

BOROUGH OF MOUNT JOY
ZONING HEARING BOARD
APPLICATION PROCEDURES



Zoning Hearing Board: 4th Wednesday of the month, 7PM

Contact Stacie Gibbs, Code Officer, staci@mountjoypa.org, 717-653-2300

Deadline: 4pm, 3rd Friday of the prior month of scheduled meeting

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.
 - Seven copies of application, project narrative, plans, & photographs.
 - One copy to Attorney, Thomas Goodman (Goodman & Kenneff, 246 B Manor Ave, Millersville, PA 17551, 717-872-4605)
 - Include at least one set of 11 inch by 17 inch plan sheets.
 - Provide one digital copy of each plan sheet & document submitted on compact disc in PDF format or equivalent.
 - Fold all larger documents to fit into an 8.5 inch by 11 inch folder.
- E. Zoning Hearing Board Fee of \$700. (due at the time the application is filed)
- F. Zoning Hearing on such Appeal or Application that exceeds five hours a fee of \$300 shall be assessed against the petitioner or challenger for each hour or part thereof in excess of five hours until the hearing(s) are concluded.
- G. Zoning Hearing Board Continuances \$500 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 Mount Joy Borough Zoning Hearing Board has reserved the fourth Wednesday 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 3rd Friday 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 Mount Joy Borough Zoning Ordinance are available at the Borough Municipal Center for purchase or use within the Center.

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. 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. But they try to be as informal as possible.

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 Borough Manager/Zoning Officer or the Assistant Zoning Officer.

BOROUGH OF MOUNT JOY
ZONING HEARING BOARD
APPLICATION FOR HEARING



APPLICANT INFORMATION

NAME(S): _____
MAILING ADDRESS: _____
PHONE : (____) _____ FAX: (____) _____

PROPERTY OWNER INFORMATION

NAME(S): _____
MAILING ADDRESS: _____
PHONE : (____) _____ FAX: (____) _____

PROJECT APPLICATION INFORMATION

Request for hearing is hereby made for the Zoning Hearing Board to consider the following:

Variance to section(s) _____, of the Mount Joy Borough Zoning Ordinance. The Variance relates to one or more of the following:

____ Building Setback ____ Lot Coverage ____ Parking ____ Lot Width ____ Height
____ Other: _____

Special Exception(s) pursuant to section(s) _____ of the Mount Joy Borough Zoning Ordinance. The Special Exception relates to the following:

(i.e. home occupation, apartments, parking, home day care, commercial development, etc.)

Modification of a prior decision of the Zoning Hearing Board dated _____ and relates to _____.

(Site specific condition # of decision and briefly the terms of the condition)

Appeal of a denial of a Building/Zoning Permit or interpretation of a section of the Zoning Ordinance by the Zoning Officer. Said denial / interpretation of section(s) _____ of the Ordinance involves _____.

(Site specific terms used in the section of the Ordinance)

SUBJECT PROPERTY INFORMATION

Subject Property Address: _____

Zoning District: _____ Lot Size _____ x _____ Lot Area _____ Sq.Ft.

Present Use(s) _____

Existing Structures on Property: _____

(Include buildings, signs, porches, decks, sidewalks, sheds, garages, etc.)

FOR OFFICE USE ONLY

DATE APPLICATION FILED _____ CASE NUMBER _____

HEARING DATE(S) _____ FEE PAID \$ _____

ZONING HEARING BOARD APPLICATION
SUPPLEMENTAL INFORMATION

The following is a list of questions designed to assist you and the Zoning Hearing Board in the efficient and effective review of your application. Please thoroughly complete all areas which are applicable to your application. Please type or print your responses. If the space provided is insufficient, additional sheets may be attached.

PROJECT DESCRIPTION *(All applicants complete this section)*

1. Briefly describe the project for which the application has been filed. Give specific details about any structures being removed and/or constructed, the nature of the use(s) being proposed, signs being erected, parking being provided, etc.

2. Describe the location of the property based on streets, nearest intersections, and/or local landmarks.

3. What is the specific nature of the existing and proposed use(s) of the property and each of the buildings and/or structures on the property?

4. What is the general character and uses of the buildings/structures which exist on the properties abutting the subject property?

VARIANCE *(If the application is for a variance please complete this section.)*

- A. To Section(s) _____ of the Zoning Ordinance.
- B. Ordinance Requirement: _____
- C. Applicant's Proposal: _____
- D. Net Variance requested [B-C]: _____

A Variance is the process required if the proposed project fails to meet all of the requirements of the Zoning Ordinance. A Variance may be granted when, owing to special conditions which are not the fault of the applicant, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship which will not enable the applicant to utilize the land in any reasonable manner and meet the Ordinance requirement(s). Such hardships are recognized by state law to occur only where circumstances affecting the land are unique and solely related to that land and are not conditions that affect the entire neighborhood. Please complete the following questions:

1. What are the unique physical circumstances or conditions of the property, which create the unnecessary hardship. (*i.e. irregular shape, narrowness, shallow lot depth, or unusual topography, etc.*)

2. Explain how the unique physical circumstance or condition created: (a) the need for a variance, and (b) a hardship in the development of the property in conformity with the provisions of the Ordinance.

(a) _____

(b) _____

3. What are the details related to the creation of the property in its current form? (*When was the property purchased? Were there any subdivisions, easements or modifications to the property?*)

4. Explain the anticipated impact that the granting of this variance will have in relationship to the essential character of the neighborhood or district in which the property is located.

5. Explain the effect that the variance and the resultant construction or use will have on any adjacent property.

6. Explain how the variance being requested is the minimum variance that will grant relief.

7. Can you utilize the property for the current use or a permitted use without a variance? Y / N

SPECIAL EXCEPTION *(If this application is for a Special Exception, please complete this section.)*

A Special Exception Use is one, by virtue of its own particular character, which may be permitted in a specified zoning district only after review by the Zoning Hearing Board. Special Exceptions shall only be granted if they meet the specific criteria provided within the Zoning Ordinance. Approval may be subject to conditions placed by the Zoning Hearing Board, as they are deemed necessary to protect the health, safety or welfare of the neighborhood, district or community.

APPLICANTS SEEKING APPROVAL UNDER THE PROVISIONS OF SPECIAL EXCEPTION MUST SUBMIT EVIDENCE IN COMPLIANCE WITH THE PARTICULAR PROVISIONS OF THE ZONING ORDINANCE FOR THE PROPOSED USE AND THOSE FOUND IN SECTION 270-16.C. A PROJECT NARRATIVE SHALL ALSO BE REQUIRED WHICH PROVIDES A RESPONSE TO EACH OF THE SPECIFIC CRITERIA ENUMERATED IN THE ORDINANCE.

The following inquiries typically relate to the review of Special Exceptions, however, they may also apply to other types of hearings, if applicable, please complete responses to the following:

1. Address the following issues as they would be affected by the proposal (attach additional sheets as and documentation as necessary):

A. Traffic generation _____

B. Parking _____

C. Employees _____

D. Nuisance characteristics (*noise, dust, odor, smoke, glare, hazardous materials, etc.*)

2. Describe the manner and hours of operation _____

3. What landscaping, if any, is planned? (*Show areas on the plot plan*) _____

APPEAL OF INTERPRETATION OF ZONING ORDINANCE

In an Appeal of Interpretation, the applicant is seeking to have the Zoning Hearing Board reverse a ruling made by the Zoning Officer in reference to the way in which a particular Section of the Zoning Ordinance has been applied in the denial of a Building/Zoning Permit Application or on the overall effect of your project OR in the approval of a Building/Zoning Permit for which you have a standing interest, i.e. a permit issued for a neighbor's property.

Please state the nature of the Appeal below (or provide a separate narrative); a copy of the Building/Zoning Permit Application must be submitted with this application:

APPEAL OF INTERPRETATION *(Continued)*

MODIFICATION OF A PRIOR DECISION/CONDITION OF THE ZONING HEARING BOARD

A Modification to a prior Decision or a condition(s) imposed in a Decision of the Zoning Hearing Board will be considered by the Board in cases where the Applicant can show circumstances have changed since the Decision and that such circumstances may have caused the Board to render a different decision or would have altered a condition imposed.

Please state the condition(s) of the prior decision which you are seeking to have modified:

Please explain the modification you are seeking *(attach additional sheets if necessary)*:

APPLICANT/PROPERTY OWNER CERTIFICATION

I/We hereby certify, under penalty of law, that all statements made herein and contained on any related documents submitted herewith are true and accurate to the best of my/our knowledge and belief. If Applicant is not property owner of record, the owner shall sign application signifying consent to application.

Signature of Applicant(s)

Date

Property Owner(s)

Date