

INSTRUCTIONS TO THE APPLICANT

1. Complete section I through IV of the application.
2. If the applicant is not the owner, a written statement of approval from the owner must be submitted with the completed application.
3. A fee of \$1,500.00 must accompany the completed request, payable to the Borough of Penbrook, to cover the cost of advertising, mailing, and posting notices and charges for a stenographer taking testimony.
4. Return the completed application to:

Zoning Officer
Penbrook Borough
150 S. 28th Street
Harrisburg, PA 17103

5. Zoning Hearings are scheduled for the fourth Wednesday of every month but are only held if a variance request or appeal is to be heard. The Borough may change the date to accommodate attendance by the Board members or the appellant so long as the revised date is within the statutory requirement. The Borough of Penbrook requires a minimum of five weeks from the date the application and check are submitted to prepare for the hearing and meet advertising, posting and notification requirements.

ZONING ORDINANCE APPEALS

If your application for a building permit or other action under the Penbrook Borough Zoning Ordinance has been denied because it does not conform to the requirements of the current ordinance, you have the right to appeal the decision of the Zoning Officer by submitting a request for hearing within 30 days from the date of the decision to the Penbrook Borough Zoning Hearing Board. The burden is on you to prove your case before the Board during a public hearing.

On each request for hearing the Borough will:

1. Arrange a date and time for the hearing.
2. Send notices of the hearing to the appellant, the Tri-County Planning Commission, the Zoning Officer, all property owners within 500 feet of the real estate in question on the same street and all property owners within 150 feet of the real estate in question on other streets.
3. A legal notice of the hearing will be published in the local newspaper not more than 30 nor less than 14 days before the hearing.
4. Post a notice in a conspicuous place on the real estate in question and at least five notices in other conspicuous places in the neighborhood.

The three-member Zoning Hearing Board conducts the hearing in a formal manner patterned after court proceedings, but not bound by the rules of evidence. The Chairman of the Board presides over the hearing and is represented by the Board Solicitor. Appellant and opposing witnesses may be cross-examined by Board members and each other.

After the Board feels satisfied that all pertinent facts have been presented in testimony and that all persons present at the hearing have had ample opportunity to express themselves, the Chairman will call the hearing to a close. Within 45 days after the hearing, the Board will provide a written decision to the appellant stating the reasons for the Board's decision.

A complete written application and documentation will help speed the hearing and decision by the Zoning Hearing Board.

VARIANCE OR APPEAL REQUESTS

The Zoning Hearing Board shall hear requests for variances and appeals from decisions where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance or approve an appeal provided that all of the following findings are made where they are relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of the 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.
- 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 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, or the appeal if approved, 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, or the appeal if approved, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In granting the variance, or approving an appeal, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

BOROUGH OF PENBROOK

Application for Variance or Appeal of Zoning Decision

Fee: \$1,500.00 payable to Penbrook Borough

SECTION I – Identification

Owner Name _____

Mailing Address _____

Phone # _____ Email _____

Applicant Name _____

Mailing Address _____

Phone # _____ Email _____

SECTION II – Property Location

Tax Parcel # _____ Site Address _____

Zone _____ Use _____

Subdivision/Land Development _____

SECTION III – Citation

The specific reason for the request or appeal shall be typed on an 8.5 x 11 inch paper and attached to this page. You should be specific and detailed in your request. Attach all drawings, plans and/or illustrations which will help explain your request. Include each section and paragraph number from which you request relief. You should provide a total of six (6) copies of any drawings or plans that are over 8.5 x 11 inches. If photographs are to be submitted, bring one print of each you will be using with you to the hearing. All materials become the property of Penbrook Borough and are kept with this application.

[] Drawing(s) Attached

SECTION IV – Signature

Printed Name: _____

Signature: _____

Date: _____

Return completed form and payment to: Penbrook Zoning Officer, 150 S. 28th Street, Harrisburg, PA 17103