



City of Harrisburg Variance and Special Exception Application

Note: The Planning Bureau will review all applications for completeness; incomplete applications may cause a delay in processing. Contact Jacob Bowen at 717-255-6408 or jdbowen@harrisburgpa.gov with any questions.

INSTRUCTIONS

- Print legibly, provide a **COMPLETE** written description of the request, complete all applicable sections, and submit the original signed copy (both the owner's and applicant's [if different from the owner] signatures are required).
- **Incomplete applications will be returned.**
- **Twelve (12) complete sets of documentation, including 12 copies of this application.**
- Applications **MUST** be received at the Planning Bureau, 10 North Second Street, Suite 405, Harrisburg, PA 17101, by 5:00 PM on the scheduled deadline date for review at the next Planning Commission and Zoning Hearing Board meetings. The HPC/ZHB meeting schedule and submittal deadlines are available on the Planning Bureau's website.

APPLICATION MATERIALS

1. A check or money order **made payable to the "City Treasurer"** based on the following fees:

Special Exception:

Single-Family	\$350
Multi-Family or Non-Residential	\$425
Each additional request on the same application	\$35

Variance:

Single-Family	\$350
Multi-Family or Non-Residential	\$425
Each additional request on the same application	\$35

2. **Four (4) copies of the deed for the property;** these are distributed to the Zoning Hearing Board members.
3. If you are not the property owner, you will need to supply a copy of the lease, option to lease, purchase agreement, or some other legal document demonstrating that you have an agreement with the property owner giving you some interest in the property (***Please note that your application cannot be accepted without a copy of the deed***)
4. Proof of first class mailing to all property owners within a 100-foot radius of the boundary of the subject property, giving public notice of the application.

5. Scale drawings of the property (NOTE: if the request involves creating or remodeling residential units other than a single family house, or if the request involves establishing a business, you **MUST** include interior floor plan drawings).
6. Photographs of the existing conditions of the property.

Important information on Special Exceptions:

Under the 2014 Zoning Code, the City of Harrisburg reviews five types of special exceptions:

1. Use of a property that is allowable only by special exception in the zoning district in which the property is located (this also includes proposed uses which are not specifically prohibited by the Zoning Code within the property's zoning district);
2. Relief from off-street parking and loading requirements, outlined in Chapter 7-327 of the Zoning Code [please note that off-street parking requirements do not apply to uses within the Downtown Center (DC) or Commercial Neighborhood (CN) zones];
3. Extension, expansion, or enlargement of an existing non-conforming building or use, per Section 7-321.4(b) of the Zoning Code;
4. Changing one non-conforming use to another non-conforming use, per Section 7-321.5(c) of the Zoning Code; and
5. Some fencing and/or wall projects, as outlined in Section 7-307.9 of the Zoning Code.

The following criteria must be met in order for the Zoning Hearing Board to consider the granting a special exception:

1. Such use will not clearly be in conflict with other City Ordinances or State or Federal laws or regulations known to the City;
2. Such use will include proper traffic ingress and egress to the property, with particular attention paid to vehicle and pedestrian safety, and will involve proper access for emergency vehicles;
3. The applicant shall show that the use will not create a significant public safety hazard, including fire, toxic, or explosive hazards;
4. Such use will not significantly negatively affect the character of an existing residential neighborhood, such as causing substantial amounts of heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/early morning hours of operation;
5. Such use will involve adequate site design methods, including plant screening, walls, fences, berms, site layout, proper direction and shielding of outdoor lighting to avoid glare, setbacks of refuse areas and loading facilities, and other setbacks as needed to avoid significant negative impacts on adjacent uses;
6. The applicant shall show that the use will comply with the environmental performance standards of this Zoning Code, as stated in Chapter 7-331; and
7. The applicant shall prove that any demolition or other negative impacts upon any buildings with historically significant architecture on the site have been reasonably minimized. The Zoning Hearing Board may request an advisory review by the Harrisburg Architectural Review Board or its Executive Secretary on this matter.

Important information on Variances:

Under the 2014 Zoning Code, the City of Harrisburg reviews three types of variances:

1. Use of a property that is “Not Permitted” in the zoning district in which the property is located, per Section 7-305.7 of the Zoning Code;
2. Dimensional relief from the Development Standards outlined in Chapter 7-307; and
3. Any request not covered under the aforementioned special exception or variance types.

The following criteria must be met in order for the Zoning Hearing Board to consider the granting a variance:

1. 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 Ordinance in the neighborhood or district in which the property is located;
2. 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 Code, and a variance is therefore necessary to enable the reasonable use of the property;
3. Such unnecessary hardship has not been created by the appellant;
4. 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; and
5. 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.

In order to implement the purposes of the Zoning Code, the Zoning Hearing Board may require reasonable conditions and safeguards to approval of a special exception or variance to further insure compliance with the zoning ordinance, including, but not limited to:

1. Limitations on hours of operation;
2. Imposition of operational controls or performance guarantees;
3. Screening and other buffering requirements; and
4. Limitations on future enlargement, modification, or change of use.

Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the zoning and building permits issued pursuant thereto and any failure to comply with said conditions shall be a violation of this Zoning Code.

If you have questions about this form or the variance/special exception processes, please contact Jacob Bowen at (717)-255-6408 or jdbowen@harrisburgpa.gov.



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Primary Property Address	Zoning District
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Two or More Parcels? Yes No

Please list the additional property addresses and parcel numbers:

Application Type:

- Special Exception
- Variance
- Combo (Variance & Sp. Ex.)

Explain what you want to accomplish and the reason why the request for a special exception and/or variance should be granted (use additional sheets if necessary). Be specific. The following criteria must be addressed in detail and submitted with the application. The criteria for special exception requests are the basis of the Zoning Hearing Board's ruling and are taken from Section 7-323.6 of the 2014 Zoning Code. The criteria for variance requests are the basis of the Zoning Hearing Board's ruling and are taken from Section 7-323.7 of the 2014 Zoning Code and Section 912 (53 P.S. Section 10912) of the PA Municipalities Code.

Criteria for Special Exception Requests

1. What do you want to do and why?

2. What is the property's current use or, if vacant, what was it used as when it was occupied?



3. Describe the ingress and egress to the property and existing and proposed structures thereon, with particular attention paid to automotive and pedestrian safety, as well as emergency vehicle access; traffic generation, flow and control relative to existing and future vehicular capacity or nearby public rights of way.

4. How many off-street parking spaces are being provided? Does this meet the minimum requirements of the code?

5. Does the proposed use involve a public safety hazard (i.e. fire, toxic, or explosive hazards)?

6. Describe any new utilities (water, gas, electricity, steam) being provided as part of this project. Have they received clearance from the appropriate authority?

7. Does the project involve site plan designs – including landscaping, plant screening, walls, berms, fences; the placement, direction, and shielding of exterior lighting; and/or trash/refuse/compost areas? If yes, please describe. A landscaping plan may be required.

8. Will there be any new, improved, or additional signage on the property? If so, please describe the sign(s) and, if possible, provide a color rendering and specifications. Will the sign (type, size, and location) meet the applicable requirements of the code?



9. New or expanded structures are to meet all applicable front, side, and rear yard setback requirements. Can these requirements be met? What are the size, bulk, use and other characteristics of the project in relation to adjacent properties and the neighborhood in general? Please describe.

10. Will the proposed use comply with Environmental Performance Standards in Chapter 7-331?

11. If this request involves establishing a business, please submit a copy of your business plan including: Who are your customers? What are the hours of operation for the business?

12. Will the proposed use have an adverse impact on the character of a residential neighborhood, such as generating heavy truck traffic or creating noise or odors? Does the neighborhood support the project? Please submit any evidence of neighborhood support, such as a petition or letter of support from a neighborhood group.

Criteria for Variance Requests

1. Are there unique physical circumstances or conditions peculiar to the particular property and are the unnecessary hardship(s) due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance?



2. In light of physical circumstances or conditions, is there any possibility that the property can be developed in strict conformity with the provisions of the Zoning Code?

3. Has the applicant created an unnecessary hardship?

4. Would the variance, if granted, alter the essential character of the neighborhood or zoning district, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare?

5. Would the variance, if granted, represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue?

Applicant

Name _____

Company _____

Address _____

Phone _____

Email _____

Applicant's Status

(Check One)

Owner

Lessee

Equitable Owner

Contract
Purchaser



Main Contact for the Project

Name _____

Company _____

Address _____

Phone _____

Email _____

Site Plan Designer (if applicable)

Name _____

Company _____

Address _____

Phone _____

Email _____

Property Owner

Name _____

Company _____

Address _____

Phone _____

Email _____



Items To Be Submitted With Application (Failure to do so WILL delay the review process:

- Check made payable to the “**City Treasurer**” for the correct amount (see the fee schedule)
 - Proof of legal standing, including: 1) the deed if you are the property owner; or 2) a lease, option to lease, purchase agreement, or some other legal document demonstrating that you have an agreement with the property owner giving you some interest in the property; you will also need to submit the property deed.
 - Scale drawings (either 8.5x11 or 11x17) of the existing property and/or building (**12 copies**)
 - Scale drawings (either 8.5x11 or 11x17) of the proposed change(s) (**12 copies**)
 - Photographs of the existing conditions of the property
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APPLICANT / OWNER CERTIFICATION

I hereby certify that the proposed work is authorized by the owner of record and that I agree to conform to all applicable laws of this jurisdiction. I understand that any falsification could lead to denial or criminal penalties, or revocation of any permit pursuant to this application. I agree that work will not begin before receiving final approval.

Applicant's Signature

Date

Property Owner's Signature

Date

The owner must sign this application. The applicant signature is required when different from owner.