



LONDONDERRY TOWNSHIP

DAUPHIN COUNTY, PENNSYLVANIA
783 S GEYERS CHURCH RD, MIDDLETOWN, PA 17057

ZONING HEARING BOARD APPLICATION FOR HEARING

THE LONDONDERRY TOWNSHIP ZONING HEARING BOARD MEETS ON THE 3RD TUESDAY OF THE MONTH UNLESS OTHERWISE STATED BY RESOLUTION OF THE TOWNSHIP BOARD OF SUPERVISORS. HEARING ARE HELD AT 7PM AND TAKE PLACE AT THE TOWNSHIP MUNICIPAL BUILDING. QUESTIONS REGARDING THIS APPLICATION OR HEARING DATES MAY BE DIRECTED TO THE TOWNSHIP ZONING OFFICER AT 717-944-1803

DEADLINE FOR SUBMISSION SHALL BE NO LATER THAN THE CLOSE OF BUSINESS THE 1ST DAY OF THE MONTH PROCEEDING THE HEARING DATE AT WHICH THE APPLICANT WISHES TO BE HEARD. A COMPLETE APPLICATION, INCLUDING PAYMENT OF THE APPLICATION FEE, IS REQUIRED FOR AN APPLICATION TO BE CONSIDERED COMPLETE AND ACCEPTABLE FOR PROCESSING. THE APPLICANT IS RESPONSIBLE FOR ALL ADVERTISING COSTS ASSOCIATED WITH THIS APPLICATION AND WILL BE BILLED FOR THOSE EXPENSES.

THE FOLLOWING SHALL CONSTITUTE A COMPLETE APPLICATION

8 copies of the following

- Hearing Application (this form)
- Zoning Application (if applicable)
- Supporting Information/Documentation
 - Written narrative/description of the project and/or site
 - Drawing(s) and/or photo(s) of the project and/or site
 - Drawings should be a minimum of 11x17
 - Drawings shall be drawn to scale and include a site plan meeting the requirements of Section 27-422 and show all existing and proposed structures and other significant features, such as fences, driveways, accessory structures, landscaping, etc.
- Payment of hearing fees

**IT IS REQUESTED THAT ONE DIGITAL COPY BE
SUBMITTED IN ADDITION TO THE REQUIRED
HARD COPIES**

***** IF APPLICANT IS NOT THE PROPERTY OWNER, A WRITTEN STATEMENT FROM THE PROPERTY OWNER MUST BE INCLUDED ***
GRANTING APPLICANT PERMISSION TO APPLY ON THEIR BEHALF**

HEARING FEES

ALL HEARING BEFORE THE ZONING HEARING BOARD SHALL BE ASSESSED THE FOLLOWING FEE(S): **\$650.00 + Costs of advertising**

FUNCTION, ROLE, AND AUTHORITY OF THE ZONING HEARING BOARD

THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE GIVES BROAD POWERS TO A ZONING HEARING BOARD TO DETERMINE VARIOUS MATTERS AS IT RELATES TO LAND USE AND THE ESTABLISHED ZONING ORDINANCE OF A MUNICIPALITY. THE BOARD IS CHARGED WITH THE LEGAL RESPONSIBILITY TO DECIDE WHETHER TO APPROVE OR DENY APPLICATIONS AND APPEALS. THIS BOARD IS AN INTERPRETIVE BODY, AND DOES NOT HAVE THE AUTHORITY TO WRITE, AMEND, REVISE, OR TAKE OTHER ACTION TO CHANGE THE ADOPTED ZONING ORDINANCE.

THE ZONING HEARING BOARD THROUGH THE HEARING(S) WILL GATHER FACTS BY TAKING TESTIMONY FROM THE APPLICANT AND AFFECTED PARTIES. BASIC LEGAL PROCEDURES WILL BE FOLLOWED TO ENSURE AN ORDERLY AND REASONABLE METHOD OF COLLECTING SUCH TESTIMONY. THE BOARD WILL CONSIDER ALL RELEVANT FACTS REGARDING THE APPLICATION AND EVALUATE THE OVERALL IMPACT ON THE COMMUNITY. THE BOARD WILL ONLY CONSIDER MATERIAL AND TESTIMONY SUBMITTED THROUGH THE APPLICATION OR GIVEN UNDER OATH AT THE HEARING(S). IF NEEDED, THE BOARD IS GRANTED THE LEGAL AUTHORITY TO ADMINISTER OATHS FOR THE PURPOSE OF GATHERING SWORN TESTIMONY AND TO ISSUE SUBPOENAS TO COMPEL TESTIMONY BY WITNESSES OR PRODUCTION OF PERTINENT MATERIALS.

A STENOGRAPHIC RECORD IS KEPT OF ALL TESTIMONY AND HEARING PROCEDURES AS REQUIRED BY THE PA MPC. A COURT REPORTER WILL BE PRESENT AT THE HEARING(S) FOR THE PURPOSE OF CREATING SUCH RECORD. ALL AFFECTED PARTIES HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL AND SHALL BE AFFORDED THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENTS, RESPOND TO ARGUMENTS OR QUESTIONS, INCLUDING CROSS EXAMINATION ON ALL RELEVANT ISSUES. FORMAL RULES OF EVIDENCE ARE NOT APPLICABLE TO THE ZONING HEARING BOARD THOUGH IRRELEVANT, IMMATERIAL, AND UNDULY REPETITIOUS EVIDENCE MAY BE EXCLUDED

THE ZONING HEARING BOARD SHALL HAVE 45 DAYS WITHIN WHICH TO RENDER A WRITTEN DECISION FOLLOWING THE CLOSING OF TESTIMONY

FOLLOWING THE WRITTEN DECISION OF THE BOARD, A THIRTY (30) DAY APPEAL PERIOD SHALL FOLLOW THE ISSUANCE OF THE DECISION. ANY PARTY WITH STANDING MAY APPEAL THE DECISION OF THE BOARD BY FILING AN APPEAL WITH THE DAUPHIN COUNTY COURT OF COMMON PLEAS WITHIN THOSE THIRTY (30) DAYS.

THE ZONING HEARING BOARD IS AN ADJUDICATIVE BODY AND ENFORCEMENT OF ANY DECISION BY THE BOARD WILL BE CONDUCTED BY THE TOWNSHIP ZONING OFFICER. THE BOARD MAY ASSIGN REASONABLE CONDITIONS WHEN GRANTING APPROVAL OF A SPECIAL EXCEPTION OR VARIANCE, SUCH CONDITIONS ARE BINDING ON THE APPLICATION AND APPROVAL. FAILURE TO ABIDE BY SUCH CONDITIONS COULD RESULT IN ENFORCEMENT ACTION BY THE TOWNSHIP ZONING OFFICER.

SUBJECT PROPERTY INFORMATION

ADDRESS _____

TAX PARCEL _____

VISIT: <https://gis.dauphincounty.org/dauphincountyparcelviewer/>

ZONING DISTRICT _____ LOT SIZE _____ SQ FT _____ LOT DIMENSIONS _____ X _____

APPLICANT INFORMATION

NAME _____

MAILING ADDRESS _____

EMAIL _____ PHONE _____

PROPERTY OWNER INFORMATION

NAME _____

MAILING ADDRESS _____

EMAIL _____ PHONE _____

ADDITIONAL INFORMATION

WILL APPLICANT AND /OR PROPERTY OWNER BE REPRESENTED BY AN ATTORNEY? Y ☐ N ☐

IF "YES" - PROVIDE ATTORNEY CONTACT INFORMATION:

NAME _____

MAILING ADDRESS _____

EMAIL _____ PHONE _____

EXISTING USES ON THE SUBJECT PROPERTY

PROPOSED USES ON THE SUBJECT PROPERTY

PLEASE INDICATE WHAT ACTION OR PETITION IS BEING SOUGHT WITH THIS APPLICATION

☐ SPECIAL EXCEPTION (PG 3) ☐ APPEAL OF ZONING OFFICER DETERMINATION (PG 3) ☐ VARIANCE (PG 4)

TOWNSHIP USE ONLY GENERATE CASE TRACKING SHEET

CASE NUMBER _____ FILING DATE _____ HEARING DATE _____

SPECIAL EXCEPTION

THIS SECTION IS TO BE COMPLETED BY AN APPLICATN SEEKING A SPECIAL EXCEPTION UNDER THE LONDONERRY TOWNSHIP ZONING ORDINANCE. A SPECIAL EXCEPTION IS A USE THAT IS PERMITTED BY RIGHT IN A PARTICULAR ZONING DISTRICT BUT THAT HAS BEEN CALLED OUT FOR A MORE FORMAL REVIEW PROCESS AND IS SUBJECT TO SPECIFIC CRITERIA AND/OR STANDARDS AS PUT FORTH IN THE ORDINANCE TO ENSURE THAT ANY POTENTIAL INJURY TO THE PUBLIC INTEREST IS AVOIDED. IN GRANTING A SPECIAL EXCEPTION THE ZONING HEARING BOARD MAY ATTACH REASONABLE CONDITIONS AND SAFEGUARDS ABOVE THOSE SPECIFICALLY DETAILED IN THE ORDINANCE TO ENSURE THAT THE PUBLIC INTEREST IS SERVED.

UNDER WHAT SECTION OF THE ZONING ORDINANCE IS A SPECIAL EXCEPTION BEING SOUGHT?

DESCRIPTION OF THE PROPOSED SPECIAL EXCEPTION

PROVIDE ANY SUPPORTING MATERIAL FOR THESE STATEMENT IN THE MANNER PRESCRIBED ON PAGE 1
PROCEED TO PAGE 5 AND SIGN THE CERTIFICATION PAGE OF THIS APPLICATION

APPEAL OF ZONING OFFICER DETERMINATION

THIS SECTION IS TO BE COMPLETED BY AN APPLICANT SEEKING TO FILE AN APPEAL OF A DETERMINATION OR ACTION OF THE ZONING OFFICER. AN APPEAL OF A DECISION OF THE ZONING OFFICER MAY BE FILED BY ANY PARTY THAT HAS STANDING, EITHER THE APPLICANT/PROPERTY OWNER WHO WAS DENIED A PERMIT AND/OR HAD ENFORCEMENT ACTION UNDER THE ZONING ORDINANCE TAKEN AGAINST THEM OR ANOTHER AGGRIEVED PARTY THAT HAS STANDING, SUCH AS A NEIGHBORING/BORDERING PROPERTY OWNER FOR AN ACTION OR INACTION OF THE ZONING OFFICER. ONLY THE ZONING HEARING BOARD MAY CONSIDER AN APPEAL OF THE ZONING OFFICER PURSUANT TO SECTION 909.1(3) OF THE PA MUNICIPALITIES PLANNING CODE

WHAT ARE THE GROUNDS FOR THE APPEAL?

DESCRIBE IN DETAIL THE FACTS AND EVENTS TO SUPPORT THE GROUND FOR APPEAL

PROVIDE ANY SUPPORTING MATERIAL FOR THESE STATEMENT IN THE MANNER PRESCRIBED ON PAGE 1
PROCEED TO PAGE x AND SIGN THE CERTIFICATION PAGE OF THIS APPLICATION

VARIANCE

THIS SECTION IS TO BE COMPLETED BY A APPLICANT SEEKING A VARIANCE TO THE LONDONDERRY TOWNSHIP ZONING ORDINANCE

A VARIANCE IS RELIEF FROM THE STRICT APPLICATION OF THE ZONING ORDINANCE PROVIDED THAT THE APPLICANT IS ABLE TO PROVE THE STRICT APPLICATION OF THE ORDINANCE IS CAUSING AN UNNECESSARY HARDSHIP AND MAY ONLY BE GRANTED IF ALL CRITERIA FROM SECTION 910.2 OF THE PA MPC ARE MET. SECTION 910.2 OF THE PA MUNICIPALITIES PLANNING CODE PROVIDES FOR THE FOLLOWING FIVE

(5) CRITERIA TO BE MET IN ORDER FOR A VARIANCE TO BE GRANTED:

- 1 THAT THERE ARE UNIQUE PHYSICAL CIRCUMSTANCES OR CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS, OR SHALLOWNESS OF THE LOT SIZE OR SHAPE, OR EXCEPTIONAL TOPOGRAPHICAL OR OTHER PHYSICAL CONDITIONS PECULIAR TO THE PARTICULAR PROPERTY AND THE 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.
- 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

IN GRANTING A VARIANCE, THE BOARD MAY ATTACH SUCH REASONABLE CONDITIONS AND SAFEGUARDS AS IT MAY DEEM NECESSARY TO IMPLEMENT THE PURPOSES OF THE PA MPC AND THE ZONING ORDINANCE

WHAT ARE THE REQUIREMENTS OF THE SECTION IN QUESTION

WHAT IS THE APPLICANTS PROPOSED RELIEF

VARIANCE BEING REQUESTED

THE FOLLOWING QUESTIONS ARE INCLUDED TO PROVIDE INFORMATION FOR THE SATISFACTION OF VARIANCE CRITERIA AS LISTED IN SECTION 910.2 OF THE PA MPC

WHAT ARE THE UNIQUE PHYSICAL CIRCUMSTANCES OR CONDITIONS THAT ARE PRODUCING AN UNNECESSARY HARDSHIP

HOW DO THESE CIRCUMSTANCES OR CONDITIONS MAKE IT AN IMPOSSIBILITY TO DEVELOP THE PROPERTY IN CONFORMANCE WITH THE ORDINANCE

DESCRIBE HOW THE UNNECESSARY HARDSHIP IS THE RESULT OF CONFORMANCE WITH ORDINANCE AND NOT OF YOUR OWN CREATION OR DOING

DESCRIBE HOW GRANTING OF THE VARIANCE WILL NOT NEGATIVELY IMPACT THE CHARACTER OF THE COMMUNITY

DESCRIBE HOW GRANTING THE VARIANCE WILL BE THE MINIMUM RELIEF POSSIBLE

APPLICATION CERTIFICATION

THE SIGNED DO HEREBY ATTEST TO AND CERTIFY THAT ALL STATEMENTS MADE HEREIN AND CONTAINED IN RELATED DOCUMENTS TO SUPPORT THIS APPLICATION ARE TRUE, ACCURATE, AND COMPLETE TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

THE SIGNED DO HEREBY ACKNOWLEDGE THAT THEY MUST BE FULLY PREPARED TO EXPLAIN THEIR PROPOSAL OR PROVIDE AFFIDAVIT ALLOWING A REPRESENTATIVE TO PRESENT ON THEIR BEHALF

THE SIGNED DO HEREBY ACKNOWLEDGE THAT THEY HAVE THE RIGHT TO BE REPRESENTED BY LEGAL COUNSEL AND THAT THEY MAY PRESENT THEIR CASE WITH OR WITHOUT LEGAL COUNSEL PRESENT AT THE HEARING.

THE SIGNED DO HEREBY ACKNOWLEDGE THAT THEY UNDERSTAND THAT ALL STATEMENT GIVEN BEFORE THE ZONING HEARING BOARD ARE PROVIDED UNDER OATH AND THAT EVERY APPLICANT, WITNESS, OR OTHER PARTY BROUGH FORWARD TO SUPPORT AN APPLICATION IS SUBJECT TO CROSS-EXAMINATION AND GENERAL QUESTIONING BY THE BOARD MEMBERS AND/OR BY OTHER INTERESTED PARTIES.

THE SIGNED DO HEREBY ACKNOWLEDGE THE ZONING HEARING BOARD WILL MAKE ITS DECISCION ONLY ON THE MATERIAL AND STATEMENTS ENTERED INTO THE RECORD, WHICH INCLUDES THIS APPLICATION, ANY SUBMITTED SUPPORTING MATERIAL, ANY STATEMENT MADE UNDER OATH, AND THE PRESENTATIONS AT THE HEARING(S) OF ALL RELEVANT FACTS

THE SIGNED ACKNOWLEDGE THAT ANY PARTY AGGRIEVED BY A DECISION OF THE ZONING HEARING BOARD MAY APPEAL SUCH DECISION WITHIN THIRTY (30) DAYS AS PRECRIBED UNDER PENNSYLVANIA LAW (Act 247 of 1968)

THE SIGNED DO HEREBY AFFIRM AND CERTIFY THAT THEY UNDERSTAND THE STATEMENTS MADE ABOVE AND AGREE TO PAY ALL COSTS AND FEES ASSOCIATED WITH THE HOLDING OF A HEARING FOR THIS APPLICATION TO THE ZONING HEARING BOARD

APPLICANT

NAME: DATE:

SIGNATURE:

PROPERTY OWNER

NAME: DATE:

SIGNATURE: