



Zoning Hearing Board

Upper Merion Township
175 W. Valley Forge Road
King of Prussia, PA 19406
610-205-8511 fax 610-265-8467

www.umtownship.org



UPPER MERION TOWNSHIP ZONING HEARING BOARD

Instructions

This instruction sheet is designed to assist the applicant to properly complete the application for a hearing before the Zoning Hearing Board. These instructions are not legal advice and it is recommended that the applicant consult with an attorney as a zoning hearing is a formal hearing that will include sworn testimony and involved various legal issues.

Definitions:

Legal Owner: is the title owner of the property whose name appears on the deed.

If the applicant is the legal owner, a copy of the most recent deed must be submitted with the application.

Equitable Owner: is listed as a buyer in an agreement of sale to purchase the real estate.

If the applicant is the equitable owner, a copy of the agreement of sale must be submitted with the application.

NOTE: the price can be redacted from the agreement.

Tenant: is not an owner, but has a written agreement of lease or rental.

If the applicant is a tenant, a copy of the lease must be submitted with the application. In addition, a letter from the landlord granting the applicant permission to file the application must be submitted.

It is important that the applicant complete the application and provide as much detail as possible. If the answer to any questions on the application require the applicant to elaborate more than permitted by the space provided, the applicant should attach additional documentation completing the applicant's answer.

In addition to all of the information requested in the application, the applicant must supply:

- * at least one photograph of the subject parcel
- * a copy of the deed for the subject parcel
- * a plot plan showing existing features as well as the proposed improvements
If it is not practical to obtain a plot plan, the applicant must obtain a copy of the tax map and hand draw the existing features as well as the proposed improvements.
- * 1 paper copy and 1 electronic copy of the application and attachments

At the time the application is filed, the applicant must submit a check in the amount of \$500 for residential applications or \$2,000 for commercial applications. The check should be made payable to Upper Merion Township. *All of the materials listed in these instructions must be attached to the application at the time it is filed.*

In addition, for any application, which in the opinion of the zoning officer, will require review by Township Consultants (particularly steep slope and flood plain) will require the establishment of an escrow account in the amount of \$2,500, funds for which are payable at the time of application.

There are five (5) members of the Zoning Hearing Board; occasionally, however, there may only be four (4) members at the hearing. In this instance, the applicant may wish to consider continuing the case until all five (5) members are in attendance, as the applicant's relief is deemed denied if there is a tie vote.

At the time of the hearing, the Board will request the applicant to present the applicant's case. The applicant should be prepared to offer testimony to support the application, as the applicant has the burden of proving that the requested relief be granted.

The applicant's witnesses may be asked questions by the Board, or by someone else who attends the hearing. After the applicant concludes testimony, the members of the public may offer testimony either in support, or in opposition, to the application.

The members of the Zoning Hearing Board cannot be contacted by the applicant, or anyone on behalf of the applicant, as the Board sits in a judicial capacity. Unauthorized contact by the applicant may result in denial of the requested relief.

The Board can only take information presented to the Board at the time of the hearing; however, the applicant is encouraged to discuss their proposal with the immediate neighbors.

Within forty-five (45) days of the conclusion of the hearing, the Board will vote on the application at a public meeting. Shortly thereafter, the Board will issue a decision outlining the reasons for their action. If the applicant is not satisfied with the decision, the applicant should consult with an attorney to determine their right to appeal.

If you have any questions regarding the information required to complete the application, please contact Mark Zadroga, Director of Code Enforcement, at 610-205-8511