

BOROUGH OF LITTLESTOWN

CONDITIONAL USE CHECKLIST

FOR OFFICE USE ONLY

Name of Applicant: _____

Applicant Address: _____

Applicant Phone: _____

Mobile: _____

Fax: _____

DESCRIPTION	DATE	COMPLETED BY
a) Applicant submits a completed Application for Conditional Use Hearing and \$500 filing fee		
b) Applicant receives a copy of applicable zoning regulations		
c) Littlestown Planning Commission reviews the application at an advertised meeting and provides a recommendation		
d) Meeting between applicant and Zoning Officer to review conditional use procedures, review the application and the regulations		
e) Littlestown Borough Council reviews the application at an advertised meeting and authorizes for advertisement of a conditional use hearing		
f) Notice published in local newspaper		
g) Notice posted on property		
h) Littlestown Borough Council conducts the advertised, conditional use hearing and renders a decision		
i) OPTIONAL - Borough Council has subsequent meeting to render decision		
j) Applicant applies for, and obtains, MDIA and Littlestown Borough Permits		
l) Written findings/decision received from the Littlestown Borough Solicitor		

BOROUGH OF LITTLESTOWN

CONDITIONAL USE HEARINGS

§ 500-40. Hearings.

A. Requirements and procedures. The Board shall conduct hearings and make decisions in accordance with the following requirements:

- (1) Notice shall be given the public, the applicant, the county planning agency, the Zoning Officer, such other persons as the governing body shall delegate by ordinance and to any person who has made timely request for the same. Said notice shall be given 15 days before such hearings. At the hearing, any party may appear in person or agent or attorney.
- (2) The Board may establish reasonable fees, based on cost, to be paid by the applicant and by persons requiring any notice not required by this chapter.
- (3) The hearings shall be conducted by the Board. The Chairman of the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- (4) The parties to the hearing shall be any persons who is entitled to notice under Subsection A(1) without special request therefor who has made timely appearance before the Board and any other person permitted to appear by the Board.
- (5) The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues.
- (7) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (8) The Board or the Hearing Officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

- (9) The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communications, reports, staff memorandum, or other material; unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

§ Notice of decision.

- (1) The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days. Each decision shall be a company by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and the Board or the Hearing Officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.
- (2) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

***A hearing must occur not later than 60 days from the application date.*

***If the public hearing is continued another hearing must occur no later than 45 days from the original hearing date.*

***The board has 45 days from the last hearing to render a decision to the applicant.*



**APPLICATION/APEAL FORM FOR A
CONDITIONAL USE/ ZONING HEARING
TO THE LITTLESTOWN BOROUGH COUNCIL
OR
ZONING HEARING BOARD**

Instructions:

- I. Complete all the questions in ink and in a legible form (print or type).
- II. Submit the completed application to the Borough of Littlestown Zoning Officer or Borough Secretary.
- III. All applications **must** be accompanied by a plot plan or floor plan before the application will be accepted.
- IV. All applications **must** be paid **in full** (\$500 non-refundable) upon filing of the application/appeal. Any amounts not covered by the \$500 fee will be billed separately to applicant.
- V. A separate application must be submitted for each property and/or plot plan.
- VI. Please refer to the Pennsylvania Municipalities Planning Code (PA MPC), the Borough of Littlestown Code and Zoning Ordinance, prior to submitting any application. The above-mentioned materials will be available for inspection at the Borough of Littlestown Municipal Building during regularly scheduled business hours. Copies will be provided at cost.

THE DOCUMENTS HEREIN REFERRED TO SHALL GOVERN THIS APPLICATION AND ARE CONSIDERED TO BE ADDITIONAL INSTRUCTIONS HERETO.

(kindly print legibly)

1. Name of Applicant: _____ Date: _____

2. Address of Applicant: _____

3. Telephone Number of Applicant: _____

4. Please state your interest in the subject property (owner, developer, agent, etc.):

5. Name, address and telephone number of Applicant's attorney (if none please write NONE):

6. Location of property and/or structure to which Application relates, including, among other information, the street address, map and parcel number, deed reference, and zoning district (if known):

7. Name address and telephone number of all owners of any interest in the property and/or structure other than persons listed in Question #1 above. For each person please define their perspective interest:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. Grounds for Application. (check all boxes which apply):

- A. Variance request *(Relief granted to specific requirements of the Zoning Ordinance, pursuant to provisions of Article IX, Chapter 500)*
- B. Special Exception request *(A use permitted in a particular zoning district pursuant to the provisions of Article IX, Chapter 500)*
- C. Appeal from decision of Zoning Officer
- D. Challenge to validity of Zoning Ordinance
- E. Appeal from decision of Code Officer
- F. Challenge to the validity of Code Ordinance
- G. Conditional Use Hearing

a. If box "A" or "B" above is checked, please cite the section of the Borough of Littlestown Zoning Ordinance upon which the application is based and briefly state the relief sought and state the facts or reasons in support of the grant of the application:

b. If box "C or E" above is checked, please explain the action of the Zoning Officer which is being appealed, the justification and/or grounds for appeal, and the section of the Zoning Ordinance which was allegedly violated:

c. If box "D or F" above is checked, please list all matters which are at issue and the grounds for the challenge. In addition, please attach the plans or other materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map and attach the property certification as requested by Section 1004 of the "The Pennsylvania Municipalities Planning Code", as amended:

9. Describe the current use of this subject property:

10. Clearly describe the proposed use of the subject property:

11. If a Unified Appeal is accompanying this Application, briefly describe the subject matter:

I/We _____ verify that the statements made in this Application are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities. I further understand and acknowledge that the documents referred to in Section VI of the Instructions to this Application are considered additional instructions hereto.

Signature of Applicant

Date

THE FOLLOWING IS FOR OFFICIAL USE BY THE ZONING OFFICER OR BOROUGH SECRETARY ONLY:

Date Application received: _____

_____ Is Application accompanied by plot plan or floor plan?

_____ Has applicant paid all application fees?

Date of Payment: _____

Amount: _____

NOTE: if answer to any of the above is "NO", do NOT accept application.

PLEASE CHECK TYPE OF HEARING:

Conditional Use Hearing

Zoning Hearing Board

Appeal to Zoning Hearing Board

Appeal to Borough Council

Signature of Zoning Officer or Borough Secretary

Date