



ZONING HEARING BOARD APPLICATION PROCEDURES

- 1. FORMS TO BE COMPLETED AND INFORMATION TO BE SUBMITTED:** *(7 Copies Each Please)*
 - 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, sidewalks, etc. The plan must be accurate and shall be drawn to scale.
 - C. Zoning Hearing Board Application.
 - D. Zoning Hearing Board Supplemental Information Form.

- 2. ZONING HEARING BOARD FEES:** *(make checks payable to the Borough of Palmyra)*
 - A. Zoning Hearing Board Application Fee: **\$500** *(Due at the time Application is filed)*
 - B. Zoning Officer Determination Appeal Fee: **\$500** *(Due at the time appeal is filed)*
 - C. Continuances: **\$100** *(Only if meeting is re-advertised by request of the applicant)*
 - D. Petition for Amendment to the Zoning Ordinance or Map: **\$1,000** *(Due at the time Application is filed).*
 - E. Challenges to Validity of the Zoning Ordinance or Map: **\$1,000** *(Due at the time Application is filed).*

- 3. 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, with an explanation, will be returned for you to make the necessary corrections.
 - 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. The Borough of Palmyra Zoning Hearing Board typically meets on Mondays at 5:30 PM as needed. Applications are due 4-weeks prior to the scheduled hearing date.
 - D. The Zoning Hearing 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 Lebanon County Court of Common Pleas, seeking to reverse, modify or limit a decision.

- F. Permits: 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.
- G. Copies of the Borough of Palmyra Zoning Ordinance are available at the Borough Municipal Center for purchase or use within the Center. The Zoning Ordinance is also available online at www.palmyraborough.org under the “Code of Ordinances” link.

4. 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, 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 with 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 is 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 Borough Council 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. But they try to be as informal as possible.

Decisions on applications and appeals are made by the Board at a regularly scheduled meeting, and by law must be made 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 Lebanon County Court of Common Pleas.

Questions or comments about the Zoning Hearing Board should be referred to the Borough Zoning Officer:

Borough Zoning Officer

Michelle A. Bowman

Borough Zoning Officer

325 S. Railroad Street

Palmyra, PA 17078

(717) 838-6361

PALMYRA ZONING HEARING BOARD APPLICATION

APPLICANT INFORMATION:

NAME(S): _____

MAILING ADDRESS: _____

PHONE : (____) _____ FAX: (____) _____

E-Mail: _____

PROPERTY OWNER INFORMATION: (If different than Applicant)

NAME(S): _____

MAILING ADDRESS: _____

PHONE : (____) _____ FAX: (____) _____

E-Mail: _____

PROPERTY INFORMATION:

PROPERTY ADDRESS: _____

EXISTING USE: _____ LOT SIZE: ____ X ____ FT

ZONING DISTRICT: _____ LOT AREA: _____ SQ FT or ACRES

EXISTING STRUCTURES: _____

(include buildings, signs, porches, decks, sidewalks, sheds, garages, etc.)

APPLICATION INFORMATION:

Variance to section(s) _____ of the Zoning Ordinance.

The Variance relates to one or more of the following:

____ Building Setback ____ Lot Coverage ____ Parking ____ Use ____ Height ____ Sign

____ Other: _____

Special Exception pursuant to section(s) _____ of the Zoning Ordinance.

The Special Exception relates to the following: _____

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

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 section(s) _____ of the Zoning Ordinance involves: _____

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

Petition for Amendment of, or Challenge Validity of, Zoning Ordinance or Zoning Map

Explain: _____

For Official Use Only

Date Application Received: _____ Case #: _____ Fee Paid: \$ _____

Tax Parcel #: _____ ZHB Hearing Date: _____

ZHB Decision: _____

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

- A. Section of the Zoning Ordinance: _____
- B. Ordinance Requirement: _____
- C. Applicant's Proposal: _____
- D. Minimum Variance Requested [B-C]: _____

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, shallow lot depth, unusual topography, etc.*)

2. Explain how the unique physical circumstance or condition created: (a) the need for a variance, and (b) a hardship in the development of the property in conformity with the provisions of the Ordinance:
(a) _____

(b) _____

3. What are the details related to the creation of the property in its current form? (*When was the property purchased? Were there any subdivisions, easements or modifications to the property?*)

4. Explain the anticipated impact that the granting of this variance will have in relationship to the essential character of the neighborhood or district in which the property is located:

5. Explain the effect that the variance and the resultant construction or use will have on any adjacent property:

6. Explain how the variance being requested is the minimum variance that will grant relief:

7. Can the property be used for the current use, or a permitted use, without a variance? Yes or No

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

A. Section of the Zoning Ordinance: _____

B. Proposal: _____

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 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.

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 AND THOSE FOUND IN SECTION 20.05. A PROJECT NARRATIVE SHALL ALSO BE REQUIRED WHICH PROVIDES A RESPONSE TO EACH OF THE SPECIFIC CRITERIA ENUMERATED IN THE ORDINANCE.

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 responses to the following:

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

A. Traffic Generation: _____

B. Parking: _____

C. Employees: _____

D. Nuisance Characteristics: (*noise, dust, odor, smoke, glare, hazardous materials, etc.*)

E. Hours of Operation: _____

F. Landscaping Planned, if any (show also on plot plan): _____

2. Are there any existing non-conformities on the lot? If so, list them:

3. Existing and proposed square footage of the structure:
(a) Existing: _____
(b) Proposed: _____

4. Existing and proposed front, side, and rear yard setbacks:
(a) Existing: _____
(b) Proposed: _____

5. Is this an expansion of a special exception or non-conforming use? If so, what is the percentage of expansion? _____%

APPEAL OF INTERPRETATION OF ZONING ORDINANCE:

In an Appeal of Interpretation, 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)

CERTIFICATION:

I / We, the undersigned, hereby certify under penalty of law that:

1. The information submitted herein is true and correct to the best of my/our knowledge and upon submittal becomes public record;
2. Fees are not refundable and payment does not guarantee approval of the Zoning Hearing Board Application;
3. All additional required written and graphic materials are attached to this application;
4. The Property Owner grants the right of the Borough Zoning Officer, or other designated Borough Officials, to investigate, inspect, and examine the property set forth herein, to determine compliance with the Borough of Palmyra Zoning Ordinance, and to determine the accuracy of the statements contained herein.

Applicant Signature

Date Signed

Applicant's Name (Printed)

Property Owner Signature
(if different from Applicant)

Date Signed

Property Owner (Printed)

General Standards for Variances

There are five (5) criteria that the Zoning Hearing Board will consider, as applicable, when determining whether a Variance to the Borough Zoning Ordinance is necessary. These five criteria are located in Section 910.2.a. of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended.

The criteria are as follows:

1. That unnecessary hardship exists due to unique physical circumstances of conditions, including irregularity, narrowness or shallowness of lot size, or shape or topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;
2. That because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship is not created by the applicant;
4. That 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 of development of adjacent property nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The Zoning Hearing Board may implement reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance, as is stated in the Pennsylvania Municipalities Planning Code, Section 910.2.b.

Guidelines for Special Exceptions

In addition to the Performance Standards of a particular use, and/or the Special Exception Standards delineated in Article 20, Section 20.05 of the Borough Zoning Ordinance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance as enabled by the Pennsylvania Municipal Planning Code (Section 912.1)