

# *Mount Pleasant Township*

1035 Beck Road

Gettysburg, PA 17325

Township Office Telephone: (717) 624-8049

## **APPLICATION TO ZONING HEARING BOARD**

---

- Plans showing existing conditions and proposed use (4 copies)
- Statement of grounds for hearing based on type requested

## **APPLICATION CHECK LIST**

The following items must be submitted before the application will be accepted and filed:

- Application Form Parts 1 and 2 Filled Out Completely
  - Part 1: General Information
    - Applicant, owner, contact information
    - Information on property location and characteristics (including copy of tax map)
    - Photographs of the property (2 copies)
    - Statement of applicant's interest (including copies of relevant documents)
    - Names and addresses of property owners within 100' of subject property
    - Description of proposed use
    - Applicant's Affidavit
  - Part 2: Grounds for Hearing
    - Copy of Notice of Decision from Zoning Officer (if applicable)
    - Zoning Hearing Filing Fee as established (see notes below)
    - Copy of Current deed or legal description

### **Additional Notes regarding hearing request:**

- It is the applicant's responsibility to prepare and provide all information needed to apply for a Zoning Hearing Board Hearing.
- Applicants should consult the Zoning Ordinance of Mount Pleasant Township for complete information on the zoning regulations, zoning hearing procedures, and other information pertinent to the application.
- A hearing cannot be held until a complete application and all required information has been submitted and the filing fee has been paid.
- Applicants should be advised that the Filing Fee required for application may not be the total cost of a hearing. All persons, firms, or corporations applying for a hearing under the provisions of the Zoning Ordinance of Mount Pleasant Township shall be required to cover the actual costs for the Zoning Hearing Board hearing. Charges shall include stenographic costs, publication of notice costs, administrative costs, and other costs incidental to the hearing with an estimated cost for 2007 of between \$300 and \$650, depending on the nature of the hearing.
- The Owner/applicant or agent representing the owner must be present at the hearing.
- Application materials including plans, sketches, drawings and photographs become part of the permanent record. Therefore photographs and other related materials can not be returned.
- Failure to provide required information will delay the scheduled hearing date.

**Mount Pleasant Township**  
1035 Beck Road  
Gettysburg, PA 17325  
Township Office Telephone: (717) 624-8049

**APPLICATION TO ZONING HEARING BOARD**

---

**APPLICATION PART 1**  
**General Information**

(All applicants must complete items 1 through 11 of this section)

**1. TYPE OF MATTER**

- TYPE 1** - Validity Challenge to Zoning Ordinance
  - A- Substantive
  - B- Procedural
- TYPE 2** - Appeal
  - A- Zoning Officer's preliminary opinion
  - B- Zoning-related determination
  - C- Floodplain-related determination
- TYPE 3** - Application
  - A- Special Exception
  - B- Variance
  - C- Expansion or change of non-conforming land use
- Other** (please describe)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

**2. APPLICANT**

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

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**3. PROPERTY OWNER** (Provide the name of ALL owners. Attach separate sheets as needed.)

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

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

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

**4. CONTACT PERSON** (if different than applicant and owner)

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

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**5. PROPERTY COVERED BY APPLICATION**

Address or location of property: \_\_\_\_\_  
\_\_\_\_\_

Tax Map and Parcel #: \_\_\_\_\_ (attach copy of Tax map)

Dimensions: Width \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

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

**6. PROPERTY CHARACTERISTICS**

Present Infrastructure: Public Water: Yes  No  Public Sewer: Yes  No

Is the property currently being used? Yes  No

If yes, describe present use: \_\_\_\_\_  
\_\_\_\_\_

Are there structures currently on the property? Yes  No

If yes, describe any existing structures on property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. PROPERTY PHOTOS (Submit 2 copies)**

Attach photographs showing the front, rear, and both sides of the property. If there are existing structures on the property provide front, side, and rear elevation of structures. *(Please note, photographs of the property and existing structures will become part of the permanent record and therefore can not be returned.)*

**8. APPLICANT'S INTEREST IN THE PROPERTY**

**Own Property** Date title acquired \_\_\_\_\_  
(attach copy of deed)

**Lease Property** Term of Lease \_\_\_\_\_  
(attach copy of lease)

**To Purchase Property** Date of Contract \_\_\_\_\_  
(attach copy of contract)

**Aggrieved by Use(s)** Date Interest Acquired \_\_\_\_\_  
(attach copy of relevant documents)

**Other** Date Interest Acquired \_\_\_\_\_  
(attach copy of relevant documents)

**Explain Interest** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. NEARBY PROPERTY OWNERS**

Provide a list of the names and addresses of the owners of all properties located within 100 feet of property/properties at issue. (Attach separate sheets as needed.)

Name	Street Address	Type of Use

**10. PROPOSED USE** (Provide a description of the proposed use.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**11. APPLICANTS AFFIDAVIT.** The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made part of the application, are honest and true to the best of (my) (our) knowledge and belief. (I) (We) understand that this application must be complete and accurate and the Filing Fee must be paid before the application can be accepted and the hearing advertised.

Attest: \_\_\_\_\_

\_\_\_\_\_ *Authorized Signature*

\_\_\_\_\_ *Title/Office Held*

Sworn to and subscribed to before me this Notary Public: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Commission Expires: \_\_\_\_\_

**12. APPLICANTS AFFIDAVIT IF OTHER THAN LAND OWNER**

Land Owner if different from above: \_\_\_\_\_

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his or her authorized agent:

\_\_\_\_\_

Signature of Applicant
Date of Application

# APPLICATION PART 2

## General Information

### GROUNDS FOR HEARING

Complete only the appropriate portion(s) and pages depending on the type of hearing requested.

- **TYPE 1 - Validity Challenge to Zoning Ordinance**
  - A- Substantive
  - B- Procedural
  
- **TYPE 2 - Appeal**
  - A- Zoning Officer's preliminary opinion
  - B- Zoning-related determination
  - C- Floodplain-related determination
  
- **TYPE 3 - Application**
  - A- Special Exception
  - B- Variance
  - C- Expansion or change of non-conforming land use

Please note:

- Each applicant must attach to this application, plans, drawings and/or sketches indicating the actual outline of the lot, setback requirements, existing structures, changes to existing structures, any proposed new structures or units, and type of construction. Please refer to Section 103.D of the Mount Pleasant Township Zoning Ordinance for the complete listing of information required.  
**(Submit 5 copies)**
  
- Plans must include dimensions, and if applicable must also show improvements, public easements, individual easements, improvements to public right of ways, common areas and any other items necessary to explain the reasons for the hearing application.
  
- Failure to provide required information will delay the scheduled hearing date.

**TYPE 1 - HEARING FOR ORDINANCE CHALLENGE**

**A- Substantive Validity Challenge**

*The Purpose and Applicability of this Section: The purpose of this section is to give landowners, officers and agencies of the Township itself, and any other parties aggrieved a process through which they may challenge the substantive validity of any illegal or unconstitutional provisions that may have been inadvertently included in the Zoning Ordinance. This process is intended to protect the rights and property of Mount Pleasant Township's citizens and neighbors, and may be used to insure that this ordinance respects the laws of the United States and the Commonwealth, and to overturn any illegal or unconstitutional provisions.*

- 1) Applicant is:     Owner of, or person interested in land adversely affected by the Zoning Ordinance  
                           Person who is aggrieved by use(s) the Zoning Ordinance would allow on someone else's land  
                           Officer or agent of Mount Pleasant Township

2) Ordinance Section(s) being challenged (include article and section): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3) The Zoning Ordinance is claimed to be invalid:     on its face  
   only as applied to subject property

4) Provide a brief statement of grounds for challenge

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

**B- Procedural Validity Challenge**

*The Purpose and Applicability of this Section: The purpose of this section is to give landowners and other aggrieved parties -- as well as officers and agencies of the Township itself -- a process through which they may challenge the procedural validity of the Zoning Ordinance or its amendments. This process may be used to guarantee adequate public participation and fairness in the adoption process, and to overturn any procedurally flawed ordinances or amendments.*

- 1) Applicant is:     Owner of, or person interested in land adversely affected by the Zoning Ordinance
- Person who is aggrieved by use(s) the Zoning Ordinance would allow on someone else's land
- An officer or agent of the Township

2) Ordinance Section(s) being challenged (include article and section): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Provide a brief statement of grounds for challenge

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

**TYPE 2 - APPEAL**

*The Purpose and Applicability of this Section: Any landowner or party who is affected by a zoning-related determination of a municipal officer (e.g., the zoning officer, the municipal engineer, etc.) may appeal this determination to the Zoning Hearing Board.*

**IMPORTANT NOTE:** Time limitations may be placed on such appeals by *Section 172, "Time Limitations."* Refer to the Zoning Ordinance of Mount Pleasant Township for pertinent details.

- 1) Appellant is:     Owner of, or person interested in land adversely affected by the Zoning Ordinance
- Person who is aggrieved by use(s) the Zoning Ordinance would allow on someone else's land

- 2) Type of Appeal
  - Zoning Officer's preliminary Opinion
  - Zoning-related determination
  - Floodplain related-determination
  - Other (please indicate) \_\_\_\_\_

- 3) Appeal is in reference to:
  - The granting or denial of any permit, including a failure to act on the application
  - The issuance of any enforcement notice
  - The registration or refusal to register any nonconforming use, structure, or lot
  - Other (please indicate) \_\_\_\_\_

- 4) Referenced Municipal Officer opinion, determination, or notice
  - Date issued: \_\_\_\_\_
  - Issued by: \_\_\_\_\_
  - Copy attached\*            Yes     No

*\* For an appeal from a decision of a municipal officer, a true copy of the preliminary opinion, determination, or enforcement notice must be attached. Failure to include a copy may delay hearing.*

- 5) Ordinance Section(s) being appealed (include article and section references): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- 6) If appealing a determination that applies to someone else's property, explain how you are affected by the determination. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- 7) Provide a brief statement of why you believe the determination is incorrect and should be reversed.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



TYPE 3 - APPLICATION

A. Special Exception

The Purpose and Applicability of this Section: A "special exception" is a permission granted to an applicant to use land in a zoning district for a purpose or land use that is not permitted outright (i.e., that is not a permitted principal or accessory use) in that district. Special exceptions are utilized by this ordinance because some uses should be located in a district, but should be very carefully sited or controlled in order to protect the district's overall quality of life. Special exceptions are also utilized by this ordinance because some land uses fall in between what is consistent and what is not consistent with a district's planned character.

1) Referenced Municipal Officer preliminary opinion or notice of refusal

Date issued: \_\_\_\_\_

Issued by: \_\_\_\_\_

Copy attached\* Yes  No

\* For an appeal from a decision of a municipal officer, a true copy of the preliminary opinion, determination, or enforcement notice must be attached. Failure to include a copy may delay hearing.

2) The proposed use of the structure is as follows:

- Bed and Breakfast, Antennae/Tower, Tavern, Auto Repair, Garage/Service Station, Construction Company or Tradesperson's Headquarters, Junk Yard, Government Facility, Manufacture/Bulk Processing, Raising of Livestock or Poultry, Day Care Center Adult/Child, Emergency Services Center, Hunting and Fishing Club, Kennel, Home Occupation, General, Farm Related Business, Place of Worship, Picnic Grove, Private, Parking Lot or Structure, Treatment Center, Stable, Non Household, Swimming Pool, Non Household, Recreation, Commercial Indoor, Public Utility Facility, Conversion of an existing building to result in an Increased Number of Dwelling Units, Other

Provide a specific description of the proposed use: \_\_\_\_\_

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

3) The applicant requests a special exception use for the following reasons:

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

4) Can the proposed use and related structure(s) comply with the applicable requirements of the Zoning Ordinance? (Setbacks, height regulations, maximum lot coverage requirements, lot size requirements, off-street parking and loading requirements shall be considered here, along with any of this ordinance's other regulations that the Zoning Hearing Board determines to be relevant.)

Yes  No  Provide explanation. Include references to attached drawings, plans, and/or sketches to clarify compliance. \_\_\_\_\_

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

5) The specific requirements of the Zoning Ordinance applicable to the requested special exception are complied with as follows:

a. Describe the gross floor area of the proposed use with respect to the specific requirement defined in the Ordinance.

---

---

b. Describe the character of the proposed use with respect to the character and type of development in the area surrounding the involved property.

---

---

---

c. Describe the impact of the proposed use on the value, use, or enjoyment of surrounding properties.

---

---

---

d. Describe the impact of proposed use on Township streets or highways.

---

---

---

e. Describe the impact of proposed use on access, sight lines, safety of public roadways, private roadways or driveways, pedestrian walks, parking areas, and automobile and truck access and storage.

---

---

---

f. Describe the impact on the safety, health, morals, and general welfare of the Township and its citizens.

---

---

---

---

g. Describe the impact of proposed use on public utilities and service.

---

---

---

h. Describe compliance with any other requirements defined in the Zoning ordinance for the proposed use (attach additional sheets if necessary)

---

---

---

**B. Variance**

*The Purpose and Applicability of this Section:* The regulations of the Zoning Ordinance apply to and are designed to address the conditions of either the entire Township or an entire zoning district. Thus, they are not precisely geared to any one property. The regulations were designed in this manner to avoid unequal, unfair, or arbitrary treatment of different property owners. Because these generalized regulations were not designed with any one property in mind, however, it is possible -- in a few situations -- that they could prevent any use of a property. The function of a variance is to provide relief from such a situation. A variance gives a property owner or tenant permission to do something that violates a provision of this ordinance in order to keep him or her from suffering an "unnecessary hardship" due to that provision. The Zoning Hearing Board may only grant a variance when it meets the criteria defined in the Zoning Ordinance.

1) Request for Variance

- Applicant requests for variance of Section \_\_\_\_\_ of the Mount Pleasant Township Zoning Ordinance

2) Referenced Municipal Officer preliminary opinion or notice of refusal

Date issued: \_\_\_\_\_

Issued by: \_\_\_\_\_

Copy attached\*            Yes     No

*\* As part of the application for a variance, a true copy of the Zoning Officer's preliminary opinion or notice of refusal to issue a zoning permit must be attached. Failure to include a copy may delay hearing.*

3) The applicant requests this variance because of an unnecessary hardship on the referenced property. The unnecessary hardship on the referenced property:

- Is Due to unique or peculiar physical conditions** (e.g., size, shape, topography, etc.) of the property in question that are not shared by other properties in the vicinity

Describe conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Is the result of the application of the Zoning Ordinance** because of the characteristics of the property, there is no possibility that the involved property can be developed in strict conformity with the provisions of this ordinance. If these provisions were rigidly implemented, the property would be virtually unusable and without any economic value.

List the relevant Ordinance Section(s) and describe how they impact the property in question (include article and section references): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) (continued) The unnecessary hardship on the referenced property:

- Was Not Self-Created** The unnecessary hardship on this property was not created by the applicant owner/tenant or any of his or her predecessors.

Provide details and documentation to support \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The variance requested, if granted  **will**  **will not** alter the character of the neighborhood, impair the use of adjacent property, or be detrimental for public welfare for the following reasons:

Please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) The variance requested represents the **minimum** variance that will afford relief from the referenced zoning regulation for the following reasons:

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

**C. Expansion or Change or Non-Conforming Land Use**

**The Purpose and Applicability of this Section:** To allow for natural economic growth, a nonconforming use may expand in terms of gross floor area or lot coverage -- provided that the use's owner can prove to the Township's Zoning Hearing Board that the expansion meets the criteria required by the Zoning Ordinance.

A nonconforming use may be changed to another nonconforming use if the use's owner can prove to the Township's Zoning Hearing Board that the proposed use is the same type of use as the original use, or is a use that conforms more closely to the purpose and regulations of the involved zoning district than the original use. *(In making a judgment on similar uses, the Zoning Hearing Board shall be guided by the use classification system in the Standard Industrial Classification Manual, Federal Office of Management and Budget, current edition.)*

**GENERAL INFORMATION:**

- a. Has the referenced nonconforming use been abandoned according to the definition in the Zoning Ordinance?

Yes  No  Describe current use, operations and maintenance of structure(s). Attach reference materials to document as necessary. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. Can the proposed use and related structure(s) comply with the applicable requirements of the Zoning Ordinance? *(Setbacks, height regulations, maximum lot coverage requirements, lot size requirements, off-street parking and loading requirements shall be considered here, along with any of this ordinance's other regulations that the Zoning Hearing Board determines to be relevant.)*

Yes  No  Provide explanation. Include references to attached drawings, plans, and/or sketches to clarify compliance. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Plans, drawings, and/or sketches are attached to describe the proposed use at the proposed location.

**CHANGE OF NON-CONFORMING USE:**

- Applicant proposes to CHANGE a Nonconforming Use:**

- a. Describe the original use of the structure/property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. Describe the proposed use of the structure/property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. Based on the Zoning Ordinance, is proposed use to be the same type of use as the original use?

Yes  No  Provide information to explain/verify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Based on the Zoning Ordinance, does the proposed use conform more closely to the purpose and regulations of the involved zoning district than the original use?

Yes  No  Provide information to explain/verify: \_\_\_\_\_

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

**EXPANSION OF NONCONFORMING USE:**

**Applicant proposes to EXPAND a Nonconforming Use:**

e. Has the referenced nonconforming use been changed to a conforming use?

Yes  No  If yes, what date was the change made? \_\_\_\_\_

Explanation of circumstances: \_\_\_\_\_

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

f. Will any aspect of the structure or structures that contain or will contain the use become either nonconforming or more nonconforming than it was before?

Yes  No  Describe current versus proposed use: \_\_\_\_\_

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

g. Does the proposed use expand on to property that was acquired after the use became nonconforming?

Yes  No  Date property acquired: \_\_\_\_\_

Additional information/explanation: \_\_\_\_\_

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

h. Does the proposed expansion eliminate off-street parking spaces or loading berths required by the Zoning Ordinance?

Yes  No  Provide explanation: \_\_\_\_\_

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

i. Is the proposed expansion necessary to accommodate a normal increase in business?

Yes  No  Provide explanation: \_\_\_\_\_

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

**TOWNSHIP OFFICIAL USE ONLY**

Case No. \_\_\_\_\_ of 20\_\_\_\_\_

Application Submitted: \_\_\_\_\_

Hearing Notice Mailed to Applicant: \_\_\_\_\_

Hearing Notice Filed with Municipal Secretary: \_\_\_\_\_

Public Notice Published: \_\_\_\_\_

Tract Posted: \_\_\_\_\_

Hearing Held: \_\_\_\_\_

Decision Issued: \_\_\_\_\_

Notification of Decision Mailed: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

**For Office Use Only (do not write in this box)**

Date Accepted and Filed \_\_\_\_\_

Filing Fee \$ \_\_\_\_\_ Date Paid \_\_\_\_\_

Received by: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Municipal/Zoning Official*

\_\_\_\_\_  
*Printed Name and Title*