

## **APPLICATION PROCEDURES AND INFORMATION**

### **1. SEVEN (7) COMPLETE SETS OF THE FOLLOWING ARE TO BE COMPLETED AND SUBMITTED**

*(Please check each box for all materials submitted.)*

- Zoning Permit Application *(if applicable)*.
- Site Plan showing all existing and proposed buildings, structures and (if applicable) other significant features such as parking lots, driveways, sidewalks, easements, right-of-ways, etc. The plan must be accurate and drawn to scale.
- Zoning Hearing Board Application *(signed by applicant and owner)*.
- Zoning Hearing Board Application Supplemental Information Form(s).
- List of adjoining property owners.
- Zoning Hearing Board Fee of **\$ 500.00** *(Additional fees may be due if continuances are granted or if additional advertising costs are incurred. Checks payable to East Donegal Township)*

### **2. ADDITIONAL INFORMATION**

- A. Prior to the submission of an application, an applicant is strongly encouraged to make an appointment with the Township Zoning Officer to review proposed projects and applicable procedures in a pre-application meeting.
- B. The East Donegal Township Zoning Officer shall review the application and deem an application to be complete or incomplete. If one or more items listed above are incomplete or missing, you will be so notified. If the outstanding items are not completed or remitted, your application will be deemed incomplete, will not be processed, nor will it be assigned a case number or a hearing date. The application and check along with an explanation as to why the application was not accepted will be returned for you. Notwithstanding the foregoing, the Zoning Officer shall not be authorized to return appeals from a determination of the Zoning Officer.
- C. If Applicant is not the owner of the subject property, the property owner (or their legal representative) must sign the Application prior to acceptance and the scheduling of a hearing.
- D. Upon an application being deemed complete, the East Donegal Township Zoning Hearing Board shall have 60 business days in which to initiate a hearing on an application unless an extension of time is granted by the applicant.
- E. The Board has forty-five (45) days within which to render a formal decision following the closing of testimony.

- F. A thirty (30)-day appeal period follows the issuance of the formal written decision by the Zoning Hearing Board. Any identified 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.
- G. After a Variance, Special Exception or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary Zoning, Construction and/or Stormwater Management plans and permits. Further, obtaining an affirmative decision by the Zoning Hearing Board does not preclude any necessary subdivision and/or Land Development approvals.
- H. Copies of the East Donegal 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, 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 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 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 Township Manager or the Zoning Officer.

**PROJECT APPLICATION INFORMATION**

**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: \_\_\_\_\_

PARCEL IDENTIFICATION NO.: \_\_\_\_\_

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: \_\_\_\_\_ PREVIOUS DECISIONS? \_\_\_\_\_

FEE PAID \$ \_\_\_\_\_ Check No. \_\_\_\_\_ Cash \_\_\_\_\_

Date Rec'd: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_

**PROJECT APPLICATION INFORMATION (con't.)**

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

- Variance** to section(s) \_\_\_\_\_, of the East Donegal 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 East Donegal Township Zoning Ordinance. The Special Exception relates to the following:  
\_\_\_\_ Use -Specify: \_\_\_\_\_  
\_\_\_\_ Floodplain Issues - Specify: \_\_\_\_\_  
\_\_\_\_ Nonconforming Use Expansion    \_\_\_\_ Nonconforming Use Substitution
  
- Interpretation of the Zoning Ordinance for Uses Not Provided** (section 305)  
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 Ordinance involves \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(Site specific terms used in the section of the Ordinance)*

**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 property owner of record, the owner shall sign application signifying consent to application.

\_\_\_\_\_  
*Signature of Applicant(s)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Property Owner(s) or legal representation*

\_\_\_\_\_  
*Date*

**PROJECT APPLICATION INFORMATION (con't.)**

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 or, proposed to be used for, etc.

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

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

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4. List any known easements and/or right-of-ways on the property (be sure to show on site plan):

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**SUPPLEMENTAL INFORMATION - VARIANCE**

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

A. To Section(s) \_\_\_\_\_ of the East Donegal 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

If NO, how was the information for the application obtained? \_\_\_\_\_  
\_\_\_\_\_

The Pennsylvania Municipalities Planning Code indicates that a variance is required if the proposed project fails to meet all of the requirements of a 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. The Pennsylvania Municipalities Planning Code further provides criteria to be considered during the course of any variance application. Please answer the following questions to the best of your ability:

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.*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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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.)*

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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.

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

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5. Can you utilize the property for either residential or nonresidential purposes (whichever is permitted) without a variance?      YES / NO    *(circle one)*

**SUPPLEMENTAL INFORMATION - SPECIAL EXCEPTION**

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

A Special Exception Use is one, by virtue of its own particular character, 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 FOUND IN PART 10. 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

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B. Parking

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C. Employees

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

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E. Public Facilities (*e.g. schools, emergency services, sewer, water and other utilities, vehicular access etc.*):

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2. Describe the manner and hours of operation:

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3. What landscaping (as may be required), is planned? (*Show areas on the site plan*):

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4. Describe how the proposed use/construction is consistent with the purpose and intent of the zoning ordinance:

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5. Provide documentation indicating that any development within a floodplain is in conformance with section 610 of the zoning ordinance:

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6. On separate documentation, indicate how the proposed use complies with the appropriate criteria for that use as prescribed in Article 6 of the zoning ordinance:

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