

## ZONING HEARING BOARD APPEAL PROCEDURE

### A. FORMS TO BE COMPLETED AND INFORMATION SUBMITTED:

1. A completed application for hearing and appeal information form with original signatures.
2. Must submit SIX (6) copies of a site/plot plan showing all existing, proposed buildings or structures and any other supporting documentation. The site/plot plan must be accurate and drawn to scale, and include all existing right of ways, easements, and property lines. **ALL PLANS MUST BE FOLDED.**
3. A written statement outlining all variances required and special reasons, circumstances and conditions supporting the application.
4. A copy of the building or construction plan, if applicable to this case.

### B. ZONING HEARING BOARD APPEAL FEES:

1. An appeal relating to a single-family residence: **\$50.00**
2. Appeals involving more than one single family dwelling unit: **\$300.00**
3. All other appeals: **\$1,200.00**  
**(ALL CHECKS ARE TO BE MADE PAYABLE TO: HANOVER TOWNSHIP)**

### C. PROCEDURAL INFORMATION:

- 1) The Zoning Hearing Board meets the FOURTH Thursday\* of each month at 7:00 p.m. in the Public Meeting Room of the Hanover Township Municipal Building located at 2202 Grove Road, Allentown, PA 18109.
- 2) All forms and information MUST be submitted, and all fees MUST be paid no later than 12:00 p.m. by the submission deadline date listed. If a submission is not complete, the application will not be accepted. The applications are received on a conditional basis.
- 3) Applicants will receive a certified and regular mail notification of the hearing date (a copy of the agenda). An agenda/placard with the required information will be posted on the property by a township representative. The agenda will be advertised in the Legal Ads section of the Catasauqua Press, posted on the Township website and a notice will be sent to abutting property owners within approximately 200 feet.
- 4) It is the responsibility of the applicant or his/her authorized representative to appear and present the case to the Hanover Township Zoning Hearing Board.
- 5) The Zoning Hearing Board is permitted forty-five (45) days following the last hearing on an appeal to render a decision.
- 6) There is a thirty (30) day period following the issuance of a decision by the Zoning Hearing Board in which an appeal may be taken to the Lehigh County Court of Common Pleas to reverse or limit said decision. **NO INDIVIDUAL OR BOARD AT THE TOWNSHIP LEVEL CAN OVERTURN THE ZONING HEARING BOARD.**
- 7) In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction, or alteration within one (1) year of the final action by the Zoning Hearing Board unless an alternate stipulation has been imposed by the Zoning Hearing Board.

## 2023 ZONING HEARING BOARD SCHEDULE

<u>Meeting Date</u>	<u>Submission Deadline</u>
January 26, 2023	December 29, 2022
February 23, 2023	January 26, 2023
March 23, 2023	February 23, 2023
April 27, 2023	March 30, 2023
May 25, 2023	April 27, 2023
June 22, 2023	May 25, 2023
July 27, 2023	June 29, 2023
August 24, 2023	July 27, 2023
September 28, 2023	August 31, 2023
October 26, 2023	September 28, 2023
11/16/2023 *	October 19, 2023
December 28, 2023	November 30, 2023

## 2024 ZONING HEARING BOARD SCHEDULE

<u>Meeting Date</u>	<u>Submission Deadline</u>
January 25, 2024	December 27, 2023
February 22, 2024	January 25, 2024
March 28, 2024	February 29, 2024
April 25, 2024	March 28, 2024
May 23, 2024	April 25, 2024
June 27, 2024	May 30, 2024
July 25, 2024	June 27, 2024
August 22, 2024	July 25, 2024
September 26, 2024	August 29, 2024
October 24, 2024	September 26, 2024
11/21/2024 *	October 24, 2024
December 26, 2024	November 26, 2024

**\* MEETING DATE CHANGED DUE TO HOLIDAY**

# VARIANCES

## What is a Variance?

A variance is a means of solving the problems created by attempting to apply the general terms of the ordinance to fit the land which is regulated. It is necessary because the zoning requirement may prevent any use of a property if strictly applied. A variance procedure prevents problems in applying general legislation to specific situations. All zoning ordinances contain many detailed pre-set regulations designed to be self-executing. Various setbacks and height limitations are examples of these provisions, which omit administrative discretion. Variances act as a relief for the rigid ordinance.

## Requirements for a Variance

The Zoning Hearing Board hears requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided 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 property and that the unnecessary 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;*
- 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 the zoning ordinance 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 applicant;*
- 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; and*
- 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 issue.*

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

## Variance Procedure

Typically, a request for a variance arises when an application for a zoning or building permit is rejected or "turned down" by a Zoning Officer because the proposed activity does not meet all the requirements of the zoning ordinance. The applicant then makes application to the Zoning Hearing Board for a variance as a result of this denial. The Zoning Hearing Board has the authority to vary the terms of the ordinance in proper instances. A decision of the Zoning Hearing Board may be appealed to the Lehigh County Court of Common Pleas.

**HANOVER TOWNSHIP  
ZONING HEARING BOARD  
APPLICATION FOR HEARING  
VARIANCE / SPECIAL APPROVAL**

_____
Docket Number
_____
Fee
_____
Plan Attached
_____
60 DAY EXPIRATION

**PLEASE NOTE:**

**This application MUST be completed in its entirety with original signatures and the appropriate fees paid for the appeal to be considered.**

I, We \_\_\_\_\_  
Name(s)

\_\_\_\_\_

Mailing Address

Telephone Number

Hereby apply for a hearing before the Zoning Hearing Board concerning the property or use located at:

\_\_\_\_\_

Physical Location of Subject Matter

Current Zoning District \_\_\_\_\_

The reasons for this request, circumstances concerning same and/or special conditions concerning this application are attached and made part of this application.

\_\_\_\_\_  
**ORIGINAL SIGNATURE OF APPLICANT**

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Print Name

\_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
**ORIGINAL SIGNATURE OF PROPERTY OWNER**

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Print Name

\_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_  
Telephone Number

**NOTE: Application must be submitted with original signatures. Copies will not be accepted.**

Please read the attached materials carefully and answer all questions to the best of your knowledge. The following is a list of questions designed to assist you and the Zoning Hearing Board in the efficient review of your appeal. It is strongly recommended that you be prepared to thoroughly answer all the questions herein contained. Failure to adequately answer any of these questions may result in the continuance or possible denial of your appeal.

A variance is hereby requested to:

1. \_\_\_\_\_ of the zoning ordinance, involving:

- |                 |                          |
|-----------------|--------------------------|
| _____ Lot Area  | _____ Use                |
| _____ Setbacks  | _____ Signage            |
| _____ Lot Width | _____ Parking Facilities |
| _____ Height    | _____ Validity           |

\*\* No variance is requested, but seeks a favorable interpretation of Section(s) \_\_\_\_\_ of the zoning ordinance regarding \_\_\_\_\_

\*\* No variance is requested, but seeks a to overrule the decision of the Zoning Officer made on \_\_\_\_\_ regarding \_\_\_\_\_

\*\* Seek to authorize the change of a non-conforming use from \_\_\_\_\_ to \_\_\_\_\_

\*\* Seek a substantive challenge to the validity of a land use ordinance \_\_\_\_\_

2. What is the full name and home address of the owner(s) of the premises, which is the subject of the appeal?

\_\_\_\_\_  
\_\_\_\_\_

3. If the appellant is other than the owner, what is the full name and home address of the appellant(s), and the specified interest of the appellant in the appeal (i.e. agent for the owner, equitable interest, agreement of sale, etc.)?

\_\_\_\_\_  
\_\_\_\_\_

4. What is the date of acquisition of the subject premises by the owner?

\_\_\_\_\_

5. What is the exact location of the property in question - Tax Map reference (located on the tax bill for the property)?

PARCEL IDENTIFICATION NUMBER (PIN): \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

PROPERTY LOCATION (exact physical location, including cross streets): \_\_\_\_\_

\_\_\_\_\_

6. What is the Flood Insurance Rate Map (FIRM) Information

Map / Panel Number: \_\_\_\_\_

FIRM Index Date: \_\_\_\_\_

FIRM Panel Effective Date / Revised Date: \_\_\_\_\_

Flood Zone(s): \_\_\_\_\_

7. Does there exist any 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 property? (It must be remembered that granting of the variance is based upon the unnecessary hardship due to the existing conditions, and not the circumstances or conditions of the zoning ordinance in the neighborhood or district in which the property is located)

\_\_\_\_\_

\_\_\_\_\_

8. Will the variance, if authorized, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of the development of adjacent property, or be detrimental to the public welfare? Explain:

\_\_\_\_\_

\_\_\_\_\_

9. What landscaping is planned, if any? \_\_\_\_\_

10. What is the character of the structures and uses being considered on properties abutting the subject premises? What is the character of the surrounding neighborhood?

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11. What types of sewage and water facilities are available on the property in question?

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12. Property dimensions:

Front Lot Width:

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Rear Lot Width:

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Side Lengths:

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Total Square Footage of Lot:

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13. What are the dimensions (height, width and depth) of the existing structures?

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14. What are the front, side and rear setbacks of existing structures?

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15. What are the dimensions (height, width, and depth) of the proposed structure(s)?

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16. What are the front, side and rear setbacks of the proposed structure(s)?

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17. What is the specific nature of the present use of the property?

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18. What is the specific nature of the proposed use of the property?

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19. What parking facilities are provided / proposed - list dimension and amount?

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**\*\*\* Questions 12-19 may be addressed by attaching a detailed plot plan.**

**\*\*\* If the provided area is insufficient, use additional sheets of paper and attach.**

**\*\*\* Copies of the zoning ordinance of Hanover Township are available in the township office or on the township's website at [www.hanleco.org](http://www.hanleco.org).**

**REPRESENTATION BY COUNSEL:**

The Applicant will \_\_\_\_\_ **will not** \_\_\_\_\_ be represented by counsel.

If legal counsel will represent the applicant, please provide the following information:

**NAME:** \_\_\_\_\_

**FIRM:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**TELEPHONE NO.:** \_\_\_\_\_ **FAX NO.:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_



