

**DALLASTOWN BOROUGH ZONING HEARING BOARD
APPLICATION INSTRUCTIONS**

1. An “APPLICATION FOR ZONING HEARING” form must be completed and filed for a hearing. All applicants must provide information for each item down to #1 (except the box in the upper right corner) on the first page of the application. Also, the appropriate section(s) (1, 2, and/or 3) must be completed. Finally, all applicants must sign and date the application at the bottom. Applicant must have an interest in the subject property.
2. The **FILING FEE** must be paid at the time of filing the application. The amount of the filing fee can be obtained from calling the Dallastown Borough office. This fee may only partially cover the extra cost to the municipality of investigating and processing the application through its various stages. **Any additional expenses incurred by the municipality will be billed to the applicant.**
3. **INFORMATION REQUIRED FOR SPECIAL EXCEPTION OR VARIANCE APPLICATION(S).** Each application for Special Exception or Variance must be accompanied by the information below:
 - a. Site Plan: including location and use of open spaces and structures and other improvements on the lot. Must be drawn to a scale of 1 inch = 20 feet for lots less than $\frac{1}{2}$ acre and to a scale of 1 inch = 50 feet for larger lots. The north point must be shown on all site plans.
 - b. Ground floor plans and elevations of existing and/or proposed structures. Interior plans must be drawn to a scale of $\frac{1}{4}$ " = 1'.
 - c. Names and addresses of adjoining property owners and such others as the Zoning Officer may require.
 - d. The names and widths of abutting streets and highways.
 - e. Proposed off-street parking and loading areas, access drives and walks.
 - f. Additional information required by the Zoning Ordinance for special uses.
 - g. Photos of property.
4. When all the above listed requirements are met, the Application, along with all required plans and other exhibits, must be filed with the Zoning Officer and the Filing Fee paid. The Application must be complete in every respect, with ALL questions and demands answered. Incomplete Applications may be denied.
5. Public notice shall be given via publication and the property that is the subject of the application shall be posted as required by the Municipalities Planning Code and Dallastown Borough Zoning Ordinance and Zoning Hearing Board procedures.
6. In addition, the Borough shall cause written notice of the application to be mailed or otherwise delivered to adjacent property owners shown in the application. Such notice shall specify the dates on which the application will be reviewed by the by the Zoning Hearing Board.

NOTE TO APPLICANTS FOR VARIANCES:

An applicant for a variance is asking to be granted a right to build or use structures and property differently from the other citizens of Dallastown Borough. The Zoning Ordinance establishes equal rights and privileges which are fair and equitable for all citizens. Special situations may occur which create an unusual hardship for certain individuals if the terms of the Ordinance are enforced strictly. The Zoning Hearing Board has been established to consider such hardships, and if justified in doing so, may grant a Variance.

A Variance is really a permit to violate the Zoning Ordinance. It reverses and destroys a decision which was made when the Ordinance was adopted. Therefore, **variances will be granted only with the greatest reluctance and after the most careful study** in instances where the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

The Zoning Hearing Board has no authority to grant a Variance unless the following findings are made:

- a. There are unique physical circumstances or conditions, including (1) irregularity, narrowness, or shallowness of lot size or shape, or (2) exceptional topographical or other physical conditions peculiar to the particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
- b. Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
- c. The unnecessary hardship is not financial in nature and has not been created by the appellant.
- d. The Variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. 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 burden is on the applicant to prove all the above elements to the satisfaction of the Board. Unless the Applicant is prepared to do so, the application will not be granted. The Board may not consider any of the following elements in reaching a decision:

- a. Whether the applicant or the opponents produce the largest number of witnesses or the most vocal witnesses.
- b. Which side obtains the greatest number of signatures on petitions for or against the application.
- c. Whether other similar uses exist or have been permitted in the district, if in fact the Particular use applied for is not a desirable one.

NOTE TO APPLICANTS FOR SPECIAL EXCEPTIONS:

A Special Exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

- a. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone.
- b. Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.
- c. The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the proposed use and/or location, nature and height of buildings, walls, and fences.
- d. The use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause large amounts of commercial or industrial traffic to use residential streets.
- e. The specific standards set forth for each particular use for which a Special Exception may be granted have been met.

The burden is on the applicant to prove all the above elements, as well as any specific standards, have been met to the satisfaction of the Board.

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: _____ PROPOSED USE: _____
area: _____ sq.ft.

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	
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>	
Not more than 30 days before meeting and not less than 7 days before meeting.	

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*