APPLICATION FOR PENN TOWNSHIP ZONING HEARING BOARD

Please take a few minutes to complete the following information:

1. Name: _____

2. Address:

   _____ home

   _____ work

3. Telephone: _____ _____
   home work

4. Occupation: _____

5. Number of years residing in Penn Township: _____

6. Previous committee, public service experience: _____

   _____

7. Why do you wish to serve on this board? _____

   _____

   _____

   _____

8. What is the purpose of zoning regulations? _____

   _____

   _____

   _____

9. Do you think zoning regulations are beneficial to the entire Township? Why? _____

   _____

   _____

   _____

10. Does your schedule permit you to regularly attend meetings? _____

11. Complete the following using the attached excerpts from the Penn Township Zoning Ordinance.

Applicant "A" has applied for a variance to build a garage on property that would exceed setback requirements on one side and at the rear. Testimony revealed that the garage could be constructed without infringing into either setback by downsizing or relocating the garage elsewhere on the premises. The applicant declines to amend his proposal.

1) Which of the Section 502.3 standards (a thru f) would not be met? Identify:

2) If all of the standards with the exception of one has been met, would the proposal quality under Section 502.3? Explain:

Applicant "B" has applied for a special exception home occupation use. Testimony reveals that the applicant would also be using an existing building in the rear of the home in connection with the home occupation. In addition, products purchased or manufactured elsewhere would occasionally be offered for sale as well as the applicant's own product. Based on this testimony, which home occupation standards have not been met? Identify:

Applicant "C" has applied for a variance to add an unenclosed front porch to the residence, which will encroach into the front setback. Testimony reveals that this older, established neighborhood predates any zoning ordinance adopted by the township. All but two of the neighboring homes have similar front porches. The applicant's porch would be in line with the neighbors' when completed. There is no one in the audience who testifies for or against the applicant. How would you decide?

Please respond to these hypothetically:

A. A controversial case is before the zoning hearing board resulting in a large number of citizens attending the meeting, most in opposition. The Applicant meets all of the zoning ordinance requirements for the project. Disclose your deliberations and how they resulted in determining how you voted:

B. The applicant in a case is your neighbor, close friend or a family member. Do you summarily recuse yourself from hearing the case? Explain how you would address the situation:

ZONING HEARING BOARD OVERVIEW

Zoning Hearing Boards (ZHB) are quasi-judicial bodies established by state law, adopted by ordinance, with appointments being made by the Board of Commissioners (BOC). Most municipal committees, commissions and boards are principally advisory in nature and carry no stand-alone authority to legally implement their recommendations, relying on the final authority of the BOC. Zoning hearing board decisions, however, are final unless appealed by the applicant or a citizen to the York County Court of Common Pleas.

ZHB meetings are conducted in a formal setting with a stenographer and solicitor present representing the ZHB. Legal counsel also represents many of the applicants. Applicants and their presenters, as well as those giving testimony from the general public, are sworn to their testimony. Law forbids communication regarding a case with an applicant or other ZHB members prior to the hearing. Member duties include questions to the applicant/presenter; weighing testimony relevant to the applicable ordinance while sorting out that testimony that is irrelevant to the case. Zoners make no assumptions unless there is direct testimony regarding the case. Zoners offer no advice or coaching to presenters, which could influence their testimony. The case needs to be decided strictly on the basis of the testimony and the governing body of regulations contained in the zoning ordinance without biases, consideration of previous zoning laws or rumored zoning infractions, or a member's personal ideology or philosophy.

The Penn Township ZHB meets regularly each month on the second Tuesday at 7 PM. An appointment to the ZHB, by the Board of Commissioners, is for a period of five years, unless appointment is made to fill the unexpired term of a previous member. A new application is necessary to be considered for an additional full term.

As the ZHB is only a 5-member board, regular attendance is critical to ensure a meeting quorum. All meetings must be legally advertised. Excused absences must be communicated in advance to the ZHB Chairman. Applicants must pay a substantial fee for their request to be heard. This fee covers the cost of the solicitor, stenographer, legal advertising, meeting room, etc. A no-quorum board delays the process and is unprofessional. Therefore, should your schedule dictate that your absences might be frequent, than appointment to the ZHB is not recommended. Members may be removed from the ZHB if their absences become too frequent.

Thank you for considering this important community service activity. Should you have any questions regarding the above please don't hesitate to contact the Township Manager for more information.

§502.3 Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:

a) 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 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.

b) 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.

c) That such unnecessary hardship has not been created by the appellant.

d) 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.

e) 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.

f) All the above standards must be met.

§502.4 Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards, as it considers necessary to implement the purposes of this Zoning Ordinance.

(1) parking space for each occupant.

Section 618 HOME OCCUPATION

In the R-8 and R-15 Zones, home occupations may be permitted by special exceptions subject to the following criteria:

a) The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes.

b) No more than two (2) persons, both of whom shall be residents of the dwelling, may be engaged in the home occupations use.

c) No more than one (1) home occupation may be located in any dwelling unit.

d) The home occupation shall not alter the appearance of the building as a dwelling unit.

e) No mechanical equipment shall be employed in a home occupation other than that customarily utilized for hobby or domestic purposes.

f) No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises.

g) No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or similar occupation.

h) No goods may be publicly displayed on the premises.

i) Home occupations shall be limited to not more than fifteen (15) percent of the net floor areas of the dwelling unit or four hundred (400) square feet, whichever is less.

j) No accessory building or structure or attached garage shall be utilized as a home occupation or for storage for home occupation.

k) Parking shall be consistent with Section 303 for parking provisions.

l) Only one (1) sign advertising a home occupation may be permitted. Such sign shall not be illuminated and shall be limited to two (2) square feet in display area, including all sides of the sign (see also Section 301). A zoning permit is required for the sign.

MEMO TO: ALL MEMBERS OF TOWNSHIP BOARDS/COMMITTEES/COMMISSIONS

FROM: PENN TOWNSHIP BOARD OF COMMISSIONERS

The position that you hold (or have applied for) on a Township Board/Committee represents an important part of Penn Township. The following guidelines are for your information as it is the desire of the Board of Commissioners to assure that all Boards/Commissions maintain a professional image.

1. Although the Township has no official dress code, it is our request that all members exercise good judgement in this area. Some meetings have very little public participation while others have substantial contact with the public. We ask that jeans and t-shirts be avoided. At meetings with a great deal of public contact, suitable dress would be tie and/or coat for men. Women's attire should consist of skirt/dress/slacks, etc.

2. An individual serving on a Township Board/Commission should have no existing or pending violations of any state laws or local ordinances. Township personnel should set a good example for others and this cannot be accomplished when that person is in violation of the Township's regulations.

3. All Board/Commission members should be registered voters in Penn Township.

4. Appointment to any Board or Commission commits a member to regular meeting attendance. If chronic absence becomes a problem, we ask that you resign your position for the good of the organization.

These guidelines are not intended to create undo hardship or inconvenience. They are intended to reinforce the concept of serious citizen participation while conducting Township business in a refined and respectable manner. It is our belief that these guidelines will help enhance the quality representation that the residents of Penn Township deserve.