

**REQUEST FOR ZONING HEARING BOARD
Application and Procedures**

1. Forms to be completed and information to be submitted
 - A. Zoning/Building Permit Application (if applicable)
 - B. Site Plan showing all existing and proposed buildings, structures and other significant features such as parking lots, driveways, sheds, garages, barns, etc. The plan must be drawn to scale.
 - C. Zoning Hearing Board Application
 - D. Zoning Hearing Board Supplemental Information Form
 - E. Zoning Hearing Board Application Fee of \$750 (due at the time the application is filed)

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 given a hearing date. The application, with an explanation, will be returned for you to make the necessary corrections. There will be no exceptions granted for any reason. Applications must be complete when submitted.
 - B. If Applicant is not the owner of the subject property, a letter of acknowledgment from the property Owner must be provided prior to the acceptance of the Application and the scheduling of a hearing.
 - C. Martic Township Zoning Hearing Board has reserved the second Thursday of each month for meetings. For an application to be scheduled, all required information must be submitted and all fees paid no later than thirty (30) days prior to the scheduled meetings.
 - D. The Board has forty-five (45) days, within which to render a formal decision, following the closing of testimony.
 - E. A thirty (30) day appeal period follows the issuance of the formal written decision by the Zoning Hearing 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.
 - F. 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 six (6) months from the date of receipt of the formal decision. The authorized action, construction or alteration shall begin within six (6) months of the Permit issuance with the construction to be completed within twelve (12) months. Otherwise, it shall be conclusively presumed that the applicant has waived, withdrawn or

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abandoned his appeal and all approvals shall be deemed automatically rescinded by the Board.
ZO 804.K

- G. Copies of the Martic Township Zoning Ordinance are available at the Township office for purchase. You may also obtain a copy from the Martic Township website: www.MarticTownship.com
- H. There is no law which requires the Applicant to be represented by counsel in the preparation of the application, but it is the Applicant's responsibility to be familiar with all relevant portions of the Zoning Ordinance and to be prepared to demonstrate the provisions under which the proceeding and the legal basis for this requested relief. Therefore, it is recommended that Applicant consult counsel prior to filing of an application to determine any need for counsel to represent the Applicant. If counsel is retained, name, address and phone number should be on the application.
- I. Per the Martic Township Fee Schedule- applicants will be responsible for reimbursing the Township for:

1). Legal Advertisement fees: Actual cost incurred by Township

3. Function/Role of the Zoning Hearing Board

The purpose of the Zoning Hearing Board is to hear applications for specials exceptions, nonconforming Uses, requests for variances 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.

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 Board of Supervisors after they have held a public hearing. The Zoning Hearing Board is an interpretive 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.

Decisions on applications and appeals are made by the Board at a regularly scheduled meeting and by law must be within forty-five (45) days of the last 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 Martic Township Zoning Officer.

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PRINT LEDGIBLY

APPLICANT INFORMATION

NAMES(S): _____
MAILING ADDRESS: _____
PHONE: (____) _____ CELL: (____) _____

PROPERTY OWNER INFORMATION

NAMES(S): _____
MAILING ADDRESS: _____
PHONE: (____) _____ CELL: (____) _____

PROJECT INFORMATION

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

- Variance to section(s)** _____, of the Martic Township Zoning Ordinance. The Variance relates to one or more of the following:
____ Building Setback ____ Lot Coverage ____ Parking ____ Lot Width ____ Height
____ Other: _____

- Special Exception(s)** pursuant to section(s) _____, of the Martic Township Zoning Ordinance. The Special Exception related to the following: _____

(i.e., apartments, parking, home day care, commercial development, etc.)

- Appeal of a Decision**
Appeal of a denial of a Building/Zoning permit or interpretation of a section of the Zoning Ordinance by the Zoning Officer. Said denial/interpretation of sections(s) _____ of the Ordinance involves _____

(Site specific terms used in the section of the Ordinance)

SUBJECT PROPERTY INFORMATION:

Property Address: _____

Zoning District: _____ Lot Acreage: _____
Present Use(s): _____
Existing Structures on Property: _____

(include buildings, signs, sheds, garages, barns, etc.)

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SUPPLEMENTAL INFORMATION

The following is 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 print your responses. If the space provided is insufficient, additional sheets may be attached.

PROJECT DESCRIPTION *(All applicants complete these sections)*

1. Briefly describe the project for which the application has been filed. Give specific details about any structures being removed and/or constructed, the nature of the use(s) being proposed, signs being erected, parking being provided, etc.

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

3. What is the specific nature of the existing and proposed use(s) of the property and each of the building and/or structures on the property?

4. What is the general character and uses of the buildings/structures which exist on the properties abutting the subject property?

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VARIANCE *(If the application is for a variance, please complete this section)*

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 criteria statements:

SUPPORT STATEMENT

Criteria 1

That there are unique physical circumstances or conditions, including irregularity, narrowness, shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located. Please explain your circumstances.

Criteria 2

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and the authorization of a variance is therefore necessary to enable the reasonable use of the property. Please explain.

Criteria 3

Such unnecessary hardship has not been created by the applicant. Please explain.

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Criteria 4

The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located; nor substantially or permanently impair the appropriate use or development of adjacent Property, nor be detrimental to the public welfare. Please explain.

Criteria 5

The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue. Please explain.

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SPECIAL EXCEPTION *(If this application is for a Special Exception, please read this section)*

A **Special Exception Use** is one, by virtue of its own particular character, which 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 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.

Applicants seeking approval under the provisions of Special Exception, must submit evidence in compliance with the particular provisions of the zoning ordinance for the proposed use. A project narrative shall also be required.

I, We believe that the Board should approve the request because: *(Include the grounds for your application or reasons, with respect to the law and/or fact which you feel support your request for the granting of a Special Exception.)*

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APPEALS (*attach additional sheets, if necessary*)

In an Appeal, the applicant is seeking to have the Zoning Hearing Board reverse a ruling made by the Zoning Officer in reference to the way in which a particular Section of the Zoning Ordinance has been applied in the denial of a Building/Zoning Permit application OR on the overall effect of your project OR in the approval of a Building/Zoning Permit for which you have a standing interest, i.e. a permit issued for a neighbor's property.

Please state the nature of the Appeal below (or provide a separate narrative); a copy of the Building/Zoning Permit application must be submitted with this application, if applicable.

Does it involve any of the following? Check the ones that apply.

- Permit
- Cease and Desist Order
- Storm Water Management
- Other (explain)

APPLICANT/PROPERTY OWNER CERTIFICATION

Application fee is \$750.00

Applicant is responsible for Legal advertisement fee reimbursement

_____ Applicant understands and by initialing acknowledges responsibility to reimburse the Township for these fees.

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 owner shall sign the application signifying consent to application.

Signature of Applicant(s)

Date

Signature of Property Owner(s)

Date

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Office Use Only:

Zoning District: _____

Account #: 430-_____ -0-0000

Date Application Received: _____

Date of Hearing: _____

Dates Advertised: _____

Date Sign posted: _____

Date Sign posted at Township Building: _____

Date of Decision: _____

Decision: _____
