

Caernarvon Township, Lancaster County

2139 Main Street, Narvon, PA 17555
717-445-4244

Caernarvon Township Zoning Hearing Board Appeal Procedure

1. Forms to be completed and information submitted:

- a. A building/zoning permit application (if applicable).
- b. **Five (5) copies** of the completed Zoning Hearing Board Application. If necessary, use additional sheets and attach them to the application.
- c. **Five (5) copies** of the plot plan showing the location and size of the lot, the location and size of **all** existing and proposed buildings or structures, other changes desired, and any other information required by the Zoning Hearing Board. The plot plan must be accurate and drawn to scale.
- d. The applicable Zoning Hearing Board Application Fee of \$850.00 by check made payable to Caernarvon Township. The Township office staff shall maintain a record of all cost of an applicant's particular hearing. If such cost is less than \$850.00, the applicant will be provided with a refund. Hearing costs above \$850.00 shall be assessed to the applicant.

2. Miscellaneous Information:

- a. The Caernarvon Township Zoning Hearing Board generally schedules its meetings on the third Thursday of each month at 7:00 pm at the Caernarvon Township Meeting Room, 2147 Main Street, Narvon. To be considered at a meeting, the applicant must submit all required information no later than **five (5) weeks** prior to the scheduled meeting. If the application is not complete, the application will either be returned to the applicant, or if additional information can be provided resulting in a complete application, it will be held until the following month.
- b. The Zoning Hearing Board is permitted forty-five (45) days following the closing of testimony at the last hearing on an application to render a decision.
- c. There is a thirty (30) day appeal period following the issuance of a decision by the Zoning Hearing Board in which an appeal may be filed with the Court of Common Pleas of Lancaster County to reverse or limit said decision.
- d. Unless otherwise specified by the Board or by law, a variance or special exception shall expire if the applicant fails to obtain a zoning permit within one (1) year of the date of authorization by the Board or by the Court if the special exception or variance has been granted after an appeal. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception or variance within two (2) years from the date of authorization by the Board or the Court. The Board, for reasonable cause shown, may extend the approval for an additional period of one (1) year.
- e. Any questions regarding the application or process may be directed to the office staff during regular business hours at 717-445-4244, or to Robin Royer, Caernarvon Township Zoning Officer, at 610-987-9290 or via email at rroyer@ltlconsultants.com. The zoning officer is available by appointment, Thursday afternoon, at the Township Office.

CAERNARVON TOWNSHIP LANCASTER COUNTY, PENNSYLVANIA

GUIDE FOR ZONING APPLICATIONS

ZONING PERMITS AND THE ZONING OFFICER

You need to apply for a Zoning Permit with the Zoning Officer if you are

- Building, changing, remodeling or relocating a building, or
- Changing the use of a building.

The Zoning Officer will review your Zoning Permit Application and determine if what you want to do is allowed according to zoning.

If your application is approved by the Zoning Officer, you do not need to go to the Zoning Hearing Board. If your application is denied, you have the right to file an appeal to the Zoning Hearing Board. You must go through the review process with the Zoning Officer before you can go to the Zoning Hearing Board and you must have a denial letter from the Zoning Officer before any appeal can be filed.

APPLICATIONS TO THE ZONING HEARING BOARD

Buildings and land uses are all one of the following, depending on what zoning district your property is in:

1. **A use by right.** If your use is allowed in the zoning district and you intend to place the building at least the legal minimum distance from lot lines and the road, you do not need a zoning hearing. You will need to file for building/zoning permit and follow those procedures.
2. **A special exception.** Your use is allowed in your zoning district, if you meet the standards contained in Section 2104 of the zoning ordinance.
3. **A variance.** Your use is not allowed in the ordinance in your district.

If you need a special exception or variance, you will need to complete a zoning hearing application and pay the required filing fee. The zoning hearing board has established guidelines you should follow so that your application is clear and complete.

After your application is filed, the Planning Commission will schedule a meeting to discuss it and make recommendations. You should attend this meeting so you can answer any

questions they may have. They may have suggestions for you to make it more likely that the zoning hearing board will approve your application.

The Supervisors discuss each case that will be presented to the zoning hearing board after the Planning Commission makes its recommendations. They review those recommendations and may make additional comments and recommendations of their own. Your presence at the Supervisors Meeting is not required, but it would be an opportunity for you to answer any questions they have. You should check with the Township staff to find out the date of the meeting when the Supervisors will be reviewing your application.

The zoning hearing board will hold a hearing within two months of the date you file a complete application. You will have a month's notice of the date. The regular meeting date is the third Thursday of the month, at 7:00.

At the hearing, you will be affirmed or sworn in, and you will be asked to explain what is on your property now, what it is you want to do, any why you need either a special exception or a variance.

- If you are asking for a special exception, you should be prepared to show that you can meet the standards in the zoning ordinance that apply to your use.
- If you are asking for a variance, you should be prepared to explain why the board should grant it. For a variance, you need to prove that the zoning ordinance creates a hardship for you. A "hardship" means more than the fact that you want to do something that is not allowed. In zoning law, a hardship means that there are physical conditions on your property, such as the size and shape of the lot, or slopes, or existing buildings, that make it unreasonable for you to have to follow the ordinance.

If you have anything you want to submit at the zoning hearing that was not included with your application, such as updated plans, photographs, letters from neighbors, you can do so. The documents become part of the record so please make four copies of anything you want the board to see, and you can keep your originals.

After you have stated your case, the board and the board's lawyer will ask questions. Then anyone in the audience will be allowed to ask questions or make statements about the case.

If the board is satisfied that the case is clear, it will decide the case the same night. If the case is complicated, or if your application is incomplete or unclear, the board may postpone making a decision for a month. You will be informed in writing of the decision. The board always prepares a formal written decision; if you do not agree with it, you will have thirty days from the time you receive the final written decision to appeal to the county court. If no appeal is taken the decision is final.

Some Suggestions

- You know your property and your project better than the zoning board. Don't assume that they know the details of what is on your property or what you are proposing.
- If you are asking for a special exception, carefully review the standards you need to meet. The zoning officer or the Township staff can make you aware of what you need to qualify. However, they cannot give you legal advice.
- The zoning board members are volunteers. Make their job as easy as you can. Print legibly and make your drawings large enough to be clear. Please pay attention to the board's rules on completing your application.
- Your request for relief must be clear. The zoning board must have an exact idea of your request. They need to know what you want and when the case is advertised in the newspapers, your neighbors are entitled to know what you are asking for.
- You are not required to have a lawyer, surveyor or engineer present your case for you at the hearing, but you may wish to get advice when you are preparing your application from a professional to help you make the strongest possible case.

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SPECIAL NOTE

While it is not required, the Caernarvon Township Planning Commission has requested that individuals who submit an application for consideration to the Caernarvon Township Zoning Hearing Board be informed that you and/or your representative should plan to attend the meeting of the Caernarvon Township Planning Commission scheduled on the fourth Monday of the month to review and discuss the application that is to be presented to the Zoning Hearing Board.

Also, while it is not required, attendance at the Caernarvon Township Board of Supervisors Meeting is also suggested.

While your attendance at these meetings are not mandatory, it is beneficial to the Planning Commission and the Board of Supervisors, as it takes an active role in the review of all applications before the Board for the purpose of providing recommendations and input for the Zoning Hearing Board. Failure to attend these meetings may result in misinterpretation of the information contained in the application, further resulting in an incomplete or unfavorable recommendation to the Zoning Hearing Board.

Please contact the Township office staff at 717-445-4244 to confirm the meeting dates and to indicate if you will or will not attend the Caernarvon Township Planning Commission and Board of Supervisors meetings.

Thank you.

Caernarvon Township Zoning Hearing Board

LANCASTER COUNTY, 213rd MAIN STREET, NARVON PENNSYLVANIA 17555
(717) 445-4244

ZONING HEARING BOARD APPLICATION OR APPEAL NOTICE

Do Not Write in This Space. For Office Use Only.

Appeal No. _____ Hearing Date: _____ Dates Advertised: _____
Parcel Account No. _____ Fee Paid/Date: _____ Check No. _____

An appeal is hereby made by the undersigned (check applicable item or items):

- () For Special Exception or Variance from the terms of the Caernarvon Township Zoning Ordinance.
- () From an action of the Zoning Officer in refusing my application for a Zoning Permit containing a date of _____, 20____.

Applicant: _____, _____
(name) (address)

Owner: _____, _____
(name) (address)

Attorney (if any): _____, _____
(name) (address)

Interest of applicant if not owner (agent, lessee, etc.) _____

1. Application relates to: (check applicable item or items)

Use () Lot Area () Yards () Height ()
Existing building () Proposed building () Others ()

2. Provide a brief description of the affected real estate.

Location/Address: _____

Lot Size: _____

Present Use of Property: _____

Present Improvements upon Land: _____

Present Zoning Classification: _____

3. If this is an appeal from an action of the Zoning Officer, complete the following:

Date of Zoning Officer determination: _____

Your statement of the alleged error of the Zoning Officer: _____

4. Action desired by the applicant: _____

5. Reasons Applicant believes the Zoning Hearing Board should approve desired action. Refer to the application section or sections of the Zoning Ordinance under which it is believed that the desired action may be allowed. Note whether a hardship is claimed, and identify the specific hardship, or note if a hardship is not claimed:

6. Has any previous appeal been filed regarding the subject property?

No () Yes () If yes, please provide additional background information:

7. Provide the following information, as applicable, on a sketch or plot plan, on a sheet at least 8½" X 11", drawn to scale:

- a. The shape of the property.
- b. The dimensions of the property.
- c. The location of every structure on the property.
- d. The dimensions of every structure on the property.
- e. The location of every intended structure or addition.
- f. The dimensions of every structure or addition.
- g. For each present or intended use, the distance between the nearest point of same to each of the nearest boundaries.

- h. The present location of traffic flow facilities (parking areas, driveways, etc.).
- i. The intended location of new traffic flow facilities.
- j. The location, width, and name of all adjacent streets.
- k. The approximate location of adjacent boundary lines and the names of adjacent owners.
- l. Front, side, and rear yard building setback lines.
- m. The approximate location on the property of any stream, pond, floodplain, wetland or other unusual physical feature.
- n. The location of any present or intended utility lines, easements, fences, signs, living screens, etc.
- o. The distance to any intersection within one thousand (1,000) feet of the property, and the name, of the streets involved.
- p. The direction of the slope and the approximate fall from the highest to lowest point on the property.
- q. A designation of North, and the scale employed.
- r. If the property is located within more than one (1) zoning district, the approximate locations of the boundary lines of the districts and the identification of each respective district by name.

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Date: _____

Signature(s) of Applicant(s): _____

Applicant's Telephone No. : _____

* * *

The Zoning Hearing Board may deny the application, or delay to the following month, any application deemed to be incomplete or deficient of the required information.

An applicant's failure to appear at the hearing to provide testimony in support of the application will result in the Zoning Hearing Board denying the application.

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