a legal notice on two occasions prior to your hearing date and post your property with a zoning notice.

Each application will be reviewed at a public meeting of the Planning Commission or Borough Council to discuss whether Council might want to appear at the zoning hearing to present its position relative to the application.

**THE HEARING**

The applicant must always attend the meeting of the Zoning Hearing Board at which their variance request will be heard. Applicants will be sworn in by either the Board solicitor or the court reporter, if one is present, and will then be given an opportunity to present evidence to the Board as to why a variance should be granted. Applicants may present photographs and additional drawings believed to be helpful to the case. Letters of support or testimony from affected neighbors on your behalf are also permitted. In addition to the applicant's testimony and evidence, any interested party may appear before the Zoning Hearing Board to ask questions and to make comments appropriate to the matter being heard.

The decision to grant or deny the variance is typically made at the conclusion of the hearing, the Zoning Hearing Board has forty-five (45) days to render its decision on an application. Decisions of the Zoning Hearing Board may be appealed to the Court of Common Pleas.

The recipient of a variance must commence work or other affirmative action within one year of the date the variance is granted or request an extension. The variance granted stays in effect even if ownership of the property changes.

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**VARIANCE**

A. A variance is a request for the Zoning Hearing Board to permit something that is not otherwise allowed by the Borough's Zoning Code. Such approval requires the demonstration of a hardship, as defined by criteria set forth in the Pennsylvania Municipalities Planning Code (MPC). To comply with the law, the applicant must show that:

1. 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. 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. The unnecessary hardship has not been created by the applicant.
4. 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. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation or ordinance in issue, and, in granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance.

The applicant should use the form provided on the application and any additional documentation needed to specify the hardship that they believe entitles them to relief from the Zoning Hearing Board.

**SPECIAL EXCEPTION**

B. A Special Exception may be granted only after the Board finds that the request complies with all applicable standards and criteria specified in the Borough of Rutledge Zoning Code. It is the responsibility of the applicant to demonstrate that the proposed use complies with the criteria and standards set forth below, as well as any additional criteria specific to the special exception under consideration.

**GENERAL STANDARDS FOR SPECIAL EXCEPTIONS**

1. The use shall be consistent with the Borough Comprehensive Plan and the spirit, purpose, intent and provisions of the Borough of Rutledge Zoning Code.
2. The property shall be suitable for the use and such use may be regulated by appropriate conditions and safeguards.
3. The use shall serve the best interests of the Borough and community and shall not injure the health, safety, and general welfare of the public.
4. The proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval must be accommodated in a safe and efficient manner, or improvements must be made in order to effect the same. Similar responsibility must be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.
5. The proposed special exception or other subject of consideration for approval shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design.
6. The use shall not be incompatible with the surrounding area in character and type of development and shall not injure property values in the neighborhood.
7. The use shall not cause overcrowding of the land and congestion of the circulation systems.
8. The use shall not cause odors, unreasonable noise, smoke, vibrations, pollution, or electromagnetic interference beyond the property line.

In granting a Special Exception, the Board may impose such conditions as are necessary to ensure compliance with the purpose and intent of this Zoning Code and of the Borough Comprehensive Plan, which conditions may include plantings and buffers, harmonious design of buildings and the elimination of noxious, offensive or hazardous elements.

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**VARIANCE #**

Request Date: \_\_\_\_\_

**SECTION 1. PROPERTY AND OWNERSHIP INFORMATION**

Owner: \_\_\_\_\_  
Telephone: \_\_\_\_\_ (Available during normal business hours) Email: \_\_\_\_\_  
Property Address: \_\_\_\_\_ Folio #: \_\_\_\_\_ (Available On Property Tax Bill)  
Owner's Address (if different from above): \_\_\_\_\_

**SECTION 2. ARCHITECT, ENGINEER OR CONTRACTOR (IF KNOWN)**

Contractor/Architect Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_ (Available during normal business hours) Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
PA License Number: \_\_\_\_\_

**SECTION 3. DESIGNATED REPRESENTATIVE**

Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_ (Available during normal business hours) Email: \_\_\_\_\_

**SECTION 4. TYPE OF REQUEST**

Variance:   
Special Exception:

**SECTION 5. FEE SCHEDULE**

Residential Fee: \$750      Multi-Unit Residential & Commercial Fee: \$1500

**SECTION 6. DESCRIPTION OF PROPOSED IMPROVEMENT**

TYPE OF IMPROVEMENT (Check all that apply)		PROPOSED USE (For demolition most recent use)	
<input type="checkbox"/> 1. New Building	<input type="checkbox"/> 9. Shed (up to 120 SF)	<b>RESIDENTIAL</b>	<b>NON-RESIDENTIAL</b>
<input type="checkbox"/> 2. Addition	<input type="checkbox"/> 10. Sidewalk, Driveway	<input type="checkbox"/> One Family	<input type="checkbox"/> Institutional
<input type="checkbox"/> 3. Alteration	<input type="checkbox"/> 11. Walkway, Patio	<input type="checkbox"/> Two or More Family # of units _____	<input type="checkbox"/> Religious
<input type="checkbox"/> 4. Repair, Replacement	<input type="checkbox"/> 12. Swimming Pool	<input type="checkbox"/> Garage	<input type="checkbox"/> Office, professional
<input type="checkbox"/> 5. Interior Alteration	<input type="checkbox"/> 13. Fence		<input type="checkbox"/> Store
<input type="checkbox"/> 6. Roofing	<input type="checkbox"/> 14. Demolition		<input type="checkbox"/> Public Utility
<input type="checkbox"/> 7. Deck or porch	<input type="checkbox"/> 15. Other: _____		<input type="checkbox"/> Towers, Tanks
<input type="checkbox"/> 8. Detached Garage (over 120 SF)			<input type="checkbox"/> Other: _____

**FOR OFFICE USE ONLY**

Completed Application       Deed      Fee Paid: \_\_\_\_\_      Date Paid: \_\_\_\_\_  
 Drawings       Photos      Signature: \_\_\_\_\_

SECTION 7. VARIANCE OR SPECIAL EXCEPTION REQUEST

Project Description: \_\_\_\_\_

Section(s) of Zoning Code Seeking Relief: \_\_\_\_\_

Description of Request including any applicable hardship(s): \_\_\_\_\_

Zoning District:  R-Residential  SR-Service/High Density Residential

Lot Size: \_\_\_\_\_ SQ FT

Existing Building Lot Coverage: \_\_\_\_\_ SQ FT \_\_\_\_\_ % Existing Impervious Lot Coverage: \_\_\_\_\_ SQ FT \_\_\_\_\_ %

Proposed Building Lot Coverage: \_\_\_\_\_ SQ FT \_\_\_\_\_ % Proposed Impervious Lot Coverage: \_\_\_\_\_ SQ FT \_\_\_\_\_ %

Total New Building Area: \_\_\_\_\_ SQ FT Total Area of Site Disturbance: \_\_\_\_\_ SQ FT

Existing Front Yard Setback: \_\_\_\_\_ FT Existing Rear Yard Setback: \_\_\_\_\_ FT

Proposed Front Yard Setback: \_\_\_\_\_ FT Proposed Rear Yard Setback: \_\_\_\_\_ FT

Existing Side Yard Setback 1: \_\_\_\_\_ FT Existing Side Yard Setback 2: \_\_\_\_\_ FT

Proposed Side Yard Setback 1: \_\_\_\_\_ FT Proposed Side Yard Setback 2: \_\_\_\_\_ FT

Five (5) Copies of the following must be submitted with the application:

- 1. Plot Plans: Drawn to scale showing the following information:
Existing Plan: Size of lot with street(s) clearly marked including any setbacks or easements
• Existing structure(s) including sheds, garages, decks, porches, swimming pools
• Existing impervious surfaces including driveways, patios, walkways and pools
Proposed Plan: Lot plan including new structure(s) and how it is located in relation to the existing structure(s).
• Provide distance from the new structure to the rear property line, both side property line, front street line, and closest house line. Also show distances from the improvement to any accessory structures.
• New impervious surfaces including additional driveway, patio, walkways and swimming pools.
2. Building Plans & Elevations: Drawn in sufficient detail and to scale (1/8"=1'-0" recommended) showing the following:
• Dimensioned plans of new structure.
• Building elevations providing building heights and any overhangs.
3. Copy of Deed listing the property description
4. Photos of the property.

SECTION 8. APPLICANT SIGNATURE

To the best of my knowledge the information provided above is true.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note: The hearing will not be scheduled until the completed application, required materials and payment have been received and reviewed for compliance. The applicant must attend the meeting of the Zoning Hearing Board at which their variance request will be heard.