

BOROUGH OF LITTLESTOWN

ZONING BOARD HEARINGS

Name of Applicant: _____

Applicant Address: _____

Applicant Phone: _____ Mobile: _____ Fax: _____

| DESCRIPTION | DATE | COMPLETED BY |
|--|------|--------------|
| a) Applicant submits a completed Application for Zoning Hearing and \$500 filing fee | | |
| b) Applicant receives a copy of applicable zoning regulations | | |
| c) **Zoning Solicitor and Planning Commission reviews the application. Commission to provide a recommendation | | |
| d) Meeting between applicant and Zoning Officer to review zoning hearing procedures, review the application and the regulations | | |
| e) Littlestown Zoning Board 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 Zoning Hearing Board conducts the advertised, zoning hearing and renders a decision | | |
| i) OPTIONAL - Zoning Board has subsequent meeting to render decision | | |
| j) Applicant applies for, and obtains, MDIA and Littlestown Borough Permits | | |
| k) Written findings/decision received from the Zoning Hearing Board Solicitor | | |

*****The application can be sent to the Zoning Hearing Board Solicitor as soon as the application is received to ensure that it meets the criteria for a Zoning Hearing Board.***

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§ 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 stenographical 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

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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 memoranda, or other materials 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.

B. 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 accompanied 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.*

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§ 500-42 Standards for Zoning Hearing Board action.

In any instance where the Zoning Hearing Board is required to consider a special exception or variance in accordance with the provisions of this chapter, the Board shall, among other things, consider the following standards:

A. For variances.

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size, or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that 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.
- (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 that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (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 or 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 at issue.

B. For special exceptions.

- (1) Consider the suitability of the property for the use desired. Assure itself that the proposed request is consistent with the spirit, purpose and intent of the Zoning Ordinance.
- (2) Determine that the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- (3) Determine that the proposed special exception will serve the best interests of the Borough, the convenience of the community, and the public welfare.

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- (4) Consider the effect of the proposed special exception upon the logical efficient and economical extension of public services and facilities, such as water, sewers, police and fire protection, and public schools.
- (5) Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.
- (6) Determine that the unique circumstances for which the special exception is sought were neither created by the owner of the property, nor were due to or the result of general conditions in the zoning district in which the property is located.
- (7) Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon the highway traffic and assure adequate access arrangements in order to protect major streets and highways from undue congestion and hazard.
- (8) Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from a governmental health agency in such case required herein or deemed advisable.
- (9) Financial hardship shall not be construed as the basis for granting special exceptions.



Case # _____

**APPLICATION 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.
- 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
 - 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” 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” 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: _____

PLEASE CHECK TYPE OF HEARING:

_____ Is Application accompanied by plot plan or floor plan?

Conditional Use Hearing

_____ Has applicant paid all application fees?

Zoning Hearing Board

Date of Payment: _____

Amount: _____

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

Signature of Zoning Officer or Borough Secretary

Date