

**BOROUGH OF MARIETTA  
ZONING HEARING BOARD  
APPLICATION PROCEDURES**

1. FORMS TO BE COMPLETED AND INFORMATION TO BE SUBMITTED

- a. Zoning/Building Permit Application (*if applicable*).
- b. Site Plan showing all existing and proposed buildings, structures and other significant features such as parking lots, driveways, sidewalks, etc. The plan must be accurate and shall be drawn to scale.
- c. Zoning Hearing Board Application.
- d. Zoning Hearing Board Supplemental Information Form.
- e. Zoning Hearing Board Fee of \$700.00 (*due at the time the application is filed*)
- f. Zoning Hearing on such Appeal or Application that exceeds five (5) hours a fee of \$300.00 shall be assessed against the petitioner or challenger for each hour or part thereof until the hearing(s) are concluded.
- g. Zoning Hearing Board Continuances \$500.00 each.

2. ADDITIONAL INFORMATION

- a. If one or more items listed above are incomplete or missing your application will not be processed, nor will it be assigned a case number or a hearing date. The application, with an explanation, will be returned for you to make the necessary corrections.
- b. If Applicant is not the owner of the subject property, a letter of acknowledgment from the property owner must be provided prior to the acceptance of the application and the scheduling of a hearing.
- c. The Marietta Borough Zoning Hearing Board has reserved the first Tuesday of each month for meetings. For an application to be scheduled all required information must be submitted and all fees paid no later than the 1<sup>st</sup> Monday of the prior month to the scheduled hearing. (*From time to time meetings are rescheduled due to conflicts with the standard meeting date. Applicants are advised to verify the date for the hearing prior to making application.*)
- d. The Board has forty-five (45) days within which to render a formal decision following the closing of testimony.
- e. A thirty (30) day appeal period follows the issuance of the formal written decision by the Zoning Hearing Board. Any party with an interest in the decision may appeal a decision of the Board by filing an appeal with the Lancaster County Court of Common Pleas, seeking to reverse, modify or limit a decision.
- f. After a Variance, Special Exception or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permit(s) within one (1) year from the date of receipt of the formal decision or the time specified within the decision.
- g. Copies of the Marietta Borough Zoning Ordinance are available at the Borough Office for purchase.

### 3. FUNCTION / ROLE OF THE ZONING HEARING BOARD

The purpose of the Zoning Hearing Board is to hear applications for special exceptions, nonconforming uses, requests for variances, and appeals from determinations made by the Zoning Officer. The Board gathers facts at a public hearing by taking testimony from the affected parties, and is charged the legal responsibility of deciding whether to approve or disapprove applications and appeals. The Board will consider all relevant facts regarding the application, as well as evaluate its impact on the overall health and welfare of the community. When necessary, the Board can require special stipulations in connection with allowing special exceptions and variances. Only testimony taken during the hearing, and given under oath, is considered by the Board. The Board has the authority to issue subpoenas. A court stenographer is present. Applicant is responsible to reimburse the Borough one-half (1/2) of the courts reporter's appearance fee. Transcripts are available to any party at cost.

The Board does not write the Zoning Ordinance. The Zoning Ordinance, and revisions to it, are prepared by the Planning Commission and adopted by the Borough Council after they have held a public hearing. The Zoning Hearing Board is an interpretive body only. They follow some basic legal procedures in their hearings in order that the pertinent facts can be presented in an orderly and reasonable fashion by the applicant, the Zoning Officer, and other citizens who wish to be heard. Decisions on applications and appeals are made by the Board at a regularly scheduled meeting, and by law must be made within forty-five (45) days of the last hearing on a case. While all decisions are made at public meetings, no further discussion by the applicant or other parties is allowed after a decision has been rendered by the Board. A party may appeal the Board's decision, but must do so within thirty (30) days of the written decision. Such appeal must be made to the Lancaster County Court of Common Pleas.

Questions or comments about the Zoning Hearing Board should be referred to the Zoning Officer.