

Procedures/Guidelines for Requesting a Zoning Hearing

- I. Presentation
 - A. Prepare to explain and show documentation about **your** request(s). This may be done with by you or by an authorized spokesperson (with or without legal council) before both the Planning Commission (meeting is the first Monday of each month) and the Zoning Hearing Board (hearings are the 4th Monday of each month).
 - B. Statements and testimony before the Zoning Hearing Board are taken under oath and every applicant or witness is subject to cross examination or general questioning by the Board or by other interested parties.
 - C. All relevant statements and testimony will be heard, but parties generally will best service their position by addressing themselves to matters which relate to the specific standards by which applications must be finally determined. See zoning ordinance sections 503 (variances) and 504 (Special Exceptions) as your guides.
 - D. The Board's decision must be made on the basis of the *record* that is created by **your** presentation; relevant facts are extremely essential.
- II. Decisions
 - A. The Board's decision will be mailed to the applicant and other interested parties no later than 45 days after the date of the decision.
 - B. Variances and special exceptions are valid for 6 months after the decision date.
- III. Protests and Appeals
 - A. Any party aggrieved by a decision of the Zoning Hearing Board (applicant or protest) may appeal the decision to the Court of Common Pleas within the limited time and according to the procedures currently established by law.

Instructions for filing Zoning Applications

- I. Examine the Dallastown Borough Zoning Ordinance and map carefully to ensure you determine the type of approval you are seeking and to ensure you have not overlook any portions of the zoning ordinance that may be relevant to your application. You may purchase or review the zoning ordinance at the borough office or review it on the website (www.dallastownboro.com).
- II. Complete the zoning application to your best ability and to the fullest possible detail before submitting to the borough office. The application must be applied for by the owner, a contract purchaser, a tenant or someone who has a legal or equitable interest in the land. The application can not be completed by some other company or a real estate agent. The application should state the exact sections of the ordinance which give rise to the application for relief. If more than one section is involved, all sections should be listed.
- III. Accompany the application with all applicable information necessary to review your application.
 - A. Special Exceptions and Variances have differences which involve immense legal significance and are too complex to be generalized on this instruction sheet. Should you have concerns or questions about the differences, you may seek consultation with a qualified counselor.
 - B. Plans, drawings and specifications are not required to be professionally prepared, but they must fully and accurately reflect your proposal.
- IV. File your application and the accompanying materials early. Applications must be advertised at least 7 days in advance of the hearing, the property will be posted with notice at least 7 days before the hearing and notice must be provided to the neighbors in accordance to law. Each application shall be referred to the Borough Planning Commission for a report of comments and recommendations.

Your application for hearing must contain specific information requested in adequate detail for the Zoning Hearing Board to understand and act on your request. If the application fails to provide the information requested, the Zoning Hearing Board reserves the right to reject your application.

These instructions and suggestions are provided solely as an aid to the zoning procedure and are NOT intended to enlarge, diminish or supersede any current provision or rule of the law.

DALLASTOWN BOROUGH ZONING HEARING APPLICATION



APPLICANT

NAME: _____

ADDRESS: _____

PHONE: _____

PROPERTY OWNER (IF DIFFERENT THAN APPLICANT)

NAME: _____

ADDRESS: _____

PHONE: _____

PROPERTY

ADDRESS: _____

EXACT LEGAL DESCRIPTION: _____

PRESENT ZONING DISTRICT(S): _____

A PLOT OF THE PROPERTY DRAWN TO SCALE MUST BE ATTACHED TO THIS APPLICATION.

DATE PURCHASED: _____
month/day/year

PRESENT USE: _____

LOT SIZE: width: _____ depth _____
area: _____ sq.ft.

PROPOSED USE: _____

DATE OF PREVIOUS APPLICATION, IF ANY: _____

THE ABOVE-NAMED APPLICANT REQUESTS A HEARING BEFORE THE ZONING HEARING BOARD AND A DETERMINATION ON THE FOLLOWING MATTER:

- APPEAL** (FILL OUT SECTION 1)
- SPECIAL EXCEPTION** (FILL OUT SECTION 2)
- VARIANCE** (FILL OUT SECTION 3)

...OFFICIAL USE ONLY...	
CASE NO: _____	DATES
CHECKLIST	DATES
Application filed.....	_____
Fee paid \$425 (non-refundable).....	_____
Receipt issued.....	_____
Placed on calendar for PC meeting.....	_____
Placed on calendar for ZHB meeting.....	_____
advertised	_____
advertised.....	_____
steno contacted.....	_____
Notice mailed to:	
Applicant.....	_____
PC members	_____
ZHB members	_____
Attorney.....	_____
Neighbors.....	_____
PC minutes mailed.....	_____
Sign posted for ZHB.....	_____
ZHB hearing held, verdict +/-	_____
Notification of decision to applicant	_____
Notification of decision to attorney.....	_____
Appeal filed.....	_____
<i>Advertising: Zoning Hearing Board (two times):</i>	
<i>Not more than 30 days before meeting and not less than 7 days before meeting.</i>	

SECTION 1 – REQUEST FOR APPEAL

REQUEST FOR AN APPEAL OF DETERMINATION OF ZONING OFFICER DATED _____ 20_____
REGARDING SECTION (S) _____ OF THE ZONING ORDINANCE.

BASIS FOR APPEAL BY APPLICANT: _____

SECTION 2 – REQUEST FOR SPECIAL EXCEPTION

THE SPECIFIC SECTION(S) OF THE ZONING ORDINANCE UNDER WHICH THIS SPECIAL EXCEPTION IS BEING
REQUESTED ARE SECTION (S) _____

Provide a brief description of the proposed use: _____

**ATTACH ALL APPLICABLE DRAWINGS/SKETCHES/PLANS TO THIS APPLICATION (I.E. SITE PLAN, FLOOR PLANS,
ELEVATIONS, PHOTOGRAPHS, ETC.)

GIVE A BRIEF EXPLANATION OF HOW THE PROPOSED USE WILL:

A) Be in compliance with all applicable provisions and be consistent with the purpose and intent of the Zoning
Ordinance:

B) Not be detrimental to the character of the neighborhood for the following reason(s):

C) Have adequate public facilities available to serve the proposed use (i.e. Sewer, Water, and other utilities;
Vehicular Access, etc.)

B) Not substantially impair the integrity of the Borough's Comprehensive Plan:


~~~SIGN AND DATE THE STATEMENT AT THE BOTTOM OF PAGE 4~~~

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### SECTION 3 – REQUEST FOR VARIANCE

REQUEST FOR VARIANCE OF SECTION (S) \_\_\_\_\_ OF THE ZONING ORDINANCE

NATURE OF VARIANCE REQUESTED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*ATTACH ALL APPLICABLE DRAWINGS/SKETCHES/PLANS TO THIS APPLICATION (I.E. SITE PLAN, FLOOR PLANS, ELEVATIONS, PHOTOGRAPHS, ETC.)

THE APPLICANT BELIEVES THE VARIANCE SHOULD BE GRANTED BECAUSE:

- A) The un-necessary hardship on applicant's property is: *(Check All That Apply)*
- The result of the application of the Zoning Ordinance
  - Not financial in nature.
  - Not self-created.
  - Due to unique physical circumstances of the property in question not shared by other properties in the vicinity.
- B) The applicant is unable to make reasonable use of the property in strict conformity with the Zoning Ordinance for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_
- C) The proposed variance will not alter the essential character of the neighborhood nor impair the use of adjacent properties for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_
- D) The variance requested represents the minimum variance that will afford relief for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_

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*ADDITIONAL INFORMATION REQUIRED BY THE ZONING HEARING BOARD IS ATTACHED.*

NOTE: I HEREBY CERTIFY THAT ALL OF THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ANY PAPERS OR PLANS SUBMITTED HERewith ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DALLASTOWN BOROUGH ZONING ORDINANCE STATES THAT IN ADDITION TO THE INFORMATION REQUIRED ON THE APPLICATION, NAMES AND ADDRESSES OF OWNERS OF ALL PROPERTIES ADJOINING THE PROPERTY IN QUESTION MUST BE PROVIDED. THIS INFORMATION MAY BE OBTAINED THROUGH THE YORK COUNTY COURT HOUSE.

I ACKNOWLEDGE IT IS MY RESPONSIBILITY , AS THE APPLICANT, TO SUPPLY THE NAMES AND ADDRESSES, BUT AUTHORIZE THE BOROUGH TO COMPILE THIS INFORMATION. I HEREBY WAIVE ANY RIGHT TO HOLD THE BOROUGH RESPONSIBLE FOR ANY PROPERTY OWNER MISSED OR OVERLOOKED.

**DATED:** \_\_\_\_\_ **20** \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**