



BOROUGH OF TERRE HILL

APPLICATION TO THE TERRE HILL BOROUGH ZONING HEARING BOARD

INTRODUCTION

The purpose of the Zoning Hearing Board (“Board”) is to help assure fair and equitable application and administration of the Zoning Ordinance by hearing appeals from the Zoning Officers’ determinations, determining entitlement to conduct types of uses (special exceptions), and granting relief from the literal enforcement of the Ordinance when the provisions of the Zoning Ordinance inflict unnecessary hardship (variance). Applications for Appeals of determinations of the Zoning Officer or for zoning relief which can only be granted by the Zoning Hearing Board are submitted to the Borough’s Zoning Officer. The Zoning Hearing Board schedules hearings on applications and appeals that come before it, takes evidence, and issues written decisions.

The information contained in this document is intended as a guide in completing the application to the Zoning Hearing Board and is not intended to be all inclusive or legal advice to the applicant. It is the responsibility of the applicant to determine what aspects of the Zoning Ordinance to request relief from in order for the applicant to use the property as they desire.

The Terre Hill Borough Zoning Ordinance may be viewed at the Borough Office, 300 Broad Street, Terre Hill, PA 17581. A printed copy of the Zoning Ordinance may be purchased from the Borough for a cost of \$15.00. The ordinance is also available in PDF Format and can be downloaded from our website at www.terrehillboro.com.

It is the responsibility of the applicant to complete the application and provide testimony and evidence regarding all applicable general and specific standards described in the Ordinance for the particular uses desired by the applicant. It is not the obligation of the Zoning Officer or the Zoning Hearing Board to advise you or present testimony/evidence on your behalf. A Zoning Hearing is a legal proceeding; therefore, you may wish to contact legal counsel to assist or represent you at the hearing.

Success is directly proportional to preparation. The applicant has the burden of proof to show that they are entitled to a variance; that they meet the requirements for a special exception; or they are entitled to other relief requested. A complete, concise, and well-organized presentation will both save time and eliminate confusion.

SPECIAL EXCEPTIONS AND VARIANCES

The two forms of relief most frequently requested from the Zoning Hearing Board are special exceptions and variances.

§703.3 Special Exception – A special exception is permission or approval granted to the applicant to use land in a zoning district for a specific purpose other than that generally permitted outright in the district. The special exception is granted by the Zoning Hearing Board in accordance with all regulations and standards for that use contained in the Zoning Ordinance, provided the applicant’s proposed use will not injure or detract from the use of the neighboring property or from the character of the neighborhood or are contrary to the law.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as the Board deems necessary. In rendering its decision, the Board considers the following criteria that the applicant must prove at the hearing before the board:

B. Special Exception Decision Criteria. In rendering its decisions, the Board shall consider the following criteria, and the applicant requesting these special exceptions shall bear the burden of proving that such use complies with the following criteria:

1. The suitability of the property for the use desired. Assure itself that the proposed request is consistent with the spirit, purpose and intent of this Chapter.
2. Determine that the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.

3. Determine that the proposed special exception will serve the best interests of the Borough, the convenience of the community, and the public welfare.
4. Consider the effect of the proposed special exception upon the logical efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, public schools, private schools and educational facilities.
5. Impose such conditions, in addition to those required as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, without limitations, to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.
6. Determine that the unique circumstances for which the special exception is sought were neither created by the owner of the property, nor were due to or the result of general conditions in the zoning district in which the property is located.
7. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets and highways from undue congestion and hazard.
8. Ascertain the adequacy of sanitation and public safety provisions, when applicable, and require a certificate of adequacy of sewage and water facilities from a governmental health agency when required herein or deemed advisable. And
9. Financial hardship shall not be construed as the basis for granting special exceptions.

In addition to the aforementioned, the applicant must address the requirements of §503 which regulations specify conditions under which exceptions shall be granted upon application to the Zoning Hearing Board. The applicant must address any other ordinance requirements necessary to utilize property as requested.

§703.4 Variance – Typically, an application to the Zoning Hearing Board for a variance arises when a proposed use, structure or development does not meet all requirements of the Zoning Ordinance. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that all of the following findings are made when relevant in a given case. When applying for a variance, it is the applicant’s responsibility to demonstrate each of the following factors (when relevant).

1. 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 the particular property, and that the unnecessary hardship is `due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter 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 this Chapter 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 applicant.
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. And
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.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter or the Pennsylvania Municipalities Planning Code

IMPORTANT INFORMATION:

Hearing Timeline

1. The Terre Hill Borough Zoning Hearing Board schedules its meetings as needed. All meetings will be held at 7:00 PM on the date selected by the Board at the Borough Municipal Office, Town Clock Hall, 300 Broad Street, Terre Hill, PA.
2. Hearings shall be held within 60 days from the date of the applicant's request.
3. All applications to the Zoning Hearing Board are required to be reviewed by the Terre Hill Borough Planning Commission. The application will also be presented to Borough Council prior to the hearing before the Zoning Hearing Board. The public meetings are as follows:

Planning Commission	Fourth Thursday	7:00 PM
Borough Council	Second Tuesday	7:00 PM

*Note: Planning Commission meets the third Thursday in November and December due to the holidays.

It is recommended that the applicant or the applicant's agent attend the aforementioned public meetings when the applications are discussed. The public is welcome to attend any of these meetings and comment on the proposed cases.

4. The applicant may only communicate with members of the Zoning Hearing Board during scheduled hearings. If the applicant has any procedural questions, contact Borough administrative staff.
5. The Zoning Hearing Board shall render a decision on the application within forty-five (45) days after the last hearing before the Board. A copy of the decision shall be provided to the applicant.
6. There is a thirty (30) day appeal period following the issuance of a written 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 the decision.

Hearing Notification

1. The applicant will be notified in writing of the hearing date.
2. Adjacent property owners will be notified of the request and the date and time of the hearing.
3. The property will be conspicuously posted at least one week prior to the hearing.
4. A public notice will be advertised in the Legal section of a newspaper in general circulation in Terre Hill Borough once each week for two consecutive weeks, which notice will state the time, place and matter to be considered. The first publication will not be more than thirty days and the second publication will not be less than seven days from the date of the hearing.

Hearing Participants and Proceedings

1. Parties to the hearing will be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person (including civic or community organizations) permitted to appear by the Board.
2. Parties will have the right to be represented by counsel and will be afforded the opportunity to (a) respond and present evidence, witnesses, and arguments, and (b) cross-examine adverse witnesses on all relevant issues.
3. The proceedings, including all testimony and exhibits, will be recorded by a court reporter. Any documentation provided to the Board may become an exhibit at the hearing and will not be returned to the applicant.
4. The applicant must be present at the zoning hearing. An applicant's failure to appear at the zoning hearing will be grounds for dismissal of the zoning application and result in disapproval of the applicant's request by the Zoning Hearing Board.

Implementation of Zoning Hearing Board Decision

1. Unless otherwise specified by the Board or by law, a variance or special exception shall expire if the applicant fails to obtain a building permit within one (1) year of the date of authorization thereof by the Zoning Hearing Board or by the Court if such special exception or variance has been granted after an appeal from the decision of the Board.
2. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use as authorized by the special exception or variance within two (2) years from the date of authorization by the Zoning Hearing Board or by the Court if such variance or special exception has been granted after an appeal from decision of the Board. The Board, for reasonable cause shown, may extend the time limitations as set forth herein

Application Completion Guidelines

1. All required application information must be completed by the applicant. The zoning district and tax account number may be obtained from the Borough.
2. It is the obligation of the applicant to identify the nature of the zoning relief applicant requests from the Zoning Hearing Board, including the appropriate provisions of the Zoning Ordinance.
3. All sections of the application must be completed. If a paragraph or line within a paragraph does not apply, please insert "N/A" (Not Applicable). Incomplete applications will not be accepted and will be returned to the applicant for completion. This may cause a delay in scheduling a hearing.
4. The Home Occupation Questionnaire (pages 6-7) must be completed when applying for the operation of a Home Occupation.
5. Legal advertising of the zoning hearing scheduled by the Zoning Hearing Board to consider an application will be based exclusively upon the information contained in the application. Any omission or inaccuracies will be the sole responsibility of the applicant.

Application Submission:

1. The applicant must submit five (5) copies of the completed application, together with all supporting documentation required by the application and the Zoning Ordinance.
2. All applications must be accompanied by the applicable fee:
 - a. Residential - \$700.00
 - b. Commercial - \$1,000.00
 - c. Validity Challenges - \$1,300.00
3. The Total Fee must be paid at the time the application is filed with the Borough. Applications will not be accepted without payment.
4. The completed application must be submitted to Terre Hill Borough, 300 Broad Street, PO Box 250, Terre Hill, PA 17581. Checks made payable to Terre Hill Borough.

GUIDELINES FOR HOME OCCUPATION APPLICATIONS AND VARIANCE APPLICATIONS

The following provides a list of information that should be included in these specific types of applications. This information is in addition to all other required information on the application. This information is provided as a guide and is not intended to be all inclusive. The Zoning Hearing Board may require additional information not included here. Applicants for home occupations must complete the Home Occupation Questionnaire.

HOME OCCUPATION APPLICATION GUIDELINES

Provide detailed information regarding the following:

- Detailed description of proposed business
- Location of the business on the property
- Detailed description of the area that will be used for the business
- Total square footage of the house.
- Square footage and percent of home to be used for requested use (area used for the practice of the home occupation will occupy no more than 500 square feet or 25% of the total floor area of the home, whichever is less)
- Hours of operation – hours of operation and days per week the proposed business will be open
- Anticipated number of clients visiting the home business on a daily basis
- Location of entrance for customers
- Location of restroom facilities available for customer use
- Anticipated number of delivery vehicles and types of delivery vehicles on a daily basis
- Number of employees (no more than one person not residing in the home will be employed full-time)
- Number of parking spaces available on property (three off-street parking spaces in addition to those required for the residence units will be required)
- Provide parking area dimensions
- Sign – include size, material, content and location of proposed signage
- Pictures are suggested but not required:
 - Pictures of the area inside the home that would be used for business
 - Pictures of proposed location of a sign
 - Pictures of proposed parking area

VARIANCE APPLICATION GUIDELINES

Provide detailed information regarding the following:

- Detailed description of proposed use
- State the specific sections and subsections of the Zoning Ordinance from which the variance is being requested
- State all the grounds why the applicant believes the requested variance should be granted
- Indicate the unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the property
- A variance by the Zoning Hearing Board is required if the proposed buildings or structures do not meet all of the requirements of the Zoning Ordinance. A variance may be granted when such variance will not be contrary to the public interest and due to special conditions of the property, a literal enforcement of the ordinance will result in unnecessary hardship. Such hardships occur only when circumstances affecting the land are unique and applicable to the land alone. An individual is entitled to a variance only when the hardship is peculiar to the land.
- Explain the impact the variance will have on the community. Will the variance, if granted, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of development of adjacent property, or be detrimental to the public welfare?

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BOROUGH OF TERRE HILL

ZONING HEARING BOARD APPLICATION

APPLICATION FOR:

1. **Application Type** (check all that apply):

- Special Exception Variance Interpretation of Zoning Ordinance
 Appeal Zoning Officer Decision Use Not Provided For

Application Relates to the following (check all that apply):

- Use Lot Area/Coverage Yards Height Existing Building Proposed Building
 Other _____

2. **Property Information:**

Tax Account Number: _____

Property Address: _____

Zoning District: R-1 Residential Low Density R-2 Residential Medium Density

R-C Residential/Commercial Mixed-Use District

C-N Commercial Neighborhood L-I Limited Industrial District

(Please check all zoning districts that apply to the property)

3. **Owner Information:**

Name: _____

Address: _____

Telephone: _____

E-mail: _____

4. **Applicant Information** (complete only if different from the owner):

Name: _____

Address: _____

Telephone: _____

E-mail: _____

5. **Interest of Applicant if not owner** (agent, lessee, etc.): _____

If other than owner, provide documentation that establishes the authority of the applicant to seek relief from the Zoning Hearing Board. Indicate Document Type:

copy of deed lease agreement of sale notarized letter from the owner

other appropriate documentation _____

6. **Applicant's Agent Information** (attorney/engineer/surveyor, etc.):

Name _____

Address _____

Telephone _____

FOR OFFICE USE ONLY:

DATE RECEIVED _____

FEE PAID _____

CASE # _____

7. Describe all current uses of property and include copies of all previous Zoning Hearing Board decisions if a previous application or appeal has been filed in connection with this property: _____

8. Description of property and buildings – provide a plot plan drawn to scale that includes the following minimum information:

- Shape of the property
- Dimensions of the property
- Square footage or acreage of the property
- Location and dimensions (height, length, width) of all existing structures; include current use(s) of all structures
- Location and dimension (height, length, width) of all proposed structures including additions and modifications of existing structures; include proposed uses of all structures
- Percentage of lot coverage – indicate the proportion of the total lot area covered by all existing and proposed buildings, structures, additions or alterations to a building.
- Floor plan for proposed use for new or existing structures
- Building elevation views and type of construction for all existing or proposed buildings where the intended use is planned
- Dimensions to property lines (distance from building(s) to property line for front, sides and rear yards)
- Front, side and rear building set back lines
- General slope of property
- The approximate location on the property of any waterways, floodplain, wetland, or other unusual physical features
- The existing and proposed location of traffic flow facilities (parking areas, driveways, loading areas, means of ingress and egress to the lot, routes for pedestrian and vehicular traffic, etc.)
- Existing and proposed buffer yards and landscaping
- Location and size of existing and proposed signage, if applicable
- Outdoor lighting throughout the tract
- If the property is located within more than one zoning district, indicate the approximate locations of the boundary lines of the districts and identify each respective district by name
- Include designation of North and indicate the scale used

9. Provide traffic plan from nearest main route (Main Street; Broad Street; Linden Street). Identify all streets and provide distance to closest intersection: _____

11. **Basis of Request, Challenge and or Appeal** – indicate the applicable sections and subsections of the Zoning Ordinance from which relief is requested:

○ Special Exception pursuant to Sections: _____

○ Variance pursuant to Sections: _____

○ Interpretation of Zoning Ordinance Sections: _____

○ Appeal of a Zoning Officer Decision involving Sections: _____

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

▪ Date of Zoning Officer Determination: _____

▪ Description of the alleged error of the Zoning Officer: _____

○ Action Desired by the Applicant: _____

12. **Reasons the applicant believes the Zoning Hearing Board should approve requests.** Include the grounds for appeal or reasons applicant believes request should be approved, both with respect to the law and the facts for granting the appeal, special exception, or variance; and if a hardship is claimed, state the specific hardships: _____

13. **Other relevant comments:** _____

14. **List the names, addresses, and current property uses for adjoining property owners.** Adjoining property owners are those persons with land touching your property lines (either on sides or rear or across the street from you):

1. _____

6. _____

2. _____

7. _____

3. _____

8. _____

4. _____

9. _____

5. _____

10. _____

HOME OCCUPATION QUESTIONNAIRE

This Worksheet must be completed when applying for a Home Occupation.

Business Name: _____

Nature of Business: _____

Is the business incorporated? Yes No

Will you be using a fictitious name? Yes No

Square Footage Devoted to Business Use: _____

Percentage of Square Footage of Dwelling Devoted to Business Use: _____

Location of Business Use within the Dwelling: _____

Does your business require a license or permit from any federal, state, or county agency?

Yes No

Number of Employees: _____

Will you have non-family employees on-site? Yes No Number per day _____

Will you have non-family volunteers on-site? Yes No Number per day _____

Will you have independent contractors on-site? Yes No Number per day _____

Will you have customers or clients visit your business for direct sales of products and/or services?
 Yes No Number per day _____

Will the business stockpile goods of a substantial nature?
 Yes No Number per day _____

Will you have deliveries made to you on-site? Yes No Number per day _____

How will deliveries be made? _____

Will there be any outside appearance that would make it obvious that a business is being conducted in the residence?
 Yes No

Will there be a sign advertising the business on the property?
 Yes No

How will you advertise your business? _____

Do you have a business vehicle(s)? Yes No Number per day _____

Does your vehicle(s) have a sign attached? Yes No Number per day _____

Please list all vehicles and equipment associated with your business:

Vehicles	Number	Vehicular Weight
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Will the business activity use any equipment or process that will create noise, vibration, glare, fumes, odors, electrical or electronic interference including interference to radio or television reception, which would be detectable in the neighborhood? Yes No

If yes, describe _____

Will the business activity generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood? Yes No

Will the business involve any illegal activity? Yes No

Other relevant comments: _____

CERTIFICATION.

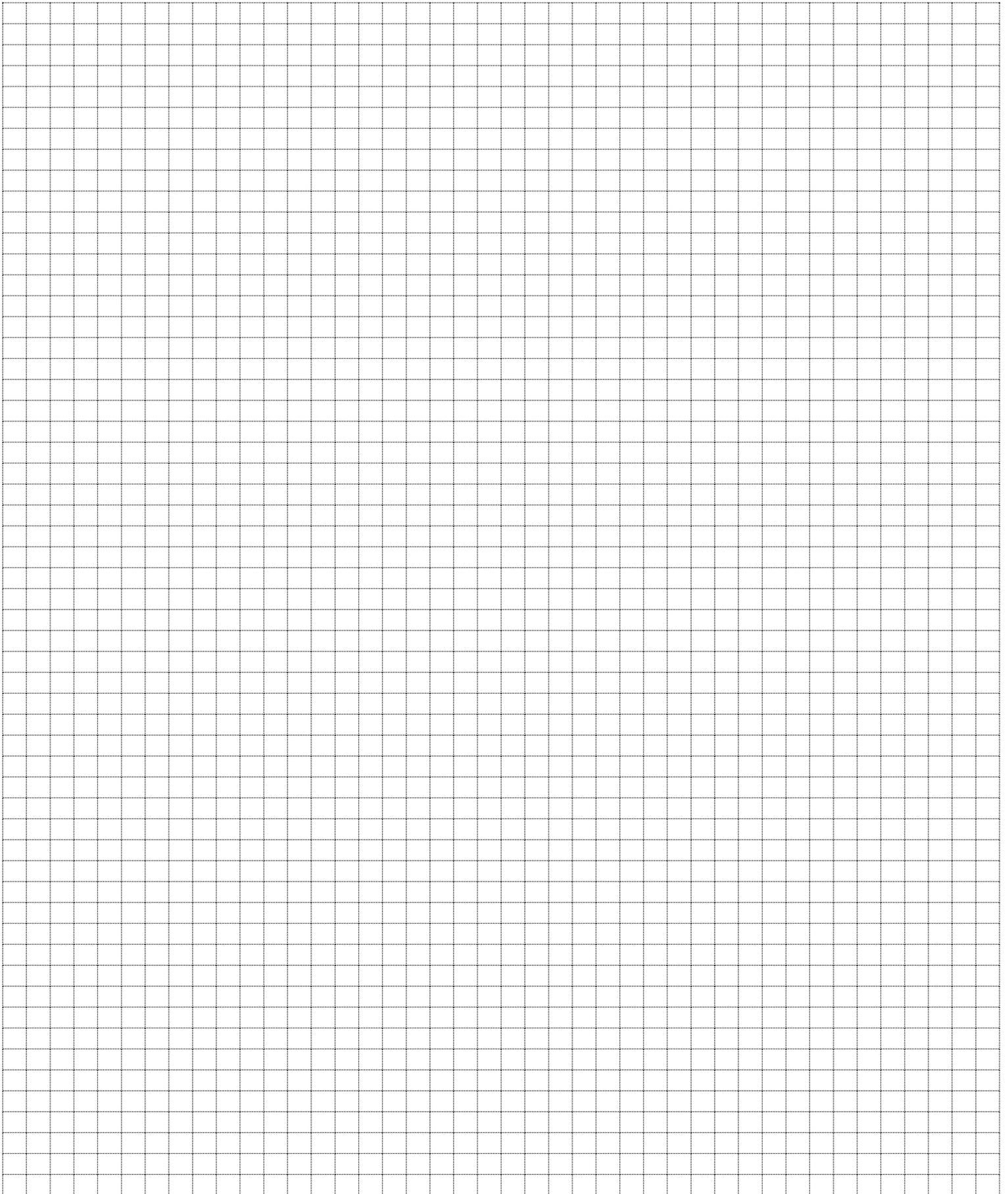
By signing this application, I, the applicant, do hereby verify that I have reviewed and understand the statements made in this application and that all such statements herein are true and correct to the best of my knowledge, information, and belief. These statements are being given by me to induce official action on the part of the Terre Hill Borough Zoning Hearing Board, and I understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities.

Date: _____
_____ (Applicant)

Date: _____
_____ (Applicant's Agent)

IMPORTANT REQUIREMENT: If the application is being made by a person other than the property owner, written authorization from the owner authorizing the application and designating you as the owner's agent must be attached.

Plot Plan



Traffic Plan

A large grid of graph paper, consisting of small squares, intended for writing a traffic plan. The grid covers the majority of the page area below the title and above the footer.