

Article X

Administration & Enforcement**§1000-1102. Variances.**

A. The applicant must provide evidence to the Zoning Hearing Board regarding the need for the variance based upon the following criteria:

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 lot and that the unnecessary hardship is not financial and is due to such unique physical conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the zoning district in which the lot is located.

2. That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot.

3. That such unnecessary hardship relating to unique physical circumstances of the property has not been created by the applicant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or zoning district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot, 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. The grant of a variance will expire six (6) months after the date of the Board's written decision unless:

1. The applicant has applied for and obtained a building permit and commenced construction, or

2. In a case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

C. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.

1. Variance approvals must be obtained prior to presenting to the Fayette County Planning Commission for approval.

§1000-1103. Special exceptions.

A. The Zoning Hearing Board shall have the power to decide applications for use by special exception as specified in this Chapter in harmony with its general purpose and intent and in accordance with the standards set forth. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Article VIII of this Chapter. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to properly implement this Chapter and to protect the public's health, safety and welfare.

B. Applicants for a use by special exception shall submit a ~~land development~~ site plan, as defined by Article VIII of this Chapter, and a fee as established from time to time by resolution of the Board of County Commissioners. The ~~land development~~ site plan shall be accompanied by a written application in a form prescribed by the County, including an indication of compliance with the express standards and criteria specified in Article VIII of this Chapter.

C. Special Exception approvals must be obtained prior to presenting to the Fayette County Planning Commission for approval.