



# ZONING HEARING BOARD APPLICATION

**UPPER ALLEN TOWNSHIP**  
100 GETTYSBURG PIKE  
MECHANICSBURG, PA 17055

**Community Development Department**  
Telephone: 717-766-0756  
Fax: 717-796-9833

**OFFICE HOURS: Monday through Friday 8 AM to 4:30 PM**

[www.uatwp.org](http://www.uatwp.org)

*For Office Use Only – Application Submittal Checklist*

ZHB:

File Date:

Parcel#:

Hearing Date:

Date Received:

Existing Zoning:

## **SECTION A - DATA**

### **Property Description**

Address (full) \_\_\_\_\_

Parcel # \_\_\_\_\_ Zoning Classification \_\_\_\_\_

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

Total Property area (sq/ft or acres) \_\_\_\_\_

Is site located within an identified Floodplain and/or Wetland Area? \_\_\_\_\_

Is the site located within an identified Historical District? \_\_\_\_\_

### Nonconformities:

Dimensional \_\_\_\_\_

Lot \_\_\_\_\_

Use \_\_\_\_\_

### Setbacks:

#### Existing:

Front \_\_\_\_\_

Rear \_\_\_\_\_

Sides \_\_\_\_\_

#### Proposed:

Front \_\_\_\_\_

Rear \_\_\_\_\_

Sides \_\_\_\_\_

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Square Footage of Structure:

Existing \_\_\_\_\_

Proposed \_\_\_\_\_

Percent Expansion \_\_\_\_\_

Percentage of Lot Coverage:

Existing \_\_\_\_\_

Proposed \_\_\_\_\_

### **Applicant**

Name \_\_\_\_\_

Address (full) \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-mail \_\_\_\_\_ Fax \_\_\_\_\_

*(If applicant is not owner, consent to act on the owner's behalf is required)*

### **Owner(s)**

Name \_\_\_\_\_

Address (full) \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-mail \_\_\_\_\_ Fax \_\_\_\_\_

### **Proxy (if applicable)**

This is to certify that the undersigned has designated \_\_\_\_\_  
as his/her representative to provide testimony and act on the owners behalf at the Zoning Hearing Board Meeting  
to be held on \_\_\_\_\_ (date), and any related lawfully adjourned meetings thereof.

In no event shall this proxy be valid for a period longer than the legal decision rendered for this Zoning Hearing  
Meeting. This proxy shall be revocable at any time at the request of the undersigned Owner.

\_\_\_\_\_  
(Signature)

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### SECTION B – INSTRUCTIONS

*This is to assist applicants in applying to the ZHB. The process is explained more completely in Sections 245-19.7 through 245-19.10. Also, Section 245-19.12 for Variance and Section 245-19.13 for Special Exception of the Upper Allen Township Zoning Ordinance. Any information provided in these checklists is intended only as a guide. The Applicant is advised to consult these chapters as well as obtain the services of an attorney, engineer or other professionals in completing this application and presenting evidence before the board. The Applicant is not required to be represented by third parties. **The burden of proof rests upon the applicant** to present their case before the Zoning Hearing Board by a preponderance of the evidence.*

1. Attach appropriate written explanation/arguments that indicate how the applicants request meets the burden of proof in establishing the findings required for a variance (Section E) or special exception (Section F), or on what grounds the appeal is based. Variance applicants must also attach a copy of a denied building and/or zoning permit. For appeals, attach a true copy of the Decision/Order/Determination of the Zoning Officer.
2. Attach all drawings, plans, and/or illustrations, which will help explain the request. One (1) copy of 8.5"x11" documents or six (6) copies of any documents over 8.5"x11" are required. Only one (1) print of each Exhibit photograph is necessary. Any material submitted with this application or entered as Exhibits during the hearing become the property of Upper Allen Township and are kept with this application. Include existing and proposed building structures, driveways, parking, landscaping, property lines, etc. Be sure to include all dimensions where applicable.
3. It is the applicant's responsibility to locate property lines and to check the property deed for easements and restrictive covenants.
4. The Upper Allen Township Zoning Hearing Board meets regularly on the 2nd Thursday of each month beginning at 6:00 PM, prevailing time. Complete applications, with exhibits, for consideration in any given month must be submitted three weeks and two days (23 days) prior to the scheduled hearing date. The date, place, and time of the hearing will be confirmed by mail. In addition, the Upper Allen Township zoning ordinance requires the Zoning Hearing Board (or their designated Township Official) to advertise a request in a newspaper of general circulation in the municipality for two successive weeks prior to the hearing date and to post the subject property with a Hearing Notice prior to the date of the hearing.
5. The applicant, or their representative, shall present the request to the Zoning Hearing Board and be available to answer questions, if needed. If the applicant or their representatives are not at the meeting, the request will be denied.

The Zoning Hearing Board may hold more than one hearing on an application, or may continue a hearing over several dates. Once the hearing has concluded, the Zoning Hearing Board has forty-five (45) days in which to render its decision in writing. All deliberations and decisions will be made in public at scheduled hearing dates and times. Many times, the Board will make its decision immediately following the conclusion of the hearing. However, no decision is deemed effective until it has been made in writing, dated, and signed by the appropriate Zoning Hearing Board members. The applicant or other aggrieved parties may appeal decisions of the Zoning Hearing Board to the Court of Common Pleas of Cumberland County within thirty (30) days of the written decision.

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## SECTION C – FEES

Example of service provided through fees include: advertising, attorney, stenographer & township staff time.

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| <b>Variances &amp; Special Exceptions:</b> | <b>\$600</b> + all cost incurred by the Township above the \$600 |
| <b>Appeals/Interpretations:</b>            | <b>\$600</b> + all cost incurred by the Township above the \$600 |
| <b>Continuances:</b>                       | <b>\$150</b> per case (No charge if continued by ZHB)            |
| <b>ZHB Transcripts:</b>                    | Fee determined by the stenographer                               |

*Any application subsequently withdrawn after the placement of public notice shall be subject to reimbursement at 50% of the original filing fee.*

## SECTION D - ADMINISTRATIVE

### Indicate type of application below: (Initial all that apply)

Section 909.1(a) of the Pennsylvania Municipalities Planning Code:

- Substantive challenge to the validity of any land use ordinance except those brought before the governing body.
- Challenges to the validity of a land use ordinance raising procedural questions.
- Appeals from the determination of the Zoning Officer.
- Applications for variances from the terms of the zoning ordinance and flood plain ordinance.
- Applications for special exceptions from the terms of the zoning ordinance or flood plain ordinance.
- Appeals from the determination of the Municipal Engineer or Zoning Officer with reference to the administration of the flood plain ordinance or such provisions within a land use ordinance.
- Other (explain)

### Hearing Records (Initial)

- I request a copy of the stenographic record of the hearing and agree to pay the fee(s) set by the service provider.

### Sworn Statement of Truth (Initial) (All Applicants must complete this section)

Applicant, being duly sworn, says he/she/it is:

- the owner of the property in question
- the authorized agent for the owner of record of the property for which the Application is made. The owner's signature authorization to his/her/its agent to act on owner's behalf is required to be submitted.
- a person aggrieved.
- an officer or agency of the municipality.

The undersigned Applicant hereby verifies that the statements made in this Application, and all information and exhibits provided with this Application, are true and correct to the best of Applicant's knowledge or information and belief. The applicant acknowledges that the Township or its representatives have not provided any legal representation and no opinion rendered by the Township or its representatives as to the validity of the Applicant's prospects for relief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

### Individual Applicant:

\_\_\_\_\_   
 Print Applicant Name

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

### Partnership/Corporate Applicant:

\_\_\_\_\_   
 Name of Partnership / Corporation

\_\_\_\_\_   
 By Print name of Signer and Title

\_\_\_\_\_   
 Signature of Applicant's Signer

\_\_\_\_\_   
 (initial)

Applicant is advised that he/she/it should seek independent legal advice and may or may not consult the Municipal Planning Code.

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**SECTION E - VARIANCE APPLICATIONS**

The Zoning Hearing Board may grant a variance, provided that **all** of the following findings are made where relevant in a given case: (Ref: §910.2 of the Pennsylvania Municipalities Planning Code, and §245-19.12 of the Code of the Township of Upper Allen).

*This is only a partial checklist. Complete a separate form for each variance and/or section requested.*

Request for Variance of Section \_\_\_\_\_ of the Township Zoning Ordinance

Variance(s) requested \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(1)** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**(3)** That the appellant has not created such unnecessary hardship. \_\_\_\_\_

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**(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.

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**(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.

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**THE APPLICANT MUST PROVE, BOTH IN WRITING AND THROUGH TESTIMONY, HOW THE VARIANCE REQUEST MEETS THE RELEVANT CRITERIA STATED ABOVE.**

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**SECTION F - SPECIAL EXCEPTION APPLICATIONS**

The Zoning Hearing Board may grant a special exception pursuant to express standards and criteria listed in the Upper Allen Township Zoning Ordinance (Chapter 245 of the Code of the Township of Upper Allen).

*This is only a partial checklist. Complete a separate form for each variance and/or section requested.*

Request for Special Exception of Section \_\_\_\_\_ of the Township Zoning Ordinance

Special Exception(s) requested \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**A.** The location of the use, including with respect to the existing or future streets giving access to it, is in harmony with the orderly and appropriate development for the district in which the use is to be located.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B.** The nature and intensity of the operation involved are in harmony with the orderly and appropriate development of the district in which the use is to be located.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C.** The granting of the special exception shall not materially increase traffic congestion on roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





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Attachment A  
Property diagram  
**EXAMPLE.**

