

RULES

of the

HEARING OFFICER

of

LOWER MERION TOWNSHIP

1. NAME.

The Hearing Officer adopts "Hearing Officer" as its title.

2. LOCATION.

The offices of the Board shall be in the Township Building, 75 East Lancaster Avenue, Ardmore, Pennsylvania.

3. SECRETARY.

The Hearing Officer shall utilize the Township Secretary who will maintain an office in the Township Building, 75 East Lancaster Avenue, Ardmore, PA. The Secretary shall have custody of the records and papers of the Board. He shall not permit any original records or papers to be taken from his/or her custody except at the direction of the Hearing Officer or its Solicitor.

4. AGENTS.

The Hearing Officer shall use such agents, including a Solicitor, as are authorized by the Township Commissioners.

5. MEETINGS.

(A). Meetings shall be held at the call of the Hearing Officer. Normally the Hearing Officer will meet in the Township Building, 75 East Lancaster Avenue, Ardmore, Pennsylvania.

(B). The ultimate authority to schedule cases rests with the Hearing Officer. Subject to that authority:

1. Unless otherwise directed by the Hearing Officer, the Secretary shall schedule initial hearings in all cases.

2. The Secretary may grant a request from an applicant or appellant who is the landowner of the property involved to postpone an initial hearing if (I) the request is received no later than two days before the hearing and (II) the applicant or appellant waives any right to insist that the hearings commence within the time specified by the code. The Secretary may refer any such request to the Hearing Officer.

3. The Hearing Officer shall have the power to postpone or continue any hearing at the request of an applicant or appellant who is the landowner of the property involved, or where, in his judgement, weather or other conditions warrant that action.

6. NOTICE OF ISSUANCE OR DENIAL OF PERMITS.

The appropriate Township official shall give notice to the applicant of the issuance or denial of any permit.

## 7. FORM OF APPEAL OR APPLICATION.

An appeal filed with the Hearing Officer shall be filed with the Township Secretary and each appeal or application shall state.

1. The name and address of the applicant.
2. The name and address of the owner of the real estate to be affected by the appeal.
3. A brief description and location of the real estate affected by the application or appeal.
4. A statement of the present building classification of the real estate in question, the improvements thereon and the present use thereof.
5. A statement of the grounds for an appeal and the section of the Lower Merion Code from or under which an appeal or relief should be granted. The Hearing Officer may decline to consider any ground or reason for relief which is not stated in the notice of appeal or application.
6. A reasonably accurate description of the present improvements and the additions intended to be made under the appeal or application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached three copies of a building plan of the property to be affected. Such plan shall indicate the location and size of the lot and the size of improvements now erected and proposed to be erected thereon. The applicant should arrange to have additional plans available prior to or at the meeting for potential protestants.
7. The total number of witnesses who will give testimony and an indication of the amount of time necessary to present the applicant's case.

## 8. AUTHENTICATION OF INTEREST IN PROPERTY.

Before an application can be filed, the applicant must establish to the satisfaction of the Secretary that he/she has such an interest in the property as would enable him/her to make the use of the property requested by him/her. The Secretary may require the production of the appropriate leases, deeds and other legal documents in order to make this initial determination.

## 9. EXHIBITS.

All exhibits shall be in a form that can be folded to dimensions of eight by ten and one-half. Nothing in this rule shall prevent a party from mounting a copy of an exhibit to facilitate its use at the hearing. Where a model or similar exhibit is used at the hearing, a photograph shall be used as the exhibit for record purposes.

## 10. PARTIES.

The parties to a proceeding before the Board shall be limited to:

- (a). The applicant;
- (b). The Township; and
- (c). Civic or community organizations and any person affected by the application, who shall attend the hearing personally or through counsel.

## 11. DECISIONS.

All decisions of the Hearing Officer shall be filed with the Secretary and be matters of public record. Notice of such decisions will be given only to parties who, either personally or through counsel, request at the time of the public hearing that such notice be given them.

12. AMENDMENTS OF DECISION.

The Hearing Officer may, on its own motion or upon timely request of any party in interest, amend any of its decisions in whole or in part.

13. DISQUALIFICATION.

The Hearing Officer will disqualify him/herself from participating in the hearing or disposition of any application or appeal if the Hearing Officer considers that he/she is personally interested in the outcome of the application or appeal.

14. SCOPE OF RULES.

These Rules shall be broadly construed in order to give the Hearing Officer the maximum discretion which it is authorized to exercise.

15. AMENDMENT.

These Rules may be amended or rescinded at any time by the Hearing Officer.

16. FEE.

The fee for an application to the Hearing Officer is \$225.00.

Pamela Loughman, Hearing Officer