

# Mount Joy Township

## Instructions for Variance & Special Exception Application

**Please read the following information carefully prior to completing this application.** The following information is to assist you in the process of applying for a Variance and/or a Special Exception from the Mount Joy Township Zoning Ordinance. This information is intended to provide a summary of the hearing process and does not constitute all of the requirements that may be placed on you as the applicant for a Variance and/or Special Exception.

### Meeting Dates and Submission Deadlines

The Zoning Hearing Board typically meets the first Wednesday of every month. **Applications are due four (4) weeks prior to the regularly scheduled meetings.** Please confirm the meeting schedule prior to submitting the application in case a holiday interferes with the regularly scheduled meeting.

### Completing the Application

The variance and/or special exception application must be completed by the landowner, equitable landowner, tenant, contract purchaser or someone who has a legal or equitable interest in the land. In the case that the applicant is not the landowner, the applicant shall provide proof of consent from the landowner acknowledging his/her awareness that a variance or special exception request has been filed for review by the Township Zoning Hearing Board. The landowner should complete the certification section of this application.

Please answer the questions on the Application fully and to the best of your ability. **Please provide six (6) copies of the application, plans, photographs, charts and any other supporting documentation and a check for \$750.00 for the application fee to the Mount Joy Township Office.** Checks should be made payable to Mount Joy Township. No application shall be complete until a site plan has been submitted. All applications requesting approval to establish or expand a nonresidential use or which concern a residential use containing 10 or more dwelling units shall submit a plan drawn to a scale of not more than 100 feet to the inch in accordance with section 135-284.A of the Zoning Ordinance. **Incomplete Applications will not be accepted by the Township.** Once the application is processed by the Township, the Zoning Officer will prepare a public notice that will be sent to the Lancaster Newspaper for advertisement of the hearing in accordance with the Pennsylvania Municipal Planning Code.

On the date of the hearing, the applicant (and landowner if different) should be prepared to be sworn in by the court reporter. You will be permitted, but not required, to obtain assistance from an attorney, engineer, architect, planner, or other professionals, as the situation warrants, during the hearing process. You and/or your representative need to be in attendance at the Zoning Hearing to present your application in front of the Zoning Hearing Board and be prepared to answer any questions the Board may have. If you or your representative is not present at the scheduled meeting, your application may be denied, or it may be tabled until the next hearing if a written and signed request from the Applicant is received prior to the meeting.

It is the Applicant's responsibility to research property line locations and have property lines verified by a professional registered surveyor prior to submitting the Zoning Hearing Application. Any deed restrictions, easements or other restrictive covenants should also be researched prior to the submission of this application.

The Applicant and/or Landowner agree that by signing this application, they grant the right of the Township Zoning Officer, or other designated Township Official, to investigate, inspect and examine the Property set forth herein, including land and structures, to determine compliance with the Mount Joy Township Zoning Ordinance and to determine the accuracy of the statements contained herein.

### **General Standards for Variances**

There are five (5) criteria that the Zoning Hearing Board will consider, as applicable, when determining whether a Variance to the Township Zoning Ordinance is necessary. These five criteria are located in Section 910.2.a of the Pennsylvania Municipal Planning Code, as well as Section 135-383.C of the Township Zoning Ordinance. The criteria are as follows:

1. That unnecessary hardship exists due to unique physical circumstances of conditions, including irregularity, narrowness or shallowness of lot size, or shape or topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;
2. That because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship is not created by the applicant;
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 of development of adjacent property nor be detrimental to the public welfare; and
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.

The Zoning Hearing Board may implement reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance, as is stated in the Pennsylvania Municipal Planning Code, Section 910.2.b.

### **Guidelines for Special Exceptions**

In addition to the Performance Standards of a particular use and/or the Special Exception Standards delineated in Article XXVIII of the Township Zoning Ordinance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance as enabled by the Pennsylvania Municipal Planning Code (Section 912.1)

ZHB Case # \_\_\_\_\_

## Mount Joy Township

8853 Elizabethtown Rd  
Elizabethtown, PA 17022

Phone: (717)367-8917 - Fax: (717)367-9208

# Zoning Hearing Board Application

### 1. Applicant Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### 2. Landowner Information (if different from the Applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### 3. Property Information

Property Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Total Property Area (Sq. Ft. or Acres): \_\_\_\_\_

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**FOR TOWNSHIP USE ONLY**

Date Application Received: \_\_\_\_\_

Date Application to be heard: \_\_\_\_\_

Tax Parcel #: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Application Denied/Approved: \_\_\_\_\_

**4. Request for Special Exception**

Section(s) of Zoning Ordinance for which a Special Exception is requested:

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Provide an explanation of your proposal, particularly, why you need a special exception and for what type of use the special exception is being requested for:

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This site is suitable for a Special Exception Use because:

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How will the request affect adjacent properties? (Dust, noise, fumes, odors, glare, increased traffic, character of the neighborhood etc.):

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**5. Expansion of Special Exception Uses**

Are there any existing nonconformities on the lot, if so list them:

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Existing and proposed square footage of the structure:

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Percentage of Expansion:

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Existing front, side and rear yard setbacks:

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Proposed front, side and rear yard setbacks:

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**6. Request for a Variance**

Section(s) of the Zoning Ordinance for which a Variance is requested:

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Why do you need a variance and what is your proposed alternative from the requirements of the Township Zoning Ordinance?

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What physical characteristics of the property prevent it from being used for any of the permitted uses in your zoning district? (Topography, size and shape of lot, environmental constraints, etc.):"

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Explain how the requirements of the Zoning Ordinance would result in difficulties or undue hardships in the use of your property, buildings and/or structures:

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Explain how the granting of a variance will not be a substantial detriment to the public good or a substantial impairment of the intent and purpose of the Zoning Ordinance:

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**7. Certification**

I/we, the undersigned, do hereby certify that:

1. The information submitted here in is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable, and payment does not guarantee approval of the Zoning Hearing Board Application.
3. All additional required written graphic materials are attached to this application

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Landowner Sign (if different from Applicant)

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Landowner's Name (Printed)