

ORDINANCE NO. 213 – 6 – 10 -2004

AN ORDINANCE OF THE TOWNSHIP OF ALLEGHENY, BLAIR COUNTY, PENNSYLVANIA, ESTABLISHING SETBACK REQUIREMENTS FROM PROPERTY LINES ON NEW CONSTRUCTION, REBUILDING AND REPAIRS TO REAL PROPERTY AND IMPROVEMENTS THEREON.

Be it Ordained and Enacted by the Board of Supervisors of Allegheny Township, Blair County, Pennsylvania, that the following Ordinances is enacted as follows:

Section 1.00 – General Provisions

All construction, enlargements, improvements or relocation of any building or structure that requires a building permit pursuant to the Township's Uniform Construction Code Ordinance shall meet the following setback requirements depending upon the availability of public water and sanitary sewer service:

In all sections of the Township served by sanitary sewer and public water facilities, structures shall be constructed no closer than thirty-five (35) feet from front property lines, fifteen (15) feet from side property lines and twenty-five (25) feet from rear property lines.

In all sections of the Township lacking public water and/or sanitary sewer service, setbacks shall be adequate to permit the proper installation and functioning of such systems, and be at least the depth of those for lots having public water and sewer service.

Section 2.00 – Waivers

From time to time a situation may arise where the setback provisions of Section 1 cause undue hardship and prove unreasonable in application for a builder, contractor, developer or landowner who intends to construct, enlarge, improve or relocate a

building or structure. Faced with this situation, a modification, alteration or waiver of the literal application and/or requirements of Section 1.00 can be granted by the Board of Supervisors of Allegheny Township upon its receipt of an application for a waiver of the requirements of Section 1.00 of this Ordinance. Modifications, alterations and/or waivers cannot be contrary to the public interest and must observe the basic purpose and intent of this Ordinance. Assurances must be provided that any modification, alteration or waiver is absolutely necessary and represents the minimum possible modification and/or alteration.

Section 3.00 – Application for Waivers

An application for waiver must be submitted in writing to the Board of Supervisors of Allegheny Township, citing the specific provisions or standards of Sections 1.00 from which relief is requested along with a physical description or the address of the property for which the application for a waiver is sought. The application must stated in full, the grounds and facts of unreasonable and undue hardship upon which the application is based and the exact alteration modification or waiver necessary as well as the names and mailing addresses of all landowners with property adjacent to the property for which the application for a waiver is sought. A record of the application should appear in the official minutes of the Board of Supervisors of Allegheny Township.

Upon receipt of the application for a waiver, the Allegheny Township Board of Supervisors shall schedule a review of the application for a waiver at the next regularly scheduled meeting of the Board of Supervisors provided that the applications is received by the Township at least ten (10) days before the scheduled meeting of the Board of Supervisors. Any application received less than ten (10) days before the

scheduled meeting will be heard at the following month's meeting. At the discretion of the Board of Supervisors, a special meeting may be scheduled to review an application for a waiver at a time selected by the Board of Supervisors. If a special meeting is requested by the applicant, the Board of Supervisors may charge the cost relating to the notices and review to the applicant.

Written notice of the time and place of the regular meeting at which the application will be reviewed shall be sent by Township to the applicant and to all landowners with property adjacent to the property for which the application for a waiver is sought at least seven (7) days prior to the date of the regular meeting.

In the event a special meeting is called to review the application for a waiver, the Township shall provide written notice to the applicant and to all landowners with property adjacent to the property for which the application for a waiver is sought within a reasonable time after scheduling a time and place for the special meeting and prior to the time of special meeting.

A complete record of all waiver applications and notices shall be maintained by the Township.

Section 4.00 – Review of Applications and Conditions for Granting a Waiver

The applicant and all other persons referred under section 3.00 shall have standing to be heard and to present testimony and evidence at the time of the review of the application.

After discussion and/or the presentation of supporting facts, the Township may grant a waiver to the setback requirements of Section 1.00 if:

- a. the property in question is not large enough to allow for the construction, enlargement, or relocation of the building or structure in question to be made in conformity with Section 1.00; and
- b. the failure to grant the waiver would result in undue and unreasonable hardship to the applicant.

No waiver shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation, and all buildings and structures shall be designed and constructed so as to have the capability of resisting the one-hundred year flood.

If granted, a waiver shall involve only the least modification or alteration necessary to provide relief.

In granting a waiver, the Township may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Ordinance.

After making a decision regarding the application for a waiver, the Board of Supervisors shall provide written notice of their decision to the applicant and to all other persons noticed under Section 3.00 who appear at the time of the review of the application. The notice of decision shall contain the Board of Supervisors' ruling on the waiver application and their reasons for granting or denying the application along with any reasonable conditions and safeguards which the Board has imposed.

Section 5.00 – Appeals from Decisions of The Board of Supervisors

Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court as provided by the laws of this Commonwealth.

Section 6.00 – Effective Date

The effective date of this Ordinance shall be five days after the date of passage and shall apply to all building permit applications filed with Allegheny Township on or after the effective date hereof.

ORDAINED AND ENACTED as an Ordinance of Allegheny Township this 10th
day of June, 2004

ATTESTED

Terry Gebhardt
Terry Gebhardt, Secretary

TOWNSHIP OF ALLEGHENY

David E. Burchfield, Jr.
David E. Burchfield, Jr.

Fred N. Imler, II
Fred N. Imler, II

Donald W. Fowkes, Jr.
Donald W. Fowkes, Jr.

