



Swatara Township
599 Eisenhower Boulevard
Harrisburg, PA 17111-2397
www.swataratwp.com

Building & Codes Department
Office Hours: Monday – Friday 8:00 AM – 4:30 PM
Phone: 717-564-2551 Fax: 717-564-5895
Email: directorofpz@swataratwp.com

Date Received: _____

ZHB Case #: _____

ZHB Hearing Date: _____

SECTION A – PROPERTY DATA

Property Address: _____

Parcel #: _____ Zoning District: _____

Existing Use: _____ Proposed Use: _____

Total Property Area (sq. ft. or acres): _____

Is site (or portion thereof) located within an identified floodplain, floodway,
or other special flood hazard area? Yes No

Does the site (or portion thereof) contain any wetlands, steep slopes, or other
environmentally sensitive areas? Yes No

Nonconformities:

Dimensional: _____

Lot: _____

Use: _____

Setbacks:

Existing:

Front: _____

Rear: _____

Sides: _____

Proposed:

Front: _____

Rear: _____

Sides: _____

Square Footage of Structure:

Existing: _____

Proposed: _____

Percent Expansion: _____

Percentage of Lot Coverage:

Existing: _____

Proposed: _____

Applicant Information:

Name: _____ Phone #: _____

Address (full): _____

E-mail: _____

(If applicant is not the owner, consent to act on the owner's behalf is required)

Property Owner Information:

Name: _____ Phone #: _____

Address (full): _____

E-mail: _____

Proxy (if applicable)

This is to certify that the undersigned has designated _____ as his/her representative to provide testimony and act on the owner's behalf at the Zoning Hearing Board meeting to be held on _____ (date), and any related lawfully adjourned meetings thereof. In no event shall this proxy be valid for a longer period than the legal decision rendered for this Zoning Hearing meeting. This proxy shall be revocable at any time at the request of the undersigned Owner.

Signature of Owner

Section B – Instructions

This is to assist applicants in applying to the Zoning Hearing Board. The process is explained more completely in Chapter 295, the Swatara Township Zoning Ordinance, Sections 295-7, 295-8, 295-13, 295-14, plus Section 295-13.D.3 for Variances and Section 295-13.D.4 & 295-18 for Special Exceptions. Any information provided in these checklists is intended only as a guide. The Applicant is advised to consult these chapters as well as obtain the services of an attorney, engineer or other professionals in completing this application and presenting evidence before the board. The Applicant is not required to be represented by third parties. The burden of proof rests upon the applicant to present their case before the Zoning Hearing Board by a preponderance of the evidence.

1. Complete the application. Please print legibly or type the information. Attach appropriate written explanation/arguments that indicate how the applicants request meets the burden of proof in establishing the findings required for a variance (Section E) or special exception (Section F), or on what grounds the appeal is based. Variance applicants must also attach a copy of a denied building and/or zoning permit. For appeals, attach a true copy of the Decision/Order/Determination of the Zoning Officer.
2. Attach all drawings, plans, and/or illustrations, which will help explain the request. One (1) copy of 8.5" x 11" documents or six (6) copies of any documents over 8.5" x 11" are required. Only one (1) print of each Exhibit photograph is necessary. Any material submitted with this application or entered as Exhibits during the hearing becomes the property of Swatara Township and is kept with this application. Include existing and proposed building structures, driveways, parking, landscaping, property lines, etc. Be sure to include all dimensions where applicable.
3. The application fee must be paid in full at the time of application submission or else the application will not be accepted. Payment may be made by check, cash, or credit card. If paying by check, please make the check payable to "Swatara Township". ZHB transcript fees may be paid directly to the stenographer. All fees have been set by Resolution and approved by the Board of Commissioners. All fees are subject to change at any time. The Applicant is responsible for paying all required fees in full prior to any approval and/or issuance of any permits. Payment of fees does not guarantee approval of this request nor any other permit request.
4. It is the applicant's responsibility to locate property lines and to check the property deed for easements and restrictive covenants.
5. The Swatara Township Zoning Hearing Board meets on an as-needed basis at 7:00 PM, prevailing time. The date, place, and time of the hearing will be confirmed by mail. In addition, the Zoning Ordinance requires the Zoning Hearing Board (or their designated Township Official) advertise a request in a newspaper of general circulation in the municipality for two successive weeks prior to the hearing date, post the subject property with a Hearing Notice at least one week prior to the date of the hearing, and also provide written notice to all primary owners within 300 feet of the affected lot.
6. The applicant, or their representative, shall present the request to the Zoning Hearing Board and be available to answer questions, if needed. If the applicant or their representatives are not at the meeting, the request will be denied. The Zoning Hearing Board may hold more than one hearing on an application or may continue the hearing over several dates. Once the hearing has concluded, the Zoning Hearing Board has forty-five (45) days in which to render its decision in writing. All deliberations and decisions will be made in public at scheduled hearing dates and times. Many times, the Board will make its decision immediately following the conclusion of the hearing. However, no decision is deemed effective until it has been made in writing, dated, and signed by the Chairperson of the Zoning Hearing Board, or in his/her absence, the Vice-Chairperson. The applicant or other aggrieved parties may appeal decisions of the Zoning Hearing Board to the Court of Common Pleas of Dauphin County within thirty (30) days of the written decision.

SECTION C – FEES

Some examples of services provided through fees include advertising, stenographer, and Township staff time. Any application subsequently withdrawn after the placement of the public notice shall be subject to the reimbursement of 50 percent of the original filing fee.

- Appeals/Interpretations, Variances, & Special Exceptions:
 - \$750.00 + all costs incurred by the Township above \$750.00.
- ZHB Transcripts:
 - Fee determined by the stenographer.

SECTION D – ADMINISTRATIVE

Indicate type of application below: (Initial all that apply)

Section 909.1(a) of the Pennsylvania Municipalities Planning Code:

- Substantive challenge to the validity of any land use ordinance except those brought before the governing body.
- Appeals from the determination of the Zoning Officer.
- Appeals from the determination of the Municipal Engineer or Zoning Officer with reference to the administration of the flood plain ordinance or such provisions within a land use ordinance.
- Applications for variances from the terms of the zoning ordinance and floodplain ordinance.
- Applications for special exceptions from the terms of the zoning ordinance or flood plain ordinance.
- Other (explain) _____

Hearing Records (Initial)

- I request a copy of the stenographic record of the hearing and agree to pay the fee(s) set by the service provider.

Sworn Statement of Truth (Initial) (All applicants must complete this section)

Applicant, being duly sworn, says he/she/it is:

- The owner of the property in question.
- The authorized agent for the owner of record of the property for which the application is made.
- The owner’s signature authorization to his/her/its agent to act on owner’s behalf is required to be submitted.
- A person aggrieved.
- An officer or agency of the municipality.

The undersigned applicant hereby verifies that the statements made in this application, and all information and exhibits provided with this application, are true and correct to the best of the applicant’s knowledge or information and belief. The applicant acknowledges that the Township or its representatives have not provided any legal representation and no opinion rendered by the Township or its representatives as to the validity of the applicant’s prospects for relief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Individual Applicant: _____
Print Applicant Name Signature of Applicant

Partnership/Corporate Applicant: _____
Name of Partnership / Corporation

Print Name of Signer and Title Signature of Applicant’s Signer

Applicant is advised that he/she/it should seek independent legal advice and may or may not consult the Municipalities Planning Code.

SECTION E – VARIANCE APPLICATIONS ONLY

The Zoning Hearing Board may grant a variance, provided that **all** of the following findings are made where relevant in a given case: (Ref: §910.2 of the Pennsylvania Municipalities Planning Code, and §295-13.D.3(b) of the Code of Swatara Township).

This is only a partial checklist. Complete a separate form for each variance and/or section requested.

Request for Variance of Section 295-_____ of the Township Zoning Ordinance

Variance(s) requested:

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 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 the appellant has not created such unnecessary hardship.

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 of 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.

THE APPLICANT MUST PROVE, BOTH IN WRITING AND THROUGH TESTIMONY, HOW THE VARIANCE REQUEST MEETS THE RELEVANT CRITERIA STATED ABOVE.

SECTION F – SPECIAL EXCEPTION APPLICATIONS ONLY

The Zoning Hearing Board may grant a special exception pursuant to express standards and criteria listed in the Swatara Township Zoning Ordinance (Chapter 295 of the Code of the Swatara Township).

This is only a partial checklist. Complete a separate form for each variance and/or section requested.

Request for Special Exception of Section 295-_____ of the Township Zoning Ordinance.

Special Exception(s) requested:

When special exceptions are allowed per the Zoning Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this chapter, including the following:

1. Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.

2. Compliance with other laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable Township, Pennsylvania, and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.

3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion after considering any improvements proposed to be made by the applicant as a condition on approval.

4. Site planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.

5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval, such as limits upon hours of operation.

6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

7. Natural features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

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 this chapter and the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.