

## **Lancaster Township, 1240 Maple Avenue, Lancaster, PA 17603**

### **Zoning Hearing Board**

Any municipality enacting a zoning ordinance must also create a zoning hearing board (ZHB). The primary purpose of such a board is to help assure fair and equitable application and administration of the zoning ordinance. The board schedules hearings on applications and appeals that come before it, takes evidence, and issues written decisions with findings of fact and conclusions of law. A ZHB must limit its scope of activities to those permitted by the Pennsylvania Municipalities Planning Code (MPC) and by the local zoning ordinance.

Several matters are enumerated as the exclusive jurisdiction for the zoning hearing board to hear and decide. The two most typical are Variances and Special Exceptions.

### **Variances**

An application for a variance seeks permission to do something which is not in conformance with the zoning ordinance. The applicant seeks to override the zoning ordinance, justified by the existence of unnecessary hardship. The proof of such hardship is incumbent on the applicant.

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.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and the zoning ordinance.

### **Special Exceptions**

All zoning ordinances contain provisions for uses that are permitted by right. These are the basic uses that are permitted in the various zoning districts.

It is important to realize that the term special exception is a misnomer. It is neither special nor is it an exception. It is not a deviation from the zoning ordinance. An applicant for a special exception is following the zoning ordinance. A special exception is a use envisioned by the ordinance, and, if the express standards and criteria established by the ordinance are met, the use is one permitted by the ordinance.

In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC and the zoning ordinance.

### **The Hearing**

There is a definite structure to the hearing, and this will be communicated to those in attendance by either the Chairman of the ZHB or the ZHB solicitor. It outlines the reason for the hearing, and who will testify and when. Those in support or in opposition to the application will be instructed as to when they can ask questions and provide input.

There are concluding remarks and information as to when a decision is expected to be made.

Adjournment of hearing.