



ZONING HEARING BOARD APPLICATION

Derry Township, Dauphin County, Pennsylvania

This block to be completed by Township

Application no: _____ Date received: _____

Map no. _____ Parcel no. _____

1. APPLICANT INFORMATION

Name: _____

Address: _____

City: _____	State: _____	ZIP: _____
Phone: _____	E-mail: _____	

Interest of Applicant, if not Owner: Agent Lessee Prospective buyer
 Other:

2. OWNER INFORMATION

Name: _____

Address: _____

City: _____	State: _____	ZIP: _____
Phone: _____	E-mail: _____	

3. PROPERTY INFORMATION

Address: _____

Parcel No: _____

Base Zoning District: _____

Zoning Overlay(s) (if applicable): _____

Current use of Property: _____

Proposed use of Property: _____

4. ZONING ORDINANCE RELIEF REQUEST (attach additional sheets if necessary)

Applicant requests a SPECIAL EXCEPTION authorization under Chapter 225, Article _____;
Section _____ of the Derry Township Code of Ordinances regarding:

Applicant requests a VARIANCE under Chapter 225, Article _____;
Section _____ of the Derry Township Code of Ordinances regarding:

Applicant requests a VARIANCE under Chapter 225, Article _____;
Section _____ of the Derry Township Code of Ordinances regarding:

Applicant requests a VARIANCE under Chapter 225, Article _____;
Section _____ of the Derry Township Code of Ordinances regarding:

Applicant requests an APPEAL TO THE ZONING OFFICER'S DETERMINATION under Chapter 225, Article _____; Section _____ of the Derry Township Code of Ordinances regarding:

Has a previous Conditional Use Application, Zoning Hearing Board Application, and/or Subdivision or Land Development Plan Application been filed for this Property? Yes No

If Yes, provide name(s), date(s), and application number(s): _____

5. EXPLANATION OF PROJECT (attach additional sheets if necessary)

6. UNNECESSARY HARDSHIP CRITERIA PER SECTIONS 225-1007.9.A.1 - 5 (VARIANCE REQUESTS ONLY)
(attach additional sheets if necessary for explanation)

Explain what unique physical circumstances or conditions peculiar to the particular property exist, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions that create the unnecessary hardship. Include an explanation regarding how this 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.

Why do the physical circumstances or conditions noted above eliminate any possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and why, therefore, the authorization of a variance is necessary to enable the reasonable use of the property?

Did you create the unnecessary hardship? _____

Describe why the variance, if authorized, will not alter the essential character of the neighborhood or zoning district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

Explain how 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.

7. SIGNATURES

My signature authorizes permission for the Township to post this property and for Township officials and staff to enter thereon for inspection purposes.

Applicant's signature: _____ **Date:** _____

Print name: _____

Owner's signature: _____ **Date:** _____

Print name: _____

Submission requirements

- Filing fees: One- and Two-Family Residential – \$275.00
Multi-family and Nonresidential – \$475.00
(make checks payable to Derry Township)
- The completed and signed Application (**1 original**), and the necessary legible supporting **documentation**, including a scaled site plan, renderings, or other exhibits of the proposed use or alteration (**4 copies**)
- Submissions shall be made to the Department of Community Development, 600 Clearwater Road, Hershey, PA

The Zoning Hearing Board is a quasi-judicial body that renders decisions on specific types of land use appeals and applications. Because this is a legal proceeding, you may want to consult an attorney. All persons offering testimony will be sworn in by oath or affirmation. In addition, because the Board is quasi-judicial, Applicants are not allowed to discuss their application with any of the members outside of the Hearing. Please do not attempt to contact individual Board members to discuss your case or the procedures involved. You may contact the Township Staff. However, Township Staff will not render the decision and is not allowed to give legal advice. The Zoning Hearing Board consists of five members. Although the Zoning Hearing Board functions like a court, formal court procedures are not strictly required.

Please be sure that you have all evidence, witnesses, ordinance citations, and any other information necessary to present your case to the board at the meeting. To the greatest extent possible, provide Township Staff with any materials that you want to present during the hearing that were not included with your application at least 10 business days prior to the hearing for distribution to the Zoning Hearing Board.

The primary purpose of the Zoning Hearing Board is to help assure fair and equitable application and administration of the Zoning Ordinance. The Zoning Hearing Board hears appeals from the Zoning Officer's determinations and may grant relief by means of a variance from the literal enforcement of the Zoning Ordinance in certain hardship situations. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code (MPC) and the Zoning Ordinance. The Zoning Hearing Board also hears applications for special exceptions and challenges to the substantive validity of the Zoning Ordinance. The MPC provides a specific set of rules that must be followed for applications submitted to the Zoning Hearing Board.

Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of the grant of the variance, unless the Zoning Hearing Board, in its decision, permits a greater period of time.

Excerpt from the 2019 Zoning Ordinance (See Section 6 of application)

§ 225-1007.9 - Variances.

A. The Township Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Township Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Township Zoning Hearing Board may grant a variance; provided, that all of the following findings are made where relevant in a given case:

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 this chapter 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 this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
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 or development of adjacent property, nor be detrimental to the public welfare.
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.

B. In granting any variance, the Township Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., and this chapter.

C. Unless specifically authorized by the Township Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of grant of variance, unless the Township Zoning Hearing Board, in its decision, permits a greater period of time.