



# ZONING HEARING BOARD APPLICATION

Derry Township, Dauphin County, Pennsylvania

*This block to be completed by Township*

Application no: \_\_\_\_\_ Date received: \_\_\_\_\_

Map no. \_\_\_\_\_ Parcel no. \_\_\_\_\_

<b>THIS APPLICATION IS FOR:</b>	
<input type="checkbox"/> Variance(s) in accordance with Section 225-1007.9 ( <i>Complete and Submit ONLY Sections A &amp; B</i> )	
<input type="checkbox"/> Special Exception(s) for Use in accordance with Section 225-1007.10 ( <i>Complete and submit ONLY Sections A &amp; C</i> )	
<input type="checkbox"/> Special Exception(s) for Non-Use Matters in accordance with Section 225-1007.10 ( <i>Complete and submit ONLY Sections A &amp; D</i> )	
<input type="checkbox"/> Any other matters (i.e., appeals, challenges) under the jurisdiction of the Zoning Hearing Board in accordance with Section 225-1007.7 of the Zoning Ordinance ( <i>Complete and submit ONLY Sections A &amp; E</i> )	
<b>Section A: To Be Completed by All Applicants</b>	
<b>A.1 APPLICANT INFORMATION</b>	
Name: _____	
Address: _____	
City: _____	State: _____ ZIP: _____
Phone: _____	E-mail: _____
Interest of Applicant, if not Owner:	
<input type="checkbox"/> Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Prospective buyer ( <i>include copy of sales agreement</i> ) <input type="checkbox"/> Other: _____	
<b>A.2 PROPERTY OWNER INFORMATION (List all names if jointly owned)</b>	
Name: _____	
Address: _____	
City: _____	State: _____ ZIP: _____
Phone: _____	E-mail: _____
<b>A.3 PROPERTY INFORMATION</b>	
Address: _____	
Parcel No: _____	Lot Size (SF or Acres): _____
Base Zoning District: _____	
Zoning Overlay(s) (if applicable): _____	

**Current use of Property and description of existing structures/improvements:**

**When did the current owner acquire the Property?** \_\_\_\_\_

**When did current use of the Property begin?** \_\_\_\_\_

**Proposed use of Property/desired modification/explanation of project (attach additional pages if necessary):**

**Except for Township zoning and building permits, provide a list of any other approvals required to complete the project? SWM, DCDB, Subdivision, Conditional Use, FEMA, PADEP, other** \_\_\_\_\_

**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     Unknown

**If yes, provide name(s), date(s), application number(s), and description(s):**

**A.4 SIGNATURES**

**The property owner’s signature authorizes permission for the Township to post this property and for Township officials and staff to enter thereon for inspection purposes. For jointly held property, all property owners or equitable property owners must sign the application. If signing for a company, please include your title.**

**Applicant signature(s):** \_\_\_\_\_, \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print name(s):** \_\_\_\_\_, \_\_\_\_\_

**Property Owner signature(s):** \_\_\_\_\_, \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print name(s):** \_\_\_\_\_, \_\_\_\_\_

**Submission requirements**

- Filing fees: For One- and Two-Family Residential Properties – \$355.00  
For Multi-Family and Nonresidential Properties – \$535.00  
(make checks payable to Derry Township)
- The completed and signed Application (1 original and 3 copies), and 4 legible copies of all necessary supporting documentation (i.e. a scaled site plan, renderings, or other exhibits of the proposed use or alteration)
- Submissions shall be made to the Department of Community Development, 600 Clearwater Road, Hershey, PA

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 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 Township Staff. However, Township Staff will not render the decision and are 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 hearing. 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.

**Section B: To Be Completed for Variance Requests**

**B.1 VARIANCE RELIEF REQUEST**

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

Zoning Requirement: \_\_\_\_\_

What relief do you want? (include dimensions/amount of relief):  
\_\_\_\_\_  
\_\_\_\_\_

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

Zoning Requirement: \_\_\_\_\_

What relief do you want? (include dimensions/amount of relief):  
\_\_\_\_\_  
\_\_\_\_\_

**B.2 UNNECESSARY HARDSHIP CRITERIA PER SECTIONS 225-1007.9.A.1 - 5**

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, is the authorization of a variance 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. (Provide answer on following page)

### B.3 Excerpt from Zoning Ordinance Regarding Variances

#### § 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.

I have read and understand this section. \_\_\_\_\_  
(Initial Here)

**Section C: To Be Completed for Special Exception Use Requests**

**C.1 SPECIAL EXCEPTION USE RELIEF REQUEST**

Applicant requests **SPECIAL EXCEPTION USE** authorization under §225-:

- 502.1 Bed & Breakfast Home     502.2 Farm Home Occupations     502.3 Family Child Care Home
- 502.4 Campgrounds     502.5 Tower-Based Wireless Communications Facilities, excluding Small WCF
- 502.6 Conference & Meeting Centers     502.7 Guest Lodging, Dining & Conference Facilities
- 502.8 Membership Clubs     502.9 Accessory Dwelling Units     502.10 Sign Area Relief     502.11 Compact Car Parking
- 502.12 & 601.B Reestablishing a Discontinued Nonconforming Use     602.B Expansion or Alteration of Nonconforming Uses of Land, Buildings or Structures     603 Substitution of Non-conforming Uses
- 604 Time Extension for Restoration of Nonconforming Buildings, Structures and Land Use

**C.2 SPECIFIC CRITERIA FOR SPECIAL EXCEPTION USES PER SECTION 225-502**

Describe why the proposed Special Exception Use, if authorized, will not adversely affect the health or safety of the residents in the neighborhood or district in which the use is located.

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Describe why the proposed Special Exception Use, if authorized, will not overburden the existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.

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Describe why the proposed Special Exception Use, if authorized, will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed.

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Explain how the proposed Special Exception Use, if authorized, meets all other requirements of the Zoning Ordinance, including the specific criteria listed for the Special Exception Use marked above in Section C.1 of this application. (Attach additional pages if necessary)

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Does the property use an on-lot septic system?  NO     YES

Is the lot area at least one acre?  NO     YES

### C.3 Excerpt from Zoning Ordinance Regarding Special Exception Uses

#### §225-502. Specific Criteria for Special Exception Uses.

- A. It is the intent of this article to set forth the specific conditions that apply to the grant of a special exception by the Township Zoning Hearing Board pursuant to the regulations set forth in §225-1007.10.
- B. In addition to the minimum conditions contained in the performance standards of each special exception use, the applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
1. The Township Zoning Hearing Board shall find that the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
  2. The Township Zoning Hearing Board shall find that the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
  3. The Township Zoning Hearing Board shall find that the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
  4. The use shall meet all other requirements of this Chapter that may apply.
  5. The minimum lot area shall be one acre when the use relies on an on-lot septic system.
- C. The Township Zoning Hearing Board may attach such reasonable conditions to the grant of a special exception to implement the policy, goals and community development objectives of this Chapter as described in Article I.

I have read and understand this section. \_\_\_\_\_  
 (Initial Here)

**Section D: To Be Completed by Applicants Seeking Special Exception Relief for Non-Use Matters**

**D.1 SPECIAL EXCEPTION RELIEF REQUEST**

**§225-206.I.5 Public Utility Service Structure Height**

The Township Zoning Hearing Board may grant a special exception to permit public utility service structures to exceed the maximum height regulations when the Board finds that the proposal does not adversely affect the health, safety or welfare of the general public or adversely affect the use and value of abutting properties and when the applicant can demonstrate a public need for the structures that could not be accommodated if the structures were not constructed to a height in excess of the Zoning Ordinance’s maximum height limitations. This special exception procedure shall not be available in or applicable to the Airport Safety Zone Overlay.

**§225-402.1.E Off-Lot Parking**

If the vehicle parking spaces required cannot be provided on the same lot in accordance with the Zoning Ordinance, the Township Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another lot if it can be demonstrated that such off-lot spaces are located such that they are solely to be utilized by vehicles associated with the use and persons can safely migrate from the parking spaces to and from the use. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot space may not be claimed by more than one user for use at the same time. When off-site spaces are established, there shall be a recorded agreement documenting such condition. The Township of Derry shall be a party to the Agreement to ensure that spaces are not diminished in the future. This shall not apply to uses utilizing shared parking as permitted by the Zoning Ordinance.

**§225-404.D Keeping Nondomestic Animals**

Nondomestic animals shall be permitted to be kept as an accessory use in all zoning districts, upon special exception approval of the Zoning Hearing Board, and only when the animals have been legally obtained and do or will not exceed a normal adult weight of 25 pounds per animal. The applicant shall demonstrate compliance with the requirements of §225-404.D.1 through §225-404.D.3

**§225-407.F Fence Height**

The Township Zoning Hearing Board may grant a special exception to erect fence panels on a property used for nonresidential purposes that would have a height of 12 feet (144 inches), and may grant a special exception to erect fence panels on a property used for residential purposes that would have a height of 10 feet (120 inches), if the applicant can demonstrate to the Board's satisfaction that due to topographical constraints or special needs related to the use of the property in question, fence panels of a greater height than is normally prescribed is necessary. The Board shall also find that fence panels erected to a height greater than prescribed in the Zoning Ordinance will not have a significant negative impact to surrounding properties from an aesthetic or safety standpoint. The Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

**§225-412.J Satellite Antenna**

The Township Zoning Hearing Board may grant a special exception to allow a satellite antenna of a size or at a location contrary to the specifications of the Zoning Ordinance, if the applicant can demonstrate that the specifications of the Zoning Ordinance would not permit a satellite antenna to be erected in such a manner that would make reasonable reception of transmission possible. The Township Zoning Hearing Board may prescribe measures, such as landscaping or buffering, to ensure that the antenna will be aesthetically compatible with the neighborhood or district in which the antenna is located.

**Explain how the proposed Special Exception, if authorized, meets all other requirements of the Zoning Ordinance, including the specific criteria listed for the Special Exception Use marked above in Section D.1 of this application. (Attach additional pages if necessary)**

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**Section E: To Be Completed by Applicants Seeking Relief in the Form of an Appeal or a Challenge**

**E.1 TYPE OF APPEAL OR CHALLENGE**

**Complete this section by checking the appropriate selection below and attaching a narrative describing the circumstances related to the appeal or challenge.**

- Section 225-1007.7.A: Substantive challenges to the validity of any land use ordinance, except those brought before the Township Board of Supervisors pursuant to §§ 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10609.1 and 10916.1(a)(2).
- Section 225-1007.7.B: Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- Section 225-1007.7.C: Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- Section 225-1007.7.D: Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- Section 225-1007.7.G: Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.
- Section 225-1007.7.H: Appeals from the Zoning Officer's determination under § 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.2.
- Section 225-1007.7.I: Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving development controlled by Chapter 174, Stormwater Management; Chapter 185, Subdivision and Land Development; or planned residential development.