

PETITION FOR
BEFORE THE ZONING HEARING BOARD
OF

LEBANON COUNTY, PENNSYLVANIA

CASE # 1-23

DATE: 5/11/23

APPELLANT/PETITIONER(S) Lester Z. Martin & Deborah K. Martin

ADDRESS: 568 Stricklerstown Road, Millcreek Township

PROPERTY LOCATION: Same

OWNER(S): Lester Z. Martin & Deborah K. Martin

ADDRESS: Same as above

Reasons for Appeal/Petition: Article 16, Sec. 16.21 of the Millcreek Township Zoning Ordinance allows Petitioner to establish an accessory solar use on his property subject to certain conditions contained in A(1) - (4). It is the intention of Petitioner to establish a solar energy use which will be in the field located on his property. It shall be: 1) installed and sited in the most aesthetic and architecturally compatible method; 2) the system shall not project into the setback; 3) the system shall be more than the minimum 5 feet from any property line; 4) the structure shall exceed 25% of the ground floor area of the principal structure.

Petitioner is entitled to a variance because 1) the system shall be effectively placed and shall not restrict adjacent sky space; 2) the variance shall provide minimum relief necessary; 3) special circumstances exist that are peculiar to the land in that the property experiencing frequent power outages due to its location. The literal interpretation would deny Petitioner the right to a reliable source of power. The special circumstances are not caused by actions of Petitioner. The granting of the variance shall grant to Petitioner a reliable source of power.

Fee of \$ 400 received on 5/11/23 Check # 10086 - UPD
300 5/11/23 10087 - Millcreek

Lester Z. Martin
Signature of Appellant/Petitioner

VARIANCE CRITERIA

The Pennsylvania Municipal Planning Code allows a Zoning Hearing Board to potentially grant a variance (relief to a regulation) provided that all of the following findings are made where relevant in a given case:

- 1) That there are unique 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 such unnecessary hardship has not been created by the appellant.
- 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 or 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 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 this act and the zoning ordinance.

I hereby acknowledge that I have read and understand the above criteria.

A handwritten signature in black ink, consisting of stylized, flowing letters, positioned above a horizontal line.

Signature of Appellant/Petitioner