

## ARTICLE XIV

### MODIFICATION OF REQUIREMENTS

#### 1401. Special Conditions

- a. Where a literal enforcement of the provisions of these regulations will result in unreasonable hardship because of peculiar conditions pertaining to the land in question, the Board of Supervisors, after review by the Planning Commission, may grant a modification of the requirements of one or more provisions of this Ordinance.
- b. Such a modification of requirements shall be granted provided that such reasonable alteration thereto will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.

#### 1402. Applications for Modification

- a. Applications for any modification or waiver of requirements or specifications imposed by this or other ordinances shall be submitted in writing by the applicant at the time the Application for Development is filed with the Township.
- b. The application shall state the property involved, explain fully the grounds of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved, and the minimum modification necessary.
- c. In all cases, the burden of proof of unreasonableness or hardship shall be on the Applicant.

#### 1403. Modification Action by the Board of Supervisors

- a. The Board of Supervisors shall consider and act upon requests for modification at a regularly scheduled meeting of the Board.
- b. A formal hearing shall not be required. However, the applicant or any interested party may request a hearing upon agreement to pay for the public notice and stenographic costs thereof.
- c. At any meeting or hearing, the applicant or his representative shall present evidence in support of the request.

- d. The Board of Supervisors after hearing said evidence and considering the application, may grant or deny said modification or may approve the modification with conditions. Approval of an application for modification of requirements shall be only the minimum modification necessary and shall be entirely within the discretion of the Board of Supervisors.
- e. In modifying any requirements, the Board of Supervisors shall record its action and the grounds for the modification of a requirement to the applicant applying or the modification.
- f. Whenever a request for the modification of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Supervisors shall transmit a copy of the action and the grounds for denial of any alteration to the applicant applying for the modification.