

BOARD OF SUPERVISORS
WEST EARL TOWNSHIP
157 WEST METZLER ROAD
P.O. BOX 787
BROWNSTOWN, PA 17508

West Earl Township Zoning Hearing Board
Appeal Procedure

1. Forms to be completed and information submitted:

- A. A building/zoning permit application (if applicable).
- B. **Eight (8) copies** of the plot plan showing all existing and proposed buildings or structures. The plot plan must be accurate and drawn to scale.
- C. **Eight (8) copies** of the completed Zoning Hearing Board Application. If necessary, use additional sheets and attach them to the application.
- D. **Zoning Hearing Application Fee Schedule** - please see the last page of this document for the list of fees.

2. Miscellaneous Information:

- A. The West Earl Township Zoning Hearing Board schedules its meetings on the first Wednesday of each month at 7:00 p.m. at the West Earl Township Municipal Office. To be considered at a meeting, the applicant must submit all required information no later than four (4) weeks prior to the scheduled meeting. If the application is not complete, the application will be returned to the applicant for completion.
- 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. A variance or special exception shall expire if the applicant fails to obtain a zoning permit to authorize construction within **12 months** from the date of authorization thereof by the Board or by the Court if such special exception or variance has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by special exception or variance approval within 12 months from the date of issuance of the zoning permit, unless the Board or the Court establishes a different time period within which to obtain a permit or complete construction in the decision or order approving the requested special exception or variance. If the Board grants a special exception or a variance and the Board's decision is appealed by protesting parties, the running of the time periods shall be suspended during the pendency of the appeal or appeals by protesting parties; provided, however, that if the applicant obtains a permit and commences construction authorized by the Board during the pendency of an appeal, the twelve-month period within which to complete construction shall commence on the date the landowner obtains the zoning permit.
- E. Any questions regarding the application or process may be directed to West Earl Township Zoning Officer, at (717) 859-3201 during regular business hours of Monday – Friday 8am until 4pm.

Phone: (717) 859-3201

ZONING HEARING BOARD
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P.O. BOX 787
BROWNSTOWN, PA 17508

WEST EARL TOWNSHIP ZONING HEARING BOARD
APPLICATION / APPEAL NOTICE

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

Appeal No. _____ Hearing Date: _____ Dates Advertised: _____

Co. ID Nos. _____ Fee Paid/Date: _____ Check No. _____

PLEASE CHECK ALL APPLICABLE BOXES & PRINT ALL APPLICABLE ZONING ORDINANCE SECTIONS:

- Special Exception: § _____ Time Extension-Changed Circumstances: §184-65(C)
- Variance*: § _____ Time Extension-Variance: §184-65(C)
- De Minimis* Variance*: § _____ Appeal of Zoning Officer Decision: § _____
- Conditional Use: § _____ Substantive Validity Challenge: § _____

****If a variance is being requested, please complete pages 7 & 8 of this application packet.***

Appellant: _____,
(Name) (Address & Telephone Number)

Owner: _____,
(Name) (Address)

Attorney (if any): _____,
(Name) (Address)

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

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

Use () Lot Area () Yards () Height ()

Existing building () Proposed () Others ()

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

Location: _____

Lot Size: _____

Present Use: _____

Present Zoning Classification: _____

Present Improvements upon Land: _____

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. Reasons Appellant 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. Provide information on a separate attachment, if necessary:

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

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

6. Provide the following information, if applicable, on a sketch or plot plan, on a sheet at least 8¼" X 11", drawn to scale. **(NOTE: Inadequate sketch plans will result in the application being returned to the applicant, and the application will be delayed at least one (1) month.)**:

- 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 (1,060) 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 (we) hereby represent that all of the information supplied in or submitted with this application is complete, true, and correct to the best of my (our) knowledge, information, and believe I understand that any intentional misrepresentation, misinformation or incomplete information may result in the nullification of any relief granted by the Zoning Hearing Board and that any false information supplied herein may subject me (us) to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Signature of Appellant: _____

Appellant's Telephone No.: _____

Date: _____

NOTE: SPECIAL EXCEPTION APPLICATIONS ONLY - IT IS STRONGLY RECOMMENDED THAT THE APPLICANT OR SOMEONE REPRESENTING THE APPLICANT ATTEND THE MEETING OF THE WEST EARL TOWNSHIP PLANNING COMMISSION TO REVIEW AND DISCUSS THE APPLICATION.

FAILURE TO ATTEND THIS MEETING MAY RESULT IN THE PLANNING COMMISSION PROVIDING AN UNFAVORABLE RECOMMENDATION TO THE ZONING HEARING BOARD.

THE PLANNING COMMISSION MEETS THE THIRD TUESDAY OF EACH MONTH AT 7:00P.M. AT THE WEST EARL TOWNSHIP OFFICE, 157 WEST METZLER ROAD, EPHRATA, PA.

GENERAL SPECIAL EXCEPTION CRITERIA

Section 184-64.E of the West Earl Township Zoning Ordinance

SPECIAL EXCEPTIONS

(1) When special exceptions are provided for in this chapter, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter. The Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant. **[Amended 5-14-1990 by Ord. No. 82; 2-13-1995 by Ord. No.106]**

(a) The applicant shall establish by credible evidence compliance with all conditions, requirements and performance standards for the special exception enumerated in the section which gives the applicant the right to seek the special exception.

(b) The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.

(c) The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.

(d) The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

(e) The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.

(f) The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Pennsylvania Municipalities Planning Code and this chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

(2) Each application for a special exception and any exhibits that were submitted with the application shall be submitted to the Planning Commission for its review and recommendations. If the Planning Commission does not make any recommendations within 30 days, it shall be deemed that the Planning Commission has recommended approval of the application for a special exception.

(3) In addition to the conditions and guiding principles enumerated above, the following standards and criteria must be met for the granting of any special exception:

(a) Churches or similar places of worship in an A District shall meet all of the parking requirements of §184-31D(2). No buildings or accessory buildings shall be closer than 50 feet to any lot line.

(b) Public or private schools in an A District shall not be located closer than 150 feet to any lot line. Minimum standards for site size, as established by the Commonwealth of Pennsylvania, for public school buildings shall be required for all schools.

(c) Structures housing more than 300 head of livestock in an A District shall not be located within 300 feet of another zoning district or any existing residences, other than the residence of the farmer, located within the A District. A minimum lot size of five acres shall be required, and side and rear minimum yard dimensions shall be 200 feet. **[Amended 2-6-1979 by Ord. No. 1-1979]**

(d) Public or private outdoor recreation areas and facilities in an R-1 District shall have a minimum lot size of two acres. All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls or year-round planting and/or other suitable enclosures of a minimum height of four feet and a maximum height of seven feet. Lighting shall meet the requirements of §184-31G.

(e) Gas stations, drive-in restaurants or wholesale businesses in a C-2 District shall be required to submit plans showing anticipated traffic flow, points of ingress and egress and a statement as to probable effects on local traffic. Ingress and egress shall not be located closer than 50 feet to any intersection. No vehicles or parts shall be located in any required yards. Yards adjacent to residential districts shall be suitably screened in accordance with §184-32E. Main or accessory buildings shall not be located closer than 35 feet to any residential district. Lighting shall meet the requirements of §184-31G. Gas stations shall be limited to sales and minor repair. Signs shall be limited to 80 square feet and shall meet all other requirements of §184-35C.

(f) Car washes in a C-2 District shall be limited to the service of cleaning or waxing of vehicles. The lot shall be graded in such a way that water does not run off across the lot nor onto a public street. Waiting spaces shall be provided at a rate of five vehicles for each automatic or semiautomatic car wash bay. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., so as not to inconvenience adjacent property owners.

The above are general criteria only and do not represent all criteria for Special Exception approval. Other conditions may apply depending on the Special Exception being requested.

CONDITIONS FOR VARIANCE APPROVAL

Please provide a narrative for and/or acknowledgement of items 1-8 below. If these items are not complete, your zoning hearing application will be considered incomplete and will be returned.

A Variance is defined as a waiver, granted by the Zoning Hearing Board, from the terms and conditions of the Zoning Ordinance where literal enforcement would create practical difficulty or unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

§ 184-65.D VARIANCES. The Board shall have the power to authorize, upon appeal in specific cases, such variance(s) from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in particular difficulty or unnecessary hardship. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that the following findings are made where relevant in a given case: **[Amended 2-6-1979 by Ord. No. 1-1979]**

(1) That there are unique physical circumstances, including irregularity, narrowness or shallowness of lot size or of 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 circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located. **Please provide an explanation as to what the unnecessary hardship is.**

(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. **Is the authorization of a variance necessary to enable the reasonable use of the property?** _____ **If yes, please explain why the property can not be developed in strict conformity with the provisions of the Zoning Ordinance.**

(3) That said special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this chapter, whether in violation of the provisions hereof or not, and that such circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land, structure or building. **Have the special circumstances or conditions resulted from any act of the applicant?** _____

Would the strict application of the provisions of the Zoning Ordinance deprive the applicant of the reasonable use of the land, structure or building? _____ **If yes, please explain** _____

(4) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. **Is the granting of the variance(s) necessary for the reasonable use of the land or buildings?** _____ **If yes, please explain:** _____

Is the variance(s) requested the minimum amount of relief that will accomplish the applicant's purpose? _____ **If no, please explain:** _____

(5) That the granting of the variance, under such conditions as the Board may deem necessary or desirable, will be in harmony with the general purpose and intent of the Zoning Ordinance, will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will not alter the essential character of the neighborhood or district in which the property is located. **Will the granting of the variance(s) be in harmony with the general purpose and intent of the Zoning Ordinance?** _____ **If yes, please explain:** _____

Will the granting of the variance(s) be injurious to the neighborhood or otherwise detrimental to the public welfare? _____

(6) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated nor substantially or permanently impair the appropriate use or development of adjacent property.
Applicant signature to acknowledge the above statement: _____

(7) That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the granting of a variance.
Applicant signature to acknowledge the above statement: _____

(8) That in no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant. **Is the variance, if granted, solely for reasons of financial gain on the part of the applicant?** _____

2021

ZONING HEARING SCHEDULE AND APPLICATION SUBMISSION DEADLINES

The Zoning Hearing Board meets the first Wednesday of the month at 7 p.m. as needed

HEARING DATE	APPLICATION SUBMISSION DEADLINE
January 6, 2021	December 2, 2020
February 3, 2021	January 6, 2021
March 3, 2021	February 3, 2021
April 7, 2021	March 3, 2021
May 5, 2021	April 7, 2021
June 2, 2021	May 5, 2021
July 7, 2021	June 2, 2021
August 4, 2021	July 7, 2021
September 1, 2021	August 4, 2021
October 6, 2021	September 1, 2021
November 3, 2021	October 6, 2021
December 1, 2021	November 3, 2021

Please note that zoning hearing applications must be submitted 4 weeks prior to the scheduled hearing.

ZONING HEARING APPLICATION FEES

Checks should be made payable to West Earl Township and submitted along with the completed Zoning Hearing Application.

The following application and appeal fees shall be imposed in connection with the administration of the West Earl Township Zoning Ordinance:

Zoning Hearing Board Application or Appeal	\$600.00 plus Cost of legal advertisements
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In addition to the above fees to be paid at the time the application or appeal is filed, applicants and appellants shall, upon receipt of an invoice from the Township, reimburse the Township for one half of the court reporter's appearance fee attributable to the application or appeal. The Township's invoice shall be paid within thirty (30) days of receipt or upon the issuance of any permit authorized by the decision of the Zoning Hearing Board or Board of Supervisors, whichever date is earlier.