

Lycoming County Zoning Program: To Lycoming County Zoning Hearing Board

FORM #3

COMPLETE IN FULL Additional Pages as Needed	APPEAL REQUEST Please Print Only – Use Black Ink Pen	ZONING PERMIT NUMBER
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**Citations that apply to General Standards for a Variance can be found on page two (2) of this application.
For Variance Request(s) use Form #2**

1. Applicants Name _____ Phone Number _____
(First) (Last)
- Address _____
(Street)
- _____
(City) (State) (Zip Code)

Applicant acknowledges all information is correct and accurate to the best of their knowledge. Applicant agrees not to initiate this proposed project until a municipality-issued permit is obtained.

Date of application _____ Applicant's Signature _____

2. Name of Township/Borough _____ Tax Parcel Number _____
- Site Address _____
(Street) (City) (State) (Zip Code)

3. Zoning District _____
- Existing Use(s) _____
- Proposed Use(s) _____
- Type of Activity (Description) _____
- _____
- _____

4. Specify the section(s) of the Zoning Ordinance that apply to your Appeal request in the space provided below:
- _____
- _____

ZONING ORDINANCE EXCERPTS:

Appeal – A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this ordinance as expressly authorized by provisions of articles 10 and 12. – Definition Section

SECTION 10430 PROCEDURES FOR VARIANCES AND APPEALS

Refer to Appendix D in the Lycoming County Zoning Ordinance for a summary of the procedure for obtaining a variance. (Attached)

A. Parties Appellant Before Board.

Requests for a variance may be filed with the Zoning Hearing Board by any landowner or an authorized agent of such landowner. **Appeals from a decision or interpretation of the Zoning Administrator and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board by any aggrieved person. Such an appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Hearing Board. The Zoning Administrator shall forthwith transmit to the Zoning Hearing Board all of the papers constituting the record of the action upon which the appeal was taken.**

B. Time Limitations.

No person shall be allowed to file any variance or appeal proceedings with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate officer, agency, or body if such proceeding is designed to secure reversal or limit the approval in any manner, unless such person alleges and proves that he had no choice, knowledge, or reason to believe that such action had been taken.

C. Applications Required.

All variance requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Administrator. Each variance request or appeal shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include all information requested on the form and any additional information that is reasonably necessary as requested by the Zoning Administrator.

D. Procedure for Zoning Administrator.

The Zoning Administrator shall transmit the completed petition form and information constituting the basis for the variance or appeal, along with all County documents on the matter, to the County Zoning Hearing Board. The Zoning Administrator may recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same, but when he does not have authority to grant the relief sought.

E. Fees.

Each petition for a variance or an appeal from a determination of the Zoning Administrator shall be accompanied by a fee payment, as set by the Lycoming County Board of Commissioners, to cover the cost of the procedure as provided by law.

F. Hearings.

1. The Zoning Hearing Board, before rendering a decision, shall hold hearings on any variance, challenge, or appeal requiring the Zoning Hearing Board's decision or other official action. Upon the filing of a variance, challenge, or appeal request with the Zoning Hearing Board, the Board shall, within sixty (60) days of receipt of the complete application, fix a reasonable time and place to hold a public hearing thereon, giving notice as follows:
 - (a) Publish public notice in accordance with the definition of "Public Notice" in Article 14 of this Ordinance.
 - (b) The property shall be posted conspicuously with a notice of the hearing at least seven (7) days prior to the date of the hearing. The sign shall contain the date of the hearing, a short description of the hearing, and a phone number to call for information.
 - (c) Give written notice to the applicant, the Zoning Administrator, the Lycoming County Board of Commissioners, the County Planning Commission, and to any person who has made a timely request for the same, at least (7) days prior to the hearing date, of the time, place, and purpose of the public hearing. Written notice shall be given to the secretaries of the municipal governing body and planning commission at least thirty (30) days prior to the hearing date to allow for municipal comment.
2. During the hearing, any party may appear in person or by agent or attorney.

G. Stay of Proceedings.

An appeal the Zoning Hearing Board shall stop all proceedings in furtherance of the action appealed unless the Zoning Administrator or other appropriate agency has certified to the Zoning Hearing Board, after notice of appeal has been filed, that by reason of facts stated in the certificate as stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Administrator and any other appropriate agency.

H. Withdrawal of Appeal or Variance Request.

A petitioner may withdraw his appeal or application at any time prior to decision thereon; but if a motion is pending to grant, deny, or dismiss the appeal, such motion shall have precedence. Withdrawal shall not entitle the appellant, applicant, or petitioner to the return of the filing fee.

I. Final Decision by the Zoning Hearing Board.

The Zoning Hearing Board shall establish findings of fact and an order to grant the appeal or variance request with conditions, modify or reverse. If the Zoning Hearing Board attaches conditions, modifies, or reverses, it shall do so only where the record of the hearing indicates that the Zoning Administrator was unsupported by the record or that the proposed order is not in conformance with the standards of this Division. The written decision or findings of the Zoning Hearing Board shall be rendered within forty-five (45) days after the date of the last hearing on said application. A copy of the final decision or findings shall be provided to the applicant and all interested parties no later than the day following its publication.

J. Failure to Hold Required Hearing or Render Decision.

If the Zoning Hearing Board fails to hold the required hearing or render a decision within the prescribed time periods, a decision shall be rendered in accordance with the provisions of Section 908(9) if the Pennsylvania Municipalities Planning Code.

K. Expiration of Appeal or Variance Decision.

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning/Development Permit or comply with the conditions of said authorized permit within (6) months from the date of authorization thereof.

L. Repeated Petitions.

If a petition is disapproved by the Zoning Hearing Board, thereafter the Zoning Hearing Board shall not be required to consider another petition for substantially the same proposal, on the same premises, until after one (1) year from the date of such disapproval.

M. Court Review.

Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within thirty (30) days to the Court of Common Pleas of Lycoming County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.