



MOUNT JOY BOROUGH ZONING HEARING BOARD HEARING APPLICATION

THE MOUNT JOY ZONING HEARING BOARD MEETS THE 4TH WEDNESDAY OF THE MONTH AT 7PM AT THE BOROUGH ADMINISTRATION BUILDING (21 E MAIN ST, MOUNT JOY, PA 17552) UNLESS OTHERWISE STATED BY RESOLUTION OF MOUNT JOY BOROUGH COUNCIL. QUESTIONS ON THIS APPLICATION OR HEARING DATES MAY BE DIRECTED TO THE MOUNT JOY BOROUGH CODES DEPARTMENT AT 717-653-2300 OR ZONING@MOUNTJOYPA.ORG

DEADLINE FOR SUBMISSION OF THIS APPLICATION SHALL BE NO LATER THAN THE CLOSE OF BUSINESS AT LEAST 30 DAYS PRIOR TO THE DATE OF THE DESIRED HEARING. A COMPLETE APPLICATION, INCLUDING PAYMENT OF FEES, IS REQUIRED FOR AN APPLICATION TO BE CONSIDERED COMPLETE AND ACCEPTABLE FOR PROCESSING.

THE FOLLOWING SHALL CONSTITUTE A COMPLETE APPLICATION:

- HEARING APPLICATION
- ZONING APPLICATION (IF APPLICABLE)
- SUPPLEMENTAL INFORMATION AFFIDAVIT
- SUPPORTING INFORMATION/DOCUMENTATION
 - WRITTEN NARRATIVE/DESCRIPTION OF PROJECT/SITE
 - DRAWING(S) AND/OR PHOTO(S) OF THE PROJECT/SITE
(MINIMUM SIZE 11X17 - AT LEAST ONE SET AT 11X17 IS REQUIRED TO BE SUBMITTED)
(DRAWINGS SHALL INCLUDE A SITE PLAN SHOWING ALL EXISTING AND PROPOSED STRUCTURES AND OTHER SIGNIFICANT FEATURES SUCH AS FENCES, DRIVEWAYS, SIDEWALKS, AND LANDSCAPING. THE PLAN MUST BE ACCURATE AND DRAWN TO SCALE)
- PAYMENT OF HEARING FEES BY CHECK OR MONEY ORDER
 - *** IF APPLICANT IS NOT THE PROPERTY OWNER A WRITTEN STATEMENT FROM THE PROPERTY MUST BE INCLUDED *** GRANTING PERMISSION TO THE APPLICANT TO FILE ON THEIR BEHALF

A COMPLETE APPLICATION SHALL BE SUBMITTED TO THE MOUNT JOY BOROUGH ZONING OFFICER NO LATER THAN 30 DAYS PRIOR TO THE DESIRED HEARING DATE. AN APPLICATION ONCE SUBMITTED, WILL BE REVIEWED FOR COMPLETENESS. IF ONE OR MORE ITEMS IS MISSING THE APPLICATION WILL BE CONSIDERED INCOMPLETE AND A CASE NUMBER AND HEARING DATE WILL NOT BE ASSIGNED UNTIL THE APPLICATION HAS ALL NEEDED AND REQUIRED ITEMS AND IS CONSIDERED COMPLETE.

METHOD OF SUBMISSION:

HARD COPY: TWO (2) SETS OF ALL MATERIAL (INCLUDING APPLICATION DOCUMENTS) TO BE USED AS A WORKING SET AND AN ORIGINAL SET FOR THE RECORD

DIGITAL COPY: ONE (1) SET OF ALL MATERIALS (INCLUDING APPLICATION DOCUMENTS) SHOULD BE SUBMITTED AS A PDF VIA USB, EMAIL, OR OTHER SECURE DIGITAL SUBMISSION METHOD

ALL SUBMISSIONS SHOULD BE PROVIDED TO THE MOUNT JOY BOROUGH ZONING OFFICER NO LATER THAN 30 DAYS PRIOR TO THE DESIRED HEARING DATE

HEARING FEES:

HEARING FEES ARE SET BY RESOLUTION OF COUNCIL ON AN ANNUAL BASIS. CURRENT FEES ARE AS FOLLOWS:

HEARING/APPLICATION FEE: \$1300 (DUE AT TIME OF APPLICATION)

CONTINUANCE FEE: \$900

HEARING LASTING LONGER THAN 5 HOURS: \$500

(THIS FEE SHALL BE ASSESSED FOR EVERY HOUR OR PART OF AN HOUR THAT A HEARING(S) EXCEEDS 5 HOURS UNTIL THE TESTIMONY AND/OR RECORD IS CLOSED)

FUNCTION, ROLE, AND AUTHORITY OF THE ZONING HEARING BOARD

THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE GIVES BROAD POWERS TO A ZONING HEARING BOARD TO DETERMINE VARIOUS MATTERS AS IT RELATES TO LAND USE AND THE ESTABLISHED ZONING ORDINANCE OF A MUNICIPALITY. THE BOARD IS CHARGED WITH THE LEGAL RESPONSIBILITY TO DECIDE WHETHER TO APPROVE OR DENY APPLICATIONS AND

THE ZONING HEARING BOARD HAS EXCLUSIVE JURISDICTION OVER THE FOLLOWING MATTERS:

- APPLICATION FOR SPECIAL EXCEPTION UNDER THE ZONING ORDINANCE
- APPLICATION FOR VARIANCE TO THE ZONING ORDINANCE
- SUBSTANTIVE VALIDITY CHALLENGE TO THE ZONING ORDINANCE OR MAP
- APPEALS FROM THE DETERMINATION OF THE ZONING OFFICER IN REGARDS TO THE ZONING ORDINANCE
- APPLICATION FOR SPECIAL EXCEPTION FOR PERSON WITH DISABILITIES
- ANY OTHER MATTER AS GRANTED IN THE PA MPC, AS AMENDED

THE ZONING HEARING BOARD THROUGH THE HEARING(S) WILL GATHER FACTS BY TAKING TESTIMONY FROM THE APPLICANT AND AFFECTED PARTIES. BASIC LEGAL PROCEDURES WILL BE FOLLOWED TO ENSURE AN ORDERLY AND REASONABLE METHOD OF COLLECTING SUCH TESTIMONY. THE BOARD WILL CONSIDER ALL RELEVANT FACTS REGARDING THE APPLICATION AND EVALUATE THE OVERALL IMPACT ON THE COMMUNITY. THE BOARD WILL ONLY CONSIDER MATERIAL AND TESTIMONY GRANTED TO IT THROUGH THE APPLICATION OR GIVEN UNDER OATH AT THE HEARING(S). IF NEEDED, THE BOARD IS GRANTED THE LEGAL AUTHORITY TO ADMINISTER OATHS FOR THE PURPOSE OF GATHERING SWORN TESTIMONY AND TO ISSUE SUBPOENAS TO COMPEL TESTIMONY BY WITNESSES OR PRODUCTION OF PERTINENT MATERIALS.

A STENOGRAPHIC RECORD IS KEPT OF ALL TESTIMONY AND HEARING PROCEDURES AS REQUIRED BY THE PA MPC. A COURT REPORT WILL BE PRESENT AT THE HEARING(S) FOR THE PURPOSE OF CREATING SUCH RECORD. ALL AFFECTED PARTIES HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL AND SHALL BE AFFORDED THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENTS, RESPOND TO ARGUMENTS OR QUESTIONS, INCLUDING CROSS EXAMINATION ON ALL RELEVANT ISSUES. FORMAL RULES OF EVIDENCE ARE NOT APPLICABLE TO THE ZONING HEARING BOARD THOUGH IRRELEVANT, IMMATERIAL, AND UNDULY REPETITIOUS EVIDENCE MAY BE EXCLUDED

THE ZONING HEARING BOARD SHALL HAVE 45 DAYS WITHIN WHICH TO RENDER A FORMAL DECISION FOLLOWING THE CLOSING OF TESTIMONY

FOLLOWING THE FORMAL DECISION OF THE BOARD, A THIRTY (30) DAY APPEAL PERIOD SHALL FOLLOW THE ISSUANCE OF THE DECISION. ANY PARTY WITH STANDING OR A VERIFIABLE INTEREST IN THE DECISION MAY APPEAL A DECISION ON THE BOARD BY FILING AN APPEAL WITH THE LANCASTER COUNTY COURT OF COMMON PLEAS SEEKING REVERSAL, MODIFICATION, OR LIMIT TO THE DECISION IN QUESTION

THE ZONING HEARING BOARD IS AN ADJUDICATIVE BODY AND ENFORCEMENT OF ANY DECISION BY THE BOARD WILL BE CONDUCTED BY THE BOROUGH ZONING OFFICER. THE BOARD MAY ASSIGN REASONABLE CONDITIONS WHEN GRANTING APPROVAL OF A SPECIAL EXCEPTION OR VARIANCE, SUCH CONDITIONS ARE BINDING ON THE APPLICATION AND APPROVAL AND FAILURE TO ABIDE BY SUCH CONDITIONS COULD RESULT IN ENFORCEMENT ACTION, UP TO AND INCLUDED REVOCATION OF THE GRANTED APPROVAL BY THE ZONING OFFICER FOR NON-COMPLIANCE, SUCH ACTION BY THE ZONING OFFICER IS SUBJECT TO APPEAL BEFORE THE BOARD.

QUESTIONS OR COMMENT ON THE ZONING HEARING BOARD MAY BE DIRECTED TO THE MOUNT JOY BOROUGH ZONING OFFICER AT 717-653-2300 OR ZONING@MOUNTJOYPA.ORG

**** OFFICIAL BOROUGH USE ONLY ****

FILING DATE _____

CASE NUMBER _____

FEE PAID _____

HEARING DATE _____

PROPERTY INFORMATION

PHYSICAL ADDRESS:

NEAREST INTERSECTING STREET(S):

ZONING DISTRICT:

LOT SIZE:

SQ FT

PRESENT USE(S):

APPLICANT INFORMATION

NAME(S):

MAILING ADDRESS:

PHONE:

EMAIL:

PROPERTY OWNER INFORMATION

NAME(S):

MAILING ADDRESS:

PHONE:

EMAIL:

PROJECT DESCRIPTION

BRIEFLY DESCRIBE THE PROJECT FOR WHICH THE APPLICATION IS BEING FILED. PLEASE PROVIDE SPECIFIC DETAILS ABOUT THE NATURE OF THE PROPOSED USE(S) - ANY STRUCTURES TO BE CONSTRUCTED, DEMOLISHED, OR MODIFIED - ANY ACCESSORY FEATURES SUCH AS SIGNS OR PARKING AREAS

PLEASE INDICATE ACTION OR PETITION THAT IS BEING SOUGHT OF THE BOARD

SPECIAL EXCEPTION
(PG 4)

VARIANCE (PG 6)

APPEAL OF ZONING
OFFICER (PG 8)

SUBSTANTIVE
VALIDITY CHALLENGE
(PG 9)

MODIFICATION OF
PRIOR DECISION
(PG 10)

SPECIAL EXCEPTION

THIS SECTION IS TO BE COMPLETED BY THOSE SEEKING A SPECIAL EXCEPTION UNDER THE MOUNT JOY BOROUGH ZONING ORDINANCE.

A SPECIAL EXCEPTION IS A USE THAT IS PERMITTED BY RIGHT IN A PARTICULAR ZONING DISTRICT BUT THAT HAS BEEN CALLED OUT FOR A MORE FORMAL REVIEW AND IS SUBJECT TO SPECIFIC CRITERIA AND/OR STANDARDS AS PUT FORTH IN THE ORDINANCE TO ENSURE THAT ANY POTENTIAL INJURY TO THE PUBLIC INTEREST IS AVOIDED.

IN GRANTING A SPECIAL EXCEPTION THE ZONING HEARING BOARD MAY ATTACH REASONABLE CONDITIONS AND SAFEGUARDS ABOVE THOSE SPECIFICALLY DETAILED IN THE ORDINANCE TO ENSURE THAT THE PUBLIC INTEREST IS SERVED.

PLEASE INDICATE IF THE FOLLOWING CRITERIA ARE PERTINANT TO YOUR APPLICATION

SPECIAL EXCEPTION UNDER SECTION 270-5.B USES NOT PROVIDED FOR

SPECIAL EXCEPTION UNDER SECTION 270-11.D.5 PERSON WITH DISABILITY

PLEASE INDICATE WHAT USE A SPECIAL EXCEPTION IS BEING SOUGHT *(INCLUDE THE ATTACHMENT NUMBER, TABLE NAME, AND SPECIFIC USE: EXAMPLE: 270 ATTACHMENT 1, TABLE OF PERMITTED USES PRIMARILY RESIDENTIAL DISTRICTS, BED-AND-BREAKFAST INN (270-62)*

THE FOLLOWING QUESTIONS ARE INCLUDED TO PROVIDE INFORMATION FOR THE SATISFACTION OF MOUNT JOY BOROUGH ZONING ORDINANCE, SECTION 270-16.C SPECIAL EXCEPTION, CONSIDERATION OF APPLICATIONS

COMPLIANCE WITH CHAPTER 270: *PLEASE DESCRIBE HOW YOU HAVE OR INTEND TO COMPLY WITH THE CONDITIONS OF THE PARTICULAR USE STATED IN THIS APPLICATION*

COMPLIANCE WITH OTHER LAWS AND ORDINANCES: *PLEASE DESCRIBE HOW YOU HAVE OR INTEND TO COMPLY WITH THE REQUIREMENTS OF ANY OTHER PARTICULAR LAW OR ORDINANCE THAT MAY EFFECT THE USE STATED IN THIS APPLICATION*

TRAFFIC AND PUBLIC SERVICES: *PLEASE DESCRIBE HOW YOU HAVE OR INTEND TO PROVIDE FOR POTENTIAL INCREASED TRAFFIC GENERATION, PUBLIC SERVICE ISSUES, AND ANY OTHER MATTER OR ISSUE THAT HAS THE POTENTIAL TO CAUSE DIFFICULTIES WITH TRAFFIC OR PUBLIC SERVICES*

SITE PLANNING: PLEASE DESCRIBE HOW YOU HAVE OR INTEND TO PROVIDE FOR EFFICIENT USE OF THE SITE, INCLUDING PARKING, TRAFFIC CIRCULATION, AND ANY OTHER ELEMENT OF PROPER DESIGN AS SPECIFIED IN THIS CHAPTER OR OTHER APPLICABLE ORDINANCE OR REGULATION

NEIGHBORHOOD: PLEASE DESCRIBE HOW YOU HAVE OR INTEND TO PROVIDE FOR THE WELL BEING OF AND PREVENT INJURY TO OR DETRACT FROM THE CHARACTER OF THE NEIGHBORHOOD AND/OR COMMUNITY AT LARGE IN PROXIMITY OF THE PROPOSED USE

PUBLIC SAFETY: PLEASE DESCRIBE HOW YOU HAVE OR INTEND TO PROVIDE FOR THE PUBLIC HEALTH AND SAFETY AGAINST ANY POTENTIAL NEGATIVE IMPACT OR HAZARD CAUSED BY THE PROPOSED USE, SUCH AS FIRE, CRIMINAL ACTIVITY, NOXIOUS/TOXIC FUMES, ETC.

PLEASE SUPPLY ANY SUPPORTING MATERIAL TO THESE STATEMENTS THE MANNER PRESCRIBED ON PAGE 1 OF THE APPLICATION. IF MORE SPACE IS REQUIRED TO ANSWER THESE QUESTIONS, PLEASE PROVIDE SEPARATE NARRATIVE DOCUMENT DETAILING THE ANSWER TO THE QUESTION(S) AND INDICATE THAT A NARRATIVE IS ATTACHED.

VARIANCE

THIS SECTION IS TO BE COMPLETED BY THOSE SEEKING A VARIANCE TO THE MOUNT JOY BOROUGH ZONING ORDINANCE

A VARIANCE IS RELIEF FROM THE STRICT APPLICATION OF THE ZONING ORDINANCE THAT THE APPLICANT IS ABLE TO PROVE IS CAUSING UNNECESSARY HARDSHIP AND MAY ONLY BE GRANTED IF ALL CRITERIA FROM SECTION 910.2 OF THE PA MPC ARE MET.

SECTION 910.2 OF THE PA MUNICIPALITIES PLANNING CODE PROVIDES FOR THE FOLLOWING FIVE (5) CRITERIA TO BE MET IN ORDER FOR A VARIANCE TO BE GRANTED:

- 1 THAT THERE ARE UNIQUE PHYSICAL CIRCUMSTANCES OR CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS, OR SHALLOWNESS OF THE LOT SIZE OR SHAPE, OR EXCEPTIONAL TOPOGRAPHICAL OR OTHER PHYSICAL CONDITIONS PECULIAR TO THE PARTICULAR PROPERTY AND 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 LEAST MODIFICATION POSSIBLE OF THE REGULATION IN ISSUE**

IN GRANTING A VARIANCE, THE BOARD MAY ATTACH SUCH REASONABLE CONDITIONS AND SAFEGUARDS AS IT MAY DEEM NECESSARY TO IMPLEMENT THE PURPOSES OF THE PA MPC AND THE ZONING ORDINANCE

PLEASE INDICATE WHAT TYPE OF VARIANCE IS BEING SOUGHT AND TO WHAT SECTION

DIMENSIONAL VARIANCE: A DIMENSIONAL VARIANCE SEEKS RELIEF FROM THE REGULATIONS OF LOT SIZE, LOT DEPTH AND/OR WIDTH, SETBACKS, REQUIRED YARDS, BUILDING HEIGHT, LOT OCCUPANCY, IMPERVIOUS COVERAGES, AND SIMILAR OTHER ITEMS THAT RELATE TO THE DIMENSIONS OF THE LOT AND/OR PROJECT

SECTION(S): _____

DE MINIMIS VARIANCE: ** PROOF OF HARDSHIP NOT REQUIRED **, A DE MINIMIS VARIANCE IS A MINIMAL OR MINOR DEVIATION FROM THE DIMENSIONAL REQUIREMENTS OF THE ORDINANCE THAT CAN BE GRANTED IF THE FOLLOWING TWO ITEMS ARE PROVEN. 1. THAT ONLY A MINOR DEVIATION FROM THE DIMENSIONAL REQUIREMENTS IS SOUGHT, 2. THAT RIGID COMPLIANCE WITH THE ZONING ORDINANCE IS NOT NECESSARY TO PROTECT THE PUBLIC POLICY CONCERNS INHERENT IN THE ORDINANCE

SECTION(S): _____

USE VARIANCE: SEEKS PERMISSION TO USE A PROPERTY IN A MANNER PROHIBITED BY THE ZONING ORDINANCE. THE HARDSHIP CRITERIA MUST BE SATISFIED, IN ADDITION TO PROVING ONE OF THE FOLLOWING: 1. THE PHYSICAL CONDITION OF THE PROPERTY IS SUCH THAT IT CANNOT BE USED FOR A PERMITTED USE, 2. THAT THE PROPERTY CAN BE CONFORMED FOR A PERMITTED USE ONLY AT A PROHIBITIVE EXPENSE, 3. THE PROPERTY HAS NO VALUE FOR ANY PERMITTED PURPOSE BY THE ORDINANCE

SECTION(S): _____

HYBRID VARIANCE: A VARIANCE FROM A PARTICULAR SECTION THAT HAS BOTH DIMENSIONAL AND USE ELEMENTS

SECTION(S): _____

WHAT ARE THE REQUIREMENTS OF THE SECTION IN QUESTION

WHAT IS THE APPLICANTS PROPOSED RELIEF

NET VARIANCE BEING REQUESTED

THE FOLLOWING QUESTIONS ARE INCLUDED TO PROVIDE INFORMATION FOR THE SATISFACTION OF VARIANCE CRITERIA AS LISTED IN SECTION 910.2 OF THE PA MPC

WHAT ARE THE UNIQUE PHYSICAL CIRCUMSTANCES OR CONDITIONS THAT ARE PRODUCING AN UNNECESSARY HARDSHIP

HOW DO THESE CIRCUMSTANCES OR CONDITIONS MAKE IT AN IMPOSSIBILITY TO DEVELOP THE PROPERTY IN CONFORMANCE WITH THE ORDINANCE

DESCRIBE HOW THE UNNECESSARY HARDSHIP IS THE RESULT OF CONFORMANCE WITH ORDINANCE AND NOT OF YOUR OWN CREATION OR DOING

DESCRIBE HOW GRANTING OF THE VARIANCE WILL NOT NEGATIVELY IMPACT THE CHARACTER OF THE COMMUNITY

DESCRIBE HOW GRANTING THE VARIANCE WILL BE THE MINIMUM RELIEF POSSIBLE

PLEASE SUPPLY ANY SUPPORTING MATERIAL TO THESE STATEMENTS THE MANNER PRESCRIBED ON PAGE 1 OF THE APPLICATION. IF MORE SPACE IS REQUIRED TO ANSWER THESE QUESTIONS, PLEASE PROVIDE SEPARATE NARRATIVE DOCUMENT DETAILING THE ANSWER TO THE QUESTION(S) AND INDICATE THAT A NARRATIVE IS ATTACHED.

APPEAL OF ZONING OFFICER DECISION

THIS SECTION IS TO BE COMPLETED BY THOSE SEEKING TO FILE AN APPEAL OF A DECISION OR ACTION OF THE ZONING OFFICER

AN APPEAL OF A DECISION OF THE ZONING OFFICER MAY BE FILED BY ANY PARTY THAT HAS STANDING, EITHER THE APPLICANT/PROPERTY OWNER WHO WAS DENIED A PERMIT AND/OR HAD AN ENFORCEMENT ACTION OF THE ZONING ORDINANCE TAKEN AGAINST THEM AND/OR THEIR PROPERTY OR ANOTHER AGGRIEVED PARTY THAT HAS STANDING SUCH AS A NEIGHBORING/BORDERING PROPERTY OWNER FOR AN ACTION ALLOWED OR DISALLOWED BY THE ZONING OFFICER. ONLY THE ZONING HEARING BOARD MAY CONSIDER AN APPEAL OF THE ZONING OFFICER DECISION AND/OR ACTION UNDER THE PA MPC SECTION 909.1(3) AND MOUNT JOY BOROUGH ZONING ORDINANCE 270-11.D(1)

THE FOLLOWING ITEMS MAY BE APPEALED:

- 1 GRANTING AND/OR DENIAL OF A PERMIT**
- 2 FAILURE TO ACT ON A PERMIT APPLICATION**
- 3 ISSUANCE OF A NOTICE OF VIOLATION, CEASE AND DESIST ORDER, OR OTHER ENFORCEMENT ACTION**
- 4 REGISTRATION OR REFUSAL TO REGISTER A NON-CONFORMITY**
- 5 ANY OTHER IMPROPER ACTION, MALFEASANCE, AND/OR MISFEASANCE ALLEGED AGAINST THE ZONING OFFICER**

WHAT ARE THE GROUNDS FOR THE APPEAL - REFERENCE THE ABOVE LIST FOR APPLICABLE ITEMS

DESCRIBE IN DETAIL THE FACTS, EVENTS, AND DETAILS TO SUPPORT THE GROUNDS FOR APPEAL

SECTION 270-11.D(5) OF THE MOUNT JOY ZONING ORDINANCE ALLOWS PERSONS WITH DISABILITIES TO REQUEST A SPECIAL EXCEPTION TO THE REQUIREMENTS OF THE ORDINANCE PROVIDED THAT THE APPLICANT/APPEALANT SATISFACTORILY PROVES TO THE ZONING HEARING BOARD THAT THE SPECIAL EXCEPTION IS REQUIRED TO PROVIDE REASONABLE ACCOMODATION TO SERVE A PERSON WITH DISABILITY.

ARE YOU REQUESTING A SPECIAL EXCEPTION UNDER THIS PROVISION? YES NO

IF SUCH REQUEST IS SOUGHT OF THE ZONING HEARING BOARD THE FOLLOWING APPLIES:

- 1 THE APPLICANT SHALL IDENTIFY THE PROTECTED DISABILITY AND BY WHAT STATUTES THEY ARE PROTECTED**
- 2 THE APPLICANT SHALL DESCRIBE AND SHOW HOW THE MODIFICATION OF THE ORDINANCE REQUIREMENTS IS THE MINIMUM TO ALLOW REASONABLE ACCOMODATION**
- 3 THE APPLICANT SHALL DESCRIBE AND SHOW HOW THE MODIFICATION MAY BE REMOVED OR RESTORED UPON SUCH TIME AS THE REASONABLE ACCOMODATION IS NO LONGER NEEDED ON THE PROPERTY**

PLEASE SUPPLY ANY SUPPORTING MATERIAL TO THESE STATEMENTS THE MANNER PRESCRIBED ON PAGE 1 OF THE APPLICATION. IF MORE SPACE IS REQUIRED TO ANSWER THESE QUESTIONS, PLEASE PROVIDE SEPARATE NARRATIVE DOCUMENT DETAILING THE ANSWER TO THE QUESTION(S) AND INDICATE THAT A NARRATIVE IS ATTACHED.

SUBSTANTIVE VALIDITY CHALLENGE

SECTION 916.1 OF THE PA MPC GOVERNS SUBSTANTIVE VALIDITY CHALLENGES AND ALLOWS FOR SEVERAL METHODS TO CHALLENGE THE ORDINANCE AND SEEK RELIEF FROM THE REQUIREMENTS OF THE ORDINANCE. THIS SHOULD BE AN OPTION OF LAST RESORT FOR ANY LAND OWNER OR AGGRIEVED PARTY.

LANDOWNER CHALLENGE: ANY LANDOWNER THAT DESIRES TO CHALLENGE THE ZONING ORDINANCE, MAP, OR ANY PROVISIONS THEREOF ON SUBSTANTIVE GROUNDS MAY TAKE ONE OF THE TWO FOLLOWING OPTIONS:

- 1 APPLY TO THE ZONING HEARING BOARD
- 2 APPLY TO THE GOVERNING BODY (MOUNT JOY BOROUGH COUNCIL)

THIS SECTION OF THE APPLICATION WILL BE FOR OPTION 1 - APPLYING TO THE ZONING HEARING BOARD - ONLY!

IF YOU DESIRE TO CHALLENGE UNDER OPTION TWO (2) CONTACT THE MOUNT JOY BOROUGH ZONING OFFICER FOR MORE INFORMATION AND DETAILS. AN APPLICATION TO THE GOVERNING BODY REQUIRES THAT THE APPLICANT SUBMIT DRAFT CURRATIVE AMENDMENTS UNDER SECTION 609.1 OF THE MPC

AGGRIEVED PARTY CHALLENGE: ANY PERSON(S) AGGRIEVED BY A USE OR DEVELOPMENT PERMITTED ON THE LAND OF ANOTHER BY THE ZONING ORDINANCE, MAP, OR ANY PROVISION THEREOF AND WHO DESIRES TO SUBSTANTIVELY CHALLENGE THE VALIDITY OF THE SAME SHALL APPLY TO THE ZONING HEARING BOARD FOR SUCH CHALLENGE TO BE HEARD.

CHALLENGE SUBMISSIONS SHALL BE GOVERNED AS REQUIRED IN SECTION 916.1(c) OF THE PA MPC. THE REQUIREMENTS OF WHICH CAN BE PROVIDED TO ANY APPLICANT SEEKING TO SUBMIT A CHALLENGE

WHAT ARE THE GROUNDS FOR THE APPEAL - *REFERENCE THE ABOVE LIST FOR APPLICABLE ITEMS*

DESCRIBE IN DETAIL THE FACTS, EVENTS, AND DETAILS TO SUPPORT THE GROUNDS FOR APPEAL

PLEASE SUPPLY ANY SUPPORTING MATERIAL TO THESE STATEMENTS THE MANNER PRESCRIBED ON PAGE 1 OF THE APPLICATION. IF MORE SPACE IS REQUIRED TO ANSWER THESE QUESTIONS, PLEASE PROVIDE SEPARATE NARRATIVE DOCUMENT DETAILING THE ANSWER TO THE QUESTION(S) AND INDICATE THAT A NARRATIVE IS ATTACHED.

MODIFICATION OF PRIOR DECISION

A MODIFICATION TO A PRIOR DECISION AND/OR CONDITION(S) IMPOSED IN A DECISION OF THE ZONING HEARING BOARD WILL BE CONSIDERED BY THE BOARD IN SITUATIONS WHERE THE APPLICANT CAN SHOW CIRCUMSTANCES HAVE CHANGED SINCE THE DECISION WAS GIVEN AND THAT SUCH CIRCUMSTANCES MAY HAVE RESULTED IN A DIFFERENT DECISION AND/OR WOULD HAVE ALTERED AN IMPOSED CONDITION(S).

STATE THE CONDITION(S) OF THE PRIOR DECISION WHICH YOU ARE SEEKING TO HAVE MODIFIED:

DESCRIBE IN DETAIL THE MODIFICATION YOU ARE SEEKING AND THE CIRCUMSTANCES THAT JUSTIFY THE MODIFICATION

PLEASE SUPPLY ANY SUPPORTING MATERIAL TO THESE STATEMENTS THE MANNER PRESCRIBED ON PAGE 1 OF THE APPLICATION. IF MORE SPACE IS REQUIRED TO ANSWER THESE QUESTIONS, PLEASE PROVIDE SEPARATE NARRATIVE DOCUMENT DETAILING THE ANSWER TO THE QUESTION(S) AND INDICATE THAT A NARRATIVE IS ATTACHED.

OWNER/APPLICANT ATTESTATION

THE SIGNED DO HEREBY ATTEST AND CERTIFY, UNDER PENALTY OF LAW, THAT ALL STATEMENTS MADE HEREIN AND CONTAINED ON ANY RELATED DOCUMENTS SUBMITTED HERewith ARE TRUE, ACCURATE, AND COMPLETE TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

APPLICANT

NAME (PRINT)

DATE

SIGNATURE

IF THE APPLICANT IS NOT THE PROPERTY OWNER OF RECORD, THE OWNER SHALL SIGN THIS APPLICATION SIGNIFYING CONSENT TO THE APPLICATION

PROPERTY OWNER

NAME (PRINT)

DATE

SIGNATURE