

**ARTICLE 19**  
**BOARD OF ZONING APPEALS**

19.001. A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, all of whom shall be residents and electors of the County of Lancaster. They shall be appointed by the County Board.

Upon the passage of this resolution, one member shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years; and upon expiration of said terms, appointments shall be made for a term of five years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board shall serve without compensation, but may be allowed their reasonable expenses, in an amount to be fixed by the County Board. A member of the Board may be removed by the affirmative vote of two (2) members of the County Board after being given a written statement of the charges against him and a hearing, which shall be a public hearing if he so requests. (Resolution No. 3545, November 18, 1980)

19.003. The members of the Board of Zoning Appeals shall meet at least once each year or as may be required after a one month notice, at such time and place as they may fix by resolution. They shall select one of their number as chairperson, who shall serve one (1) year and until a successor has been selected. Special meetings may be called at any time by the chairperson. A majority of the Board shall constitute a quorum for the transaction of business and three (3) affirmative votes shall be required for final action on any matter acted upon by the Board. The Board shall cause a proper record to be kept of its proceedings.

19.005.

a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any office, department or bureau of Lancaster County affected by any decision of the Director of Building and Safety. Such appeal shall be taken within a reasonable time by filing with the Director of Building and Safety a notice of appeal specifying the grounds thereof. The Director of Building and Safety shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from is taken.

b) Upon the receipt of the appeal by the Board, the Board shall fix a reasonable time for the hearing thereon within thirty (30) days. Notice shall be given as provided in Article 22 hereafter.

c) If, due to the absence of one or more of the members of the Board, any proposition put to a vote shall fail to receive three or more votes either for or against, said proposition shall be deemed to have received neither approval nor disapproval. Thereafter, the Board of Zoning Appeals shall schedule a subsequent hearing to reconsider and decide upon said proposition. (Resolution No. R-11-0023, March 29, 2011)

19.007. The jurisdiction of the Board of Zoning Appeals shall be limited to the following:

1) Powers Relative to Errors. To hear appeals where it is alleged there is an error in any order, decision, or determination made by an administrative official in the enforcement of this resolution.

2) Powers Relative to Variances. To hear and decide upon petitions for variances, and subject to such standards, principles and procedures provided in this resolution, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the owners a reasonable use of their land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.

3) Powers relative to Exceptions. Upon appeal, the Board is empowered to recommend the following exceptions:

a) To permit the reconstruction of a non-conforming building which has been destroyed by fire or Act of God, where the Board shall find some compelling public necessity requiring the continuance of the non-conforming use;

b) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare. Such uses lawfully existing on the effective date of this resolution shall be deemed to have received such a permit, and shall be provided with such a permit by the Building Inspector upon request and shall not be non-conforming uses; provided, however, that a permit shall be required for enlargement, extension or relocation of any of these existing uses;

c) To interpret the provisions of this resolution where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this resolution. (Resolution No. 3781, February 2, 1983)

19.009. In exercising the above mentioned jurisdiction, such Board may, in conformity with the provisions of this resolution, reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such decisions as ought to be made. In considering all appeals under this resolution, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of Lancaster County. Every change decided upon by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. Decisions of the Board of Zoning Appeals shall be final unless appealed to the County Board pursuant to Section 19.011. (Resolution No. R-11-0023, March 29, 2011)

19.011.

(a) Any aggrieved person, or any person or group officially designated to participate in the administrative of this title may appeal any action of the Board of Zoning Appeals to the County Board by filing notice of appeal with the County Clerk within fourteen (14) days following the action of the Board of Zoning Appeals.

(b) Upon receipt of the appeal by the County Board, the board shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Article 22 hereafter.

(c) In exercising its appellate jurisdiction, the action appeals from shall be deemed advisory and the County Board may, after public hearing, in conformity with the provision of this title, make such decision as ought to be made. (Resolution No. R-11-0023, March 29, 2011)