



The Borough of Hanover
YORK COUNTY, PENNSYLVANIA
Borough Municipal Offices
33 Frederick Street, Hanover, PA 17331
Phone: (717) 637 – 3877
<http://www.hanoverboroughpa.gov/>

Zoning Hearing Board Information

WHAT IS THE ZONING HEARING BOARD (ZHB)?

The Zoning Hearing Board (ZHB) is a body of 3 residents appointed by Borough Council that hears requests for variances, special exceptions and appeals.

JURISDICTION:

The ZHB shall have exclusive jurisdiction to hear and render decisions in the following matters:

- Applications for *variances* from the terms of the zoning ordinance.
- Applications for *special exceptions* under the zoning ordinance.
- *Substantive challenges* to the validity of any land use ordinance, except those brought before the governing body having to do with curative amendments.
- *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 underlying application, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - the determination by the Borough Engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

WHAT IS A VARIANCE?

Area and Design - 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 five specific criteria (listed later in this application), the Zoning Board is permitted to grant a variance.

No variance may be granted which would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purposes

of the Zoning Ordinance.

WHAT IS A SPECIAL EXCEPTION?

A Special Exception is not a "pass" to avoid zoning ordinance criteria. It is related to the use of a parcel. 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 general criteria contained in Section 140-135.B of the Ordinance; ALL must be met for a special exception to be approved. Should the ZHB determine that a use permitted by special exception fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.

CONDITIONS:

In granting any variance or special exception, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code (MPC).

RELIEF EXPIRATION:

Variances and special exceptions shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one-year term or said term is expressly extended as part of the initial approval or a further extension of the term being granted by the ZHB prior to the expiration of the one year period.

TIMING FOR REVIEW:

The first hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension. Each subsequent hearing shall be held within 45 days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of the case in chief (the part of the hearing in which the applicant presents evidence to support the claim or defense) within 100 days of the first hearing.

The ZHB shall render a written decision, or when no decision is called for, make written findings on the application within 45 days after the final hearing.

APPLICATION REQUIREMENTS:

1. The applicant will be responsible for filing the necessary documents with the Zoning Officer at Borough Municipal Offices, 33 Frederick Street, Hanover, PA 17331 in accordance with the Borough's schedule of Zoning Hearing Board deadlines (available on the website or by contacting the Borough).
2. Every application shall cite the specific provision of the Zoning Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of the Zoning Ordinance, the use for which a special exception is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
3. The application shall be accompanied by seven (7) copies of any applicable site plans, drawn to scale. Any site plans on sheets larger than 8½"X 11" paper shall be **FOLDED**.
4. Site Plan Requirements
 - a. Plan shall be drawn to a clearly-indicated scale.
 - b. Show boundaries, setbacks and rights-of-way of subject property.
 - c. Show any existing adjacent streets (with names, and cartway widths).
 - d. Show all existing buildings, parking and ingress/egress points on property.
 - e. Show any new or existing buildings with use and square footage (footprint).
 - f. Show any new or existing parking areas (with space outlined), driveways, and ingress/egress points, lighting and landscaping.
 - g. Show any proposed fences, landscaping and signs.
5. The Zoning Officer has full authority to determine whether an application meets the aforementioned filing requirements. The Zoning Officer is not authorized to schedule the matter for hearing or publish notices of the hearing until all requirements are fulfilled and filed. No exceptions are permissible.
6. The applicant shall submit with at the time of application one (1) non-refundable check to satisfy the application fee as set forth in the current Fee Schedule.

ADVERTISING COSTS AND PROCEDURES:

Notice of the public hearing will be given as follows:

- by publishing a notice once each week for two successive weeks in a newspaper of general circulation within the Borough. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication not less than seven (7) days from the date of the hearing.
- by mailing a notice of hearing to the parties of interest at least fourteen (14) days prior to the public hearing.
- by mailing or issuing a notice to the Borough Manager, Zoning Officer, Borough Council, Planning Commission, and to every person or organization who or which have registered with the ZHB for the purpose of receiving such notices.
- the ZHB or Zoning Officer may mail notice of the hearing to the owner of every lot within 200 feet of the lot or building in question, provided that failure to give notice, either in part or in full, as stated by this subsection shall not invalidate any action by the ZHB.
- the required notices shall state the location of the lot or building that is the subject of the application, as well as the general nature of the request(s) being made by the applicant(s).

***CHECKS OR MONEY ORDERS SHALL BE MADE
PAYABLE TO:***

The Borough of Hanover

***REFUNDS for any withdrawn applications WILL
NOT BE GRANTED AFTER THE PUBLICATION OF
THE LEGAL NOTICE HAS BEEN PLACED***



Application Date:	_____
Application Fee:	_____
Escrow Deposit:	_____
Escrow Number:	_____
ZHB Number:	_____

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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 result in the application being returned for completion and will delay the scheduling of 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.

Submissions Checklist:

Application Completion:	☐ YES	☐ NO	
Renderings/Elevations:	☐ YES	☐ NO	☐ N/A
Existing Conditions Photo:	☐ YES	☐ NO	☐ N/A
Scaled Drawings:	☐ YES	☐ NO	☐ N/A
Samples:	☐ YES	☐ NO	☐ N/A

Accepted/Returned by: _____ Date: _____

Zoning Officer: _____ Date: _____

BOROUGH USE ONLY

Record of Events:

Application date:	Date: _____
Hearing to be held within 60 days of application date	Date: _____
Initial hearing date	Date: _____
Advertisement Dates:	Date 1: _____
	Date 2: _____
Subsequent hearing date (shall be within 45 days if needed)	Date: _____
Applicant's requirement to complete present case within 100 days	Date: _____
45 day to decision/findings after last hearing	Date: _____

Property Address: _____

Application to Hanover 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): _____

☐ D – Zoning Officer Appeal – OR – Interpretation of Section(s): _____

☐ E – Home Occupation / Professional Use: _____

☐ F – Other: _____

2. Applicant Name(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

Email Address: _____

3. Property Owner(s) Name: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email Address: _____

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

Mailing Address: _____

Phone: _____ Fax: _____

Email Address: _____

5. Applicant's Legal Counsel, if any: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email Address: _____

Property Address: _____

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: _____

Property Address: _____

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 _____

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: _____

Property Address: _____

Grounds For Hearing

Complete Section A, B, C, D, E and/or F 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 seven (7) 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 general criteria contained in Section 140-135.B of the Ordinance; 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 district whereby it is permitted, and the overall purposes contained in the Borough's Zoning Ordinance Chapter 140-2 "Purposes".

Property Address: _____

- b. ☐ Yes ☐ No The proposed use and its location is generally consistent with the Comprehensive Plan, and the current Hanover 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 meets ALL applicable General and Supplemental Regulations set forth in the Zoning Ordinance, Article III.
- 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 historic structures.
- h. ☐ Yes/NA ☐ No The proposed use complies with the required off-street parking and loading regulations in the Zoning Ordinance, Article XIV.
- 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 Article XXI of the Borough's Code of Ordinances.

Unless the answer is "Yes" or "Not Applicable" to ALL 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).

Property Address: _____

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:

Property Address: _____

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.

Property Address: _____

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

Property Address: _____

D. Zoning Officer Appeal – OR – Interpretation of Section(s):

Purpose and Applicability: In certain limited cases, it may be appropriate to challenge the Zoning Officer's Decision and/or Request an Interpretation of a specific Zoning Ordinance section. (Complete No. 1 or 2 below as appropriate)

1. Describe the background and specific supporting points relative to a challenge of the Zoning Officers interpretation / determination:

2. Describe the background and specific interpretation for which an appeal is being sought:

Property Address: _____

E. Home Occupation:

Purpose and Applicability: No Home Occupation or Professional Use may be granted except upon application to the Zoning Hearing Board, which shall determine in each case whether or not such home occupation is likely to adversely affect any neighborhood, and may impose any reasonable conditions in granting same or may in its discretion deny the application.

1. Describe the background and specific supporting points relative to a request to conduct a Home Occupation or Professional Use at the subject property:

F. Other:

Purpose and Applicability: For any other matter for which the opinion and/or action of the Zoning Hearing Board is being sought.

1. Describe the background and specific supporting points relative to a request of the Zoning Hearing Board: