

## **BOROUGH OF SWARTHMORE APPLICATION FOR SPECIAL EXCEPTION**

### **A. GENERAL INFORMATION**

Uses specified as Special Exceptions are permitted only by approval of the Zoning Hearing Board, an interpretive, quasi-judicial panel appointed by Borough Council. The panel consists of five voting members and one or more alternates who normally do not vote. 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 Swarthmore Zoning Code. **It is the responsibility of the applicant to demonstrate that the proposed use complies with the criteria and standards set forth in (B) below, as well as any additional criteria specific to the special exception under consideration (see C below).**

### **B. 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 Swarthmore 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.

### **C. SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS**

Some Special Exceptions (e.g. operation of a day care center or Bed and Breakfast) have standards and criteria **in addition** to the general standards summarized above. Applicants should be familiar with these standards and relate to the Board how they intend to comply with these standards and criteria. Additional assistance is available from the Borough Zoning Officer.

#### **D. THE APPLICATION**

The completed application, including the notarized form, \$300 application fee and all required additional materials, must be filed by the applicant by 4:30 p.m. on the third Tuesday of the month prior to the requested hearing. One copy of the property deed must be included with the application. 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. 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.

The Borough will provide you with a form to notify adjacent property owners of your request for a Special Exception. Proof of the required notification must be submitted to the Borough office at least ten days prior to the scheduled hearing. Additionally, the Borough will publish a legal notice in *The Swarthmorean* 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 and Zoning Committee of Borough Council to discuss whether Council might want to appear at the zoning hearing to present its position relative to the application. The Planning and Zoning Committee normally meets the fourth Wednesday of the month.

#### **E. THE HEARING**

The applicant must always attend the meeting of the Zoning Hearing Board at which their Special Exception request will be heard. Applicants will be sworn in by either the Board solicitor or the court reporter<sup>1</sup>, if one is present, and will then be given an opportunity to present evidence to the Board demonstrating that they meet all standards and criteria for granting of the Special Exception. 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.

While the decision to grant or deny the Special Exception 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.

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<sup>1</sup> Most applicants may sign a waiver from the requirement for a court reporter. In these cases, the hearing will be taped and a transcript made only if necessary.

<p>FOR OFFICE USE ONLY:</p> <p>Date Received _____</p> <p>Zoning District _____</p> <p>Parcel Number _____</p>
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**SPECIAL EXCEPTION APPLICATION**  
**SWARTHMORE ZONING HEARING BOARD**

1. Applicant \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_  
 E-mail \_\_\_\_\_
2. Location of Property \_\_\_\_\_  
 Owners (if different from above; please see instruction) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_
3. Applicant hereby appeals to the Zoning Hearing Board for a Special Exception for the following:  
 \_\_\_\_\_  
 \_\_\_\_\_

which is permitted as a Special Exception in Section \_\_\_\_\_ of the Borough of Swarthmore Zoning Code. Applicant has attached to this application all information necessary to demonstrate that said Special Exception complies with all applicable criteria and standards set for in the Borough of Swarthmore Zoning Code.

\* \* \* \* \*

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF DELAWARE  
 Before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Delaware County, personally appeared \_\_\_\_\_,  
 who being duly according to law, doth depose and say that all the above statements and/or drawings and/or attached plans are true.

Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Applicant signature

\_\_\_\_\_  
 Notary Public Seal

**WAIVER OF COURT REPORTER**  
**FOR ZONING HEARING**

I/we, Applicant(s) herein do hereby waive the requirement of the Pennsylvania Municipalities Planning Code that the Swarthmore Zoning Hearing Board stenographically record the zoning hearing proceedings for my/our zoning application. In lieu of the stenographic recording of the zoning hearing proceedings, I/we agree that the zoning hearing proceedings before the Zoning Hearing Board on my/our application may be taped recorded at no charge to me/us.

Should we decide not to waive the requirement, we will be responsible for one-half the cost of attendance of the court reporter as well as the transcripts, if required.

The Borough may, at its discretion, mandate the use of a court reporter.

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

Signature(s)