Application to Gettysburg Borough Zoning Hearing Board

Special Exception / Variance

Applications must be made to the Zoning Officer by the first of the month. A hearing shall be scheduled only upon receipt of the following:

1. Completed application (original). Submit only those pages that are applicable to the type of application.
2. Fourteen (14) copies of the plot plan and/or survey and other relevant information.
3. Fourteen (14) copies of the floor plan are required for Special Exception applications.
4. Fee of $ 500.00.

Additional notes regarding zoning hearings:

- It is the Applicant's responsibility to complete this application and provide all of the required information. Failure to do so will delay the hearing date.
- Applicant should carefully review the Zoning Ordinance for complete information on zoning regulations, zoning hearing procedures, and other pertinent information.
- Applicant or Applicant's designated representative must attend the zoning hearing, and should attend the Planning Commission meeting held prior to the hearing as well.
- At the hearing, the Applicant must provide the Zoning Board with "substantial evidence" to allow it to make the findings required by the Zoning Ordinance.
- Specific legal standards must be met before the Zoning Board may approve a special exception or variance. Although not required, Applicant is encouraged to consult with legal counsel regarding those legal standards.
- Application materials, including plans, sketches, drawings and photographs, become part of the permanent record and cannot be returned.

Application to Gettysburg Borough Zoning Hearing Board

1. Type of Matter

☐ A - Special Exception per Ordinance Section (s): _____

☐ B – Variance from Section(s): _____

☐ C – Change or expansion of nonconforming use, Section(s): _____

2. Applicant Name(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

3 Property Owner(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

4. Applicant's Agent or Representative, if any:

Name _____

Mailing Address: _____

Phone: _____ Fax: _____

5. Applicant's Legal Counsel, if any:

Name: _____

Mailing Address: _____

Phone: _____ Fax: _____

6. Property Covered By Application

Address or location of Property: _____

Tax Map and Parcel # _____
(Attach copy of Tax Map)

Current Zoning District: _____

Applicable Zoning Overlays, if any: _____

7. Property Characteristics

Describe the present use of the property: _____

_____

_____

_____

Describe the existing structures on property, if any: _____

_____

_____

_____

8. Applicant's Interest In The Property

☐ Own Property Date title acquired: _____

☐ Lease Property Term of Lease: _____

☐ To Purchase Date contract: _____

☐ Other Explain: _____

9. Applicant's Verification

I verify that the statements made in the foregoing application are true and correct. 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.

Signature_____ Title_____

Print Name _____

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

Date Accepted and Filed _____ Filing Fee $ _____

Scheduled Dates: Planning Commission: _____

Zoning Hearing Board: _____

Date Received: _____ Zoning Officer Signature: _____

Grounds For Hearing

Complete Section A, B, and/or C as appropriate. Use additional pages as needed.

Each Applicant must attach to this application: 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. Submit fourteen (14) 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 your hearing

A. Special Exception

Purpose and Applicability A Special Exception is permission to use land in a zoning district for a purpose or land use that is permitted only if certain specific criteria are met. There are twelve general criteria contained in Part 17 of the Ordinance, and specific criteria in the Ordinance, particularly in Parts 13 and 15; ALL must be met for a special exception to be approved.

1. Please describe the proposed use of the land and structures: _____

_____

_____

_____

_____

_____

2. What is the special request that you wish the Board to consider? _____

_____

_____

_____

_____

3. Please answer the following questions regarding the property:

a. ☐ Yes ☐ No The proposed use is consistent with the Purpose of the Part whereby it is permitted, and the overall purposes contained in the Borough's Zoning Ordinance Chapter 27, Part 1 Community Development Objectives.

b. ☐ Yes ☐ No The proposed use and its location is generally consistent with the Comprehensive Plan, and the current Gettysburg Borough Zoning Map.

c. ☐ Yes ☐ No The proposed use meets with the lot requirements and the building height of the district where it is proposed.

d. ☐ Yes ☐ No The proposed use is meets ALL applicable General and Supplemental Regulations set forth in the Zoning Ordinance, Part 13, Part 15, and, if applicable, the Design Standards, Part 19.

e. ☐ Yes ☐ No The proposed use will not substantially detract from the use of neighboring property or from the character of the neighborhood, and that the use of the adjacent property is adequately safeguarded. Further, the proposed use, located on the proposed property, with the present and proposed characteristics of each, and considering the present and proposed characteristics of the neighboring properties, will not cause negative impacts over and above those typically associated with such uses located and operated in a usual manner.

f. ☐ Yes/NA ☐ No The proposed use will provide a fence or a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.

g. ☐ Yes/NA ☐ No The proposed use will promote preservation or adaptive reuse of the site and structures identified by the Borough Historic District regulations.

h. ☐ Yes/NA ☐ No The proposed use complies with the required off-street parking and loading regulations in the Zoning Ordinance, Part 13.

i. ☐ Yes ☐ No The proposed use will provide safe and adequate access to streets and that the Applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.

j. ☐ Yes ☐ No The proposed use will provide for pedestrian access to the site.

k. ☐ Yes ☐ No The proposed use will not adversely affect public facilities and utilities such as water, sewer, police and fire protection, schools, etc.

l. ☐ Yes/NA ☐ No The proposed use will comply with the signage regulations of Chapter 19 of the Borough's Code of Ordinances.

Unless the answer is "Yes" or "Not Applicable" to ALL of the above, and evidence in the form of testimony or documentation is provided, the Zoning Board cannot grant a special exception. In some cases, an Applicant might seek a variance to correct a specific item listed above.

Property Address: _____

Special Exception Narrative (Use this page or a separate one to provide additional detail.

B. Variance

Purpose and Applicability: A variance is relief from a specific provision of the Zoning Ordinance. Zoning Ordinance requirements apply across an entire district. Because each individual property is unique, it is possible that a specific Zoning Ordinance requirement could impact a property in an unequal, unfair or arbitrary manner, i.e. in a way different from other properties in the district. If the Zoning Ordinance imposes an "unnecessary hardship" on the property, as determined by the following five specific criteria, the Zoning Board is permitted to grant a variance.

Please answer the following questions regarding the property:

1. ☐ Yes ☐ No There are unique or peculiar 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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Ordinance in question that are not shared by other properties in the vicinity.

Describe why the property is different from the other properties in the district: _____

_____

_____

_____

_____

_____

2. ☐ Yes ☐ No That because of such unique or peculiar physical conditions, there is no possibility that the involved property can be developed in strict conformity with the provisions of this ordinance, and that the authorization of a variance is necessary to enable reasonable use of the property:

Describe why the property cannot be used in conformity with the Ordinance: _____

_____

_____

_____

_____

_____

3. ☐ Yes ☐ No That such unnecessary hardship has not been created by the applicant:

Describe how the hardship was created: _____

_____

_____

4. ☐ Yes ☐ No That the variance requested, if granted, 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 for public welfare.

Describe how the variance will impact the neighborhood: _____

_____

_____

_____

_____

5. ☐ Yes ☐ No That the variance requested represents the minimum variance that will afford relief and will represent the least modification possible of the Ordinance:

Describe why this is the least possible modification to the Ordinance: _____

_____

_____

Unless the answer is "Yes" to ALL of the above, and evidence in the form of testimony or documentation is provided, the Zoning Board cannot grant a variance.

C. Expansion or Change of Nonconforming Land Use

Purpose and Applicability: In certain limited cases, a nonconforming use may be expanded, or a different nonconforming use may be made of a property. See Zoning Ordinance Part 14.

1. Describe the proposed expansion or change in nonconforming use:

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2. Describe why the expansion or change is not detrimental to the character of the district or the interests of the Borough:

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