

## PENN TOWNSHIP

### A GUIDE TO ZONING HEARING CASES AND APPROVALS

- *What should be on the application?* The application needs to clearly state the case you are presenting, in a way that presents what you are proposing and also mentions specific sections of the zoning ordinance. A plot plan of the lot at issue should be provided showing all buildings, parking, water and sewer locations. Other information pertinent to the specific application should be provided. For instance, a home occupation request should include a floor plan, a request for a setback variance might need to provide distances from the lot line for the neighboring structures. While township staff may provide guidance, it is up to the applicant to present a complete application.
- *What is the difference between a special exception and a variance?* A special exception is neither special nor an exception. It is a listed permitted use that has conditions attached. A special exception request is required to appear before the zoning hearing board to ensure the listed conditions are met and there are no other impacts on the community. A variance, however, is a request to be exempt from some of the rules of the zoning ordinance due to a hardship. §604.4 of our ordinance copies the language of the PA Municipalities Planning Code to state that there are six conditions that must all be met in order to be granted a variance. A summary of those conditions is there must be unique circumstances, no possibility the lot can be developed in conformance with the ordinance, the hardship has not been created by the applicant, the variance will not alter the character of the neighborhood, it is the minimum variance possible and the variance shall comply with the floodplain regulations.
- *Who should present my case?* Some citizens present their own cases. Others have their attorney or engineer present their cases.
- *What happens before the hearing?* Public notice is given by running a newspaper ad (twice) in the legal notice section of the Lititz Record, a sign is placed in your yard the week before the hearing and postcards are sent to your immediate neighbors.
- *What happens at the hearing?* You are obligated to present your case to the Board. If you do not present your case the Board may either deny your request or continue the hearing. Once you finish presenting your case, both the public and the Board are entitled to ask questions. Occasionally, the Township Board of Supervisors may express an opinion or request that conditions be imposed. Once testimony is completed, the Board, while it will often make a verbal determination at that time, may take up to 45 days to provide a written decision.
- *What happens after the hearing if my case is denied?* You may appeal the decision to the Court of Common Pleas. If you wish to appeal, you must do so within 30 days of the date of the written decision.
- *What happens after the hearing if my case is approved?* Affected parties, such as neighbors or the Township, may appeal the decision of the Board to the Court of Common Pleas within 30 days after the date of the written decision. Additionally, there often are other approvals to be obtained prior to acting upon the approval you have received from the ZHB. Examples of this would include in-home businesses which are required to obtain building code approval prior to operation or a variance allowing a commercial use would then have to follow the land development process before any construction may begin. A noncommercial keeping of livestock request may require the recording of a nutrient management plan prior to purchase of livestock.

# APPLICATION FOR HEARING BEFORE THE PENN TOWNSHIP ZONING HEARING BOARD

**1. APPLICANT:**

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**2. PROPERTY OWNER (If other than Applicant):**

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Relationship to Applicant \_\_\_\_\_

Telephone number, name of contact person \_\_\_\_\_

**3. PROPERTY AT ISSUE:**

Address (or other description of location) \_\_\_\_\_

Date purchased or obtained interest in property (attach copy of present deed, sales agreement, lease or other document)

Lot Size:                      Width \_\_\_\_\_                      Depth \_\_\_\_\_                      Area (square feet) \_\_\_\_\_

Zoning District in which property is located: \_\_\_\_\_

Dates of any previous applications: \_\_\_\_\_

Present Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Attach a detailed site plan to this application, showing the proposed use, existing and proposed buildings.

THE APPLICANT REQUESTS A HEARING BEFORE THE ZONING HEARING BOARD AND A DETERMINATION ON THE FOLLOWING MATTER:

☐ Special Exception

☐ Variance

☐ Appeal from decision of Zoning Officer

(Complete the following sections as applicable, you may attach pages if necessary)

## SPECIAL EXCEPTION

Ordinance Section (s) at issue: \_\_\_\_\_

The proposed use at the proposed location is proper and appropriate because:

A. The proposed use is in harmony with the appropriate development of the zone as follows: \_\_\_\_\_

\_\_\_\_\_

B. The use will meet the requirements of the Zoning Ordinance as follows: \_\_\_\_\_

\_\_\_\_\_

C. Proper accommodations as required by the Zoning Ordinance will be made for water, drainage, and sewer as follows:

\_\_\_\_\_

\_\_\_\_\_

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Do Not Write In This Space

Case No. \_\_\_\_\_

### Checklist

Action Taken	Date
Application Filed .....	_____
Fee Paid .....	_____
Receipt Issued .....	_____
Hearing Scheduled For .....	_____
Notice of                      : a) Applicant .....	_____
Hearing                      : b) Nearby Property	_____
Mailed to                      Owners .....	_____
Notice Posted on Property .....	_____

D. Meets or will meet the specific standards of Section(s) \_\_\_\_\_ of the Zoning Ordinance as follows:

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VARIANCE

Ordinance Section(s) at issue: \_\_\_\_\_

Nature of Variance(s) sought (refer to each Zoning Ordinance Section and state how you wish to vary from each): \_\_\_\_\_

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An unnecessary hardship exists as follows: \_\_\_\_\_

The standards for a variance can be met as follows:

A. There are unique physical circumstances or conditions peculiar to the property, which are not due to or created by the Zoning Ordinance as follows:

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B. Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance as follows:

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C. The unnecessary hardship has not been created by the Applicant as follows: \_\_\_\_\_

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D. The variance will not alter the essential character of the neighborhood, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare as follows:

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E. The variance will represent the minimum variance which will afford relief and will represent the least modification possible of the regulation at issue as follows:

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APPEAL FROM DECISION OF ZONING OFFICER

Date of Zoning Officer's decision: \_\_\_\_\_ Ordinance Section(s) at issue \_\_\_\_\_

Nature of error or improper interpretation (Provide details of how the interpretation is in error, referring to specific Zoning Ordinance Sections):

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I certify that the information set forth herein is true and accurate.

Date: \_\_\_\_\_ Signature \_\_\_\_\_