

Amendment to Ordinance 107

107.6E Waivers and Modifications

- A. The Township Board of Supervisors shall have the power to authorize waivers and modifications of these regulations. The Planning Commission shall recommend to the Township Supervisors whether a waiver or modification should be granted to the applicant. Said modification or waiver shall only be granted when it is consistent with the public interest and the purpose and intent of the ordinance. Such modification cannot make the intent or purpose of the ordinance null and void.
- B. Applications for such waivers and modifications shall be submitted in writing by the sub-divider or agent at the time the subdivision or land development plan is filed, except in case where a waiver or modification is proved necessary at a later date by construction conditions. The application shall state fully the grounds upon which it is based and all the facts relied upon by the agent, sub-divider or developer. The applicant shall also include the specific section of the ordinance he or she is requesting a modification or waiver.
- C. The Township Board of Supervisors may, by resolution, authorize a waiver or modification of these regulations when, in its opinion, undue hardship will result from strict compliance therewith, subject, however, to the provisions of the Pennsylvania Municipalities Planning Code and the following:
 - (1) Waiver or modification applications shall, in those instances where either the applicant so requests or the Township determines a waiver or modification could have an impact on adjoining properties, be subjected to a public hearing pursuant to public notice. The person applying for a waiver or modification shall in such cases pay to the Township, in advance, such sum as provided for by resolution of the Township Board of Supervisors setting forth fees.
 - (2) Any resolution of the Township Board of Supervisors authorizing a waiver or modification of these regulations shall state in it the reasons on which the Board of Supervisors bases its finding that unreasonable hardship will result from strict compliance with these regulations.
 - (3) The Board of Supervisors shall provide a written notice to the applicant if the request for a modification or denial is granted. Further, the Board of Supervisors will keep written records on all actions concerning any applicant's request for a waiver or modification.
- D. In authorizing a waiver or modification, the Township Board of Supervisors may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objective of these regulations. Modifications may be granted where the following conditions occur:
 - (1) There is no reasonable possibility, because of unique physical circumstances, of developing the property in strict conformity with the provisions of these regulations.
 - (2) The above hardship would be unique and not shared by other properties in the immediate vicinity.

- (3) The waiver would not change the character of the area and would preserve the purpose and intent of these regulations.

DELAWARE TOWNSHIP BOARD OF SUPERVISORS



THOMAS RYAN, CHAIRMAN



JEFFREY SCHEETZ, VICE-CHAIRMAN



ROBERT LUCIANO, SUPERVISOR

ATTEST:



JEFFREY SCHEETZ, TOWNSHIP SECRETARY