

**TOWNSHIP OF CONESTOGA
ZONING HEARING BOARD**

APPLICATION PROCEDURES - VARIANCE AND SPECIAL EXCEPTION

1. FORMS TO BE COMPLETED AND INFORMATION TO BE SUBMITTED

Please submit 10 copies of the following:

(please check each box for all materials submitted)

- Zoning Permit Application (if applicable)
- Site Plan showing all existing and proposed buildings, structures, and other significant features, such as parking lots, driveways, sidewalks, easements, right-of-ways, etc. Building plans including floor plans are also required, **if** the application specifically involves issues related to a building interior. *Plans may be hand drawn, but must be accurate and drawn to scale with North arrow.*
- Zoning Hearing Board Application with appropriate attachments *(signed by applicant and owner)*
- Application Supplemental Information Forms *(as appropriate and required)*.
- List of all adjoining property owner names and addresses.
- Documentation in evidence that the applicant is the owner or an equitable owner (such as an agreement of sale).
- Zoning Hearing Board Fee as per Township Fee Schedule.

2. ADDITIONAL INFORMATION

- A. If one or more items listed above are incomplete or missing, your application will not be processed, nor will it be assigned a case number or a hearing date. The application along with an explanation as to why the application was not accepted, will be returned for you to make the necessary corrections.
- B. The owner of the subject property must sign the Application prior to acceptance and the scheduling of a hearing.
- C. An application for consideration by the Zoning Hearing Board shall be received by the Township not less than 4 weeks prior to the date of the meeting.
- D. The Conestoga Township Zoning Officer shall review the application and deem an application to be complete or incomplete within five (5) business days from the date of submission. If an application is deemed incomplete, the Zoning Officer shall return the application to the applicant informing the applicant of the deficiency or deficiencies. If the Zoning Officer fails to deem an application either complete or incomplete within the five (5) day period as specified, the application shall be deemed complete. Notwithstanding the foregoing, the Zoning Officer shall not be authorized to return appeals from a determination of the Zoning Officer.

- E. Upon an application being deemed complete, the Conestoga Township Zoning Hearing Board (Board) shall have sixty (60) days in which to initiate a hearing on an application unless an extension of time is granted by the applicant.
- F. The Board has forty-five (45) days within which to render a formal decision following the closing of testimony.
- G. A thirty (30) day appeal period follows the issuance of the formal written decision by the Board. Any party with an interest in the decision may appeal a decision of the Board by filing an appeal with the Lancaster County Court of Common Pleas, seeking to reverse, modify or limit a decision.
- H. After a Variance, Special Exception, or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permit(s) within one (1) year from the date of receipt of the formal decision or the time specified within the decision. Such construction shall be completed within one (1) year from the issuance of the necessary permit. Notwithstanding the foregoing, the Zoning Officer may, upon a written request and for good cause, extend the time in which to obtain a permit or time by which to complete the construction thereof.
- I. Copies of the Conestoga Township Zoning Ordinance are available at the Township Municipal Building for purchase or use within the Municipal Building.

3. FUNCTION / ROLE OF THE ZONING HEARING BOARD

The purpose of the Zoning Hearing Board is to hear applications for Special Exceptions, nonconforming uses, requests for variances, interpretations of the Zoning Ordinance with regard to uses not specifically permitted or prohibited, floodplain issues, and appeals from determinations made by the Zoning Officer. The Board gathers facts at a public hearing by taking testimony from the affected parties, and is charged the legal responsibility of deciding whether to approve or disapprove applications and appeals. The Board will consider all relevant facts regarding the application, as well as evaluate its impact on the overall health and welfare of the community. When necessary, the Board can require special stipulations in connection with allowing special exceptions and variances. Only testimony taken during the hearing, and given under oath, is considered by the Board. The Board has the authority to issue subpoenas. A court stenographer will be present. Transcripts are available to any party at cost.

The Board does not write the Zoning Ordinance. The Zoning Ordinance, and revisions to it, are prepared by the Planning Commission and adopted by the Township Board of Supervisors after they have held a public hearing. The Zoning Hearing Board is an interpretive, quasi-judicial body only. They follow some basic legal procedures in their hearings in order that the pertinent facts can be presented in an orderly and reasonable fashion by the applicant, the Zoning Officer, and other citizens who wish to be heard. But they try to be as informal as possible.

Decisions on applications and appeals are made by the Board at specifically scheduled meetings, and by law must be made within forty-five (45) days after the closing of a hearing on a case. While all decisions are made at public meetings, no further discussion by the applicant or other parties is allowed after a decision has been rendered by the Board. A party may appeal the Board's decision, but must do so within thirty (30) days of the written decision. Such appeal must be made to the Lancaster County Court of Common Pleas. Questions or comments about the Zoning Hearing Board should be referred to the Zoning Officer or the Deputy Zoning Officer.

CONESTOGA TOWNSHIP

P.O. Box 98
CONESTOGA, PA 17516
(717) 872-4301

**APPLICATION FOR
ZONING HEARING BOARD**

1. Please read and acknowledge the following:

For Special Exception

I have read Section 1709 of the Conestoga Township Zoning Ordinance and understand what is required to submit a complete application.

For Variance Requests:

I have read Section 1704.F through 1704.I of the Conestoga Township Zoning Ordinance and understand what is required to submit a complete application, the findings governing the Zoning Hearing Board's approval of a variance, the conditions imposed on variances and the expiration of variances.

I hereby submit this application and all supporting documentation (10 copies of all documents larger than 8½" x 11") with the filing fee of \$500.00 and understand that I have no right to expect a hearing to be scheduled until the fee is paid and all necessary documentation required by the Conestoga Township Zoning Ordinance has been submitted. I verify that all the statements made in the forgoing are true and correct and that false statements may subject me to the penalties of 18 Pa C.S. Section 4904.

APPLICANT'S SIGNATURE: _____

DATE: _____

**CONESTOGA TOWNSHIP
ZONING HEARING BOARD**

APPLICATION FOR HEARING

APPLICANT INFORMATION

NAME(S): _____

MAILING ADDRESS: _____

PHONE: (_____) _____ FAX (_____) _____

PROPERTY OWNER INFORMATION (if different from applicant)

NAME(S): _____

MAILING ADDRESS: _____

PHONE: (_____) _____ FAX (_____) _____

LEGAL/APPLICANT REPRESENTATIVE INFORMATION
(if different from applicant)

NAME(S): _____

MAILING ADDRESS: _____

PHONE: (_____) _____ FAX (_____) _____

SUBJECT PROPERTY INFORMATION

SUBJECT PROPERTY ADDRESS: _____

ZONING DISTRICT: _____ LOT SIZE: _____ X _____ LOT AREA _____ SQ. FT.

PRESENT USE(S): _____

FOR OFFICE USE ONLY

DATE APPLICATION FILED _____

DATE ACCEPTED _____

CASE NUMBER _____

HEARING DATE(S) _____

DATE OF DECISION _____

PREV. DECISION(S)? _____

FEE PAID \$ _____

CHECK NO. _____ CASH _____

DATE REC'D: _____ REC'D BY: _____

PROJECT APPLICATION INFORMATION

Request for hearing is hereby made for the Zoning Hearing Board to consider the following:

Variance to Section(s) _____, of the Conestoga Township Zoning Ordinance. The Variance relates to one or more of the following:
_____ Building Setback _____ Lot Coverage _____ Parking
_____ Lot Width _____ Lot Area _____ Bldg. Height
_____ Special Exception Standard(s)
_____ Other: _____

Special Exception(s) pursuant to Section(s) _____, of the Conestoga Township Zoning Ordinance. The Special Exception relates to the following:
_____ Use-Specify: _____
_____ Floodplain Issues – Specify: _____
_____ Non-conforming Use Expansion
_____ Non-conforming Use Substitution

Interpretation of the Zoning Ordinance for Uses Not Provided (Section 1234)
Specify: _____

Modification of a prior Decision of the Zoning Hearing Board dated _____ and relates to _____
(Site specific condition(s) of the decision and briefly describe the terms of the condition(s))

Appeal of a denial of a Zoning Permit or Interpretation of a Section of the Zoning Ordinance by the Zoning Officer. Said denial / interpretation of Section(s) _____ of the Zoning Ordinance involves _____

*(Site specific terms used in the section of the Ordinance.
It shall be the responsibility of the applicant to ensure accuracy of request.)*

APPLICANT / PROPERTY OWNER CERTIFICATION

I / We hereby certify, under penalty of law, that all statements made herein and contained on any related documents submitted herewith are true and accurate to the best of my/our knowledge and belief. If Applicant is not the property owner of record, the property owner shall sign application signifying consent to this application being filed.

Signature of Applicant

Date

Signature Property Owner(s)

Date

**CONESTOGA TOWNSHIP
ZONING HEARING BOARD APPLICATION**

The following pages contain a list of questions designed to assist you and the Zoning Hearing Board in the efficient and effective review of your application. Please thoroughly complete all areas, which are applicable to your application. Please type or print your responses. If the space provided is insufficient, additional sheets may be attached.

PROJECT DESCRIPTION *(All applicants complete this section)*

1. Briefly describe the project for which the application has been filed. Give specific details about any structures being removed and/or constructed, explain what the property is currently being used for and proposed to be used for, etc.

2. Describe the location of the property based on streets, nearest intersections, and/or local landmarks.

3. What is the character and use of the adjoining property (or properties) and the neighborhood in general.

4. List any easements, right-of-ways, and/or deed restrictions on the property (show on site plan).

CONESTOGA TOWNSHIP

SUPPLEMENTAL INFORMATION – SPECIAL EXCEPTION

(If the application is for a Special Exception for a permitted use, please complete this section.)

APPLICANTS SEEKING APPROVAL UNDER THE PROVISIONS OF SPECIAL EXCEPTION UNDER SECTION 1709 MUST SUBMIT EVIDENCE IN COMPLIANCE WITH THE PARTICULAR PROVISIONS OF THE ZONING ORDINANCE. A PROJECT NARRATIVE SHALL ALSO BE REQUIRED WHICH PROVIDES A RESPONSE TO EACH OF THE SPECIFIC CRITERIA ENUMERATED IN THE ORDINANCE.

A Special Exception Use is one, by virtue of its own particular character, that may be permitted in a specified zoning district only after review by the Zoning Hearing Board. Special Exceptions shall only be granted if they meet the specific criteria provided within the Zoning Ordinance. Approval may be subject to conditions placed by the Zoning Hearing Board, as they are deemed necessary to protect the health, safety or welfare of the neighborhood, district or community.

The following inquiries typically relate to the review of Special Exceptions, however, they may also apply to other types of hearings. If applicable, please complete the responses.

Address the following issues as they would be affected by the proposal (*attach additional sheets and documentation as necessary*):

A. Traffic generation

B. Site layout and Neighborhood Characteristics

C. Parking

D. Natural Features

E. Nuisance characteristics (*noise, dust, odor, smoke, glare, hazardous materials, etc.*)

F. Compliance with all other Sections in the Ordinance (*if applicable*)

SUPPLEMENTAL INFORMATION – VARIANCE

If the application is for a variance from the Conestoga Township Zoning Ordinance, please complete this section.

- A. A Variance from Section(s) _____
of the Conestoga Township Zoning Ordinance.

- B. Ordinance Requirement (use measurements as applicable) _____

- C. Applicant's Proposal (use measurements as applicable) _____

- D. Net Variance requested
(Subtract "C" from "B" above): _____

- E. Is the information supplied in this application from a survey of the property by a registered surveyor? YES / NO (Circle)

If NO, how was the information for the application obtained? _____

A Variance is the process required if the proposed project fails to meet all of the requirements of the Zoning Ordinance. A Variance may be granted when, owing to special conditions, which are not the fault of the applicant, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, which will not enable the applicant to utilize the land in any reasonable manner and meet the Ordinance requirement(s). Such hardships are recognized by state law to occur only where circumstances affecting the land are unique and solely related to that land and are not conditions that affect the entire neighborhood. Please complete the following questions:

1. What are the unique physical circumstances or conditions of the property which create the unnecessary hardship (*i.e., irregular shape, narrowness, shallow lot depth, or unusual topography, etc.*)

2. Explain how the unique physical circumstance or condition created the need for a variance. (i.e., unable to meet the required setback from property lines, maximum height or lot area restrictions, etc.)

3. Explain the anticipated impact that the granting of this variance will have in relationship to the adjacent properties and the essential character of the neighborhood in which the property is located.

4. Explain how the variance being requested is the minimum necessary to provide relief.

5. Can you utilize the property for either residential or non-residential purposes (whichever is permitted) without a variance? YES / NO (Circle and explain below)
