

A variance is granted by the Zoning Hearing Board. The MPC in Section 910.2 contains strict standards that must be met before a variance can be issued. The board may grant a variance provided that all of the following findings are made where relevant:

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 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 in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and the zoning ordinance. (See DCA Planning Series No. 7: Special Exceptions, Conditional Uses, Variances.)

## GENERAL INSTRUCTIONS FOR ZONING HEARING BOARD APPLICANTS

1. All information on application with supporting documents must be furnished.
2. Application must be on file with the Chairman of the Zoning Hearing Board at least 30 days before any stated or special meeting in order to be considered at that meeting. Applicants must be prepared to proceed to hearing upon their application at the advertised meeting otherwise the petition will be dismissed unless postponed by the Board upon cause shown or upon their own motion.
3. At all hearings, proof of title to the property affected must be available to the Zoning Hearing Board whether the applicants' interest be as owner, tenant, purchaser or in any other capacity.
4. The following must accompany all applications:
  - a. Filing Fee
    - Residential Applications - \$600.00
    - Commercial Applications - \$1,000.00
    - Hearing Continuance - \$175.00

The Filing Fee payable in cash or check made payable to the order of Hanover Township. In the event costs exceed the filing fee, the applicant will be liable for the deficit and the Zoning Hearing Board reserves the right to continue any hearing or withhold its decision until the deficit is paid. The Filing Fee is NON-RETURNABLE in any event.
  - b. The lot involved with its dimensions, lot number and subdivision name, if any.
  - c. Names and widths of all abutting streets
  - d. Locations, dimensions and uses of any existing structures on lot involved.
  - e. Locations, dimensions and proposed use of structure requested and distance from building to lot lines and to other buildings on the same lot.
  - f. Dimensions of all yards in relation to the proposed structure or use.
  - g. Distance from any existing building or structure within fifty (50) feet.
  - h. Provisions for off-street parking, number of cars capacity of such area.
  - i. If involved, accurate location of well and/or sewage or waste disposal systems; location and direction of other wells and drainage or sewage systems if within one hundred (100) feet. Detailed Septic System Layout required if application is for approval of Septic or Waste Disposal System.
  - j. A sketch showing all properties within five hundred (500) feet on the same road as the property affected and within one hundred (100) feet not on the same road and indicate clearly the names and mailing addresses of all owners of these properties.
5. The Zoning Hearing Board has the following powers:
  - a. To hear and decide appeals from a decision or determination of any administrative official in the enforcement of the Zoning Ordinance. Such appeals must be made within thirty days after the date of the decision. A copy of the appeal petition must be served on the official which service must be at least five days prior to the hearing.
  - b. To hear and decide Special Exceptions and Permits to the terms of the Zoning Ordinance as specifically set forth and permitted by the ordinance.
  - c. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done. The burden of proof of "unnecessary hardship" as defined by the courts shall rest on the applicant. The circumstances must be unique and applicable to the applicant's particular property and no other. The possibility of the applicant's particular earning a greater financial return if a variance were granted does not in itself constitute sufficient reason for such a variance.
6. All Hearings of the Board shall be open to the public.
7. No decision by the Zoning Hearing Board shall relieve any applicant from the responsibility of obtaining any required permits in the manner prescribed by the Zoning Ordinance.
8. Please Print or Type all desired information.
9. Applicant and/or owner must notify Zoning Officer at required inspection time.
10. Nothing herein provided shall in any manner, relieve the petitioner from any requirement of Act No. 247, Known as the "Pennsylvania Municipalities Planning Code". Especially see sections 901-916.
11. Applicants will not be considered until all information is supplied.



# HANOVER TOWNSHIP, Northampton County

3630 Jacksonville Rd, Bethlehem PA 18017

Phone 610-866-1140 Fax 610-758-9116

## PETITION

NOTICE: This Petition, in order to be acted upon by the Zoning Hearing Board must be fully completed in accordance with the "instructions to applicant." Failure to do so will result in a denial of the Petition without refund of your filing fee.

Application is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

**I. PROPERTY INFORMATION (*location and existing conditions for which a special permit is being applied*):**

1. Address of property for which a special permit is requested: \_\_\_\_\_  
\_\_\_\_\_
2. Tax Parcel No.: \_\_\_\_\_
3. Current Zoning Classification: \_\_\_\_\_
4. The Dimension of the land area are: \_\_\_\_\_
5. The real estate contains \_\_\_\_\_ square feet.
6. The real estate in question is presently classified under the Hanover Township Zoning Ordinance as:  
\_\_\_\_\_  
(a) The real estate is presently used for the purpose of: \_\_\_\_\_  
\_\_\_\_\_  
(b) and contains buildings and other improvements consisting of (if real estate is vacant land, so note):  
\_\_\_\_\_  
\_\_\_\_\_

**II. OWNER INFORMATION**

1. Owner of property: \_\_\_\_\_ Telephone \_\_\_\_\_  
*(all parties to the title must be listed, attach additional page if needed)*  
Address \_\_\_\_\_  
\_\_\_\_\_

**III. APPLICANT INFORMATION (*herein after known at the "Petitioner"*)**

1. Applicant ("Petitioner(s)") \_\_\_\_\_ Telephone \_\_\_\_\_  
*(all parties must be listed, attach additional page if needed)*  
Address \_\_\_\_\_  
\_\_\_\_\_
2. Petitioner is the (check one or more)  
 Owner  Occupant  Agent for: \_\_\_\_\_  Other: \_\_\_\_\_
3. Attorney representing Petitioner(S): \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_
4. Petitioner: (check appropriate action)  
 Hereby appeals from the decision of the Zoning Administrator, or other township Official; or  
 Hereby applies for a special exception or permit, or variance, from the terms of the Zoning Ordinance; or  
 Hereby applies for: \_\_\_\_\_  
\_\_\_\_\_
5. Petitioner appeals or makes application from the order, requirement, decision or determination of the Zoning Administrator or other Township Official made on \_\_\_\_\_, 20\_\_\_\_, which was as follows: (quote, or if insufficient space, attach additional page). \_\_\_\_\_  
\_\_\_\_\_

6. Petitioner claims that the variance, exception, or other relief should be granted as herein requested under the following sections of the Hanover Township Zoning Ordinance. (cite all sections supporting your position, or relevant to the consideration of your Petition) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
7. The variance or exception requested and the new improvements desired to be made as follows:
  - (a) Building(s) to be erected: \_\_\_\_\_  
 \_\_\_\_\_
  - (b) Building(s) to be changed: \_\_\_\_\_  
 \_\_\_\_\_
  - (c) Building(s) to be used for: \_\_\_\_\_  
 \_\_\_\_\_
8. The plot plan, drawings, sketches and other exhibits attached hereto are made a part hereof. Please include 22 copies of the petition and all these attachments.
9. Petitioner believes that the exceptions, variance, Conditional Use or other relief requested should be granted for the following reasons: (attach additional sheet if necessary)
10. Petitioner agrees to comply with all provisions of the Hanover Township Zoning Ordinance and is aware that the Ordinance provides for penalties for violations of its provisions.
11. The Petitioner further acknowledges that the Board does not have to consider any application until all information requested by the Board of Supervisors is submitted by said applicant, and that in the event this information is not submitted in full within twenty (20) days from the date of the initial Board of Supervisors Hearing, then the Board may deny such application, with or without prejudice to the applicant.
12. Wherever additional information is requested by the Zoning Hearing Board, and leave to submit additional information is specifically granted by the chairman of the Zoning Hearing Board, then in consideration of the Board's forbearance in not refusing the application at the conclusion of the hearing, the Petitioner agrees to extend the time for consideration of the application by the Zoning Board for the number of days after the date of decision specified in any Ordinance of the Township, by the same number of days which the Zoning Hearing Board's consideration of the Petition was delayed by failure on the part of Petitioner to submit additional information requested.

NOTE: All Petitioners must sign \_\_\_\_\_  
 at least one must sign in the \_\_\_\_\_  
 presence of a person capable \_\_\_\_\_  
 of administering an oath (see below) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

NOTE: The following affidavit must be taken before a Notary Public or other appropriate official by one of the Petitioners.

FOR INDIVIDUAL PETITIONERS:

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

**ON THIS**, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_  
\_\_\_\_\_ the undersigned officer,  
personally appeared, \_\_\_\_\_,  
known to me (or satisfactorily proven) to be the person\_ whose name\_ (is)(are) subscribed to the within instrument, and  
acknowledged that \_he\_ executed the same for the purposes therein.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
Signature of the Petitioner taking affidavit (SEAL)

Sworn to and subscribed before me  
This \_\_\_\_ day of \_\_\_\_\_ 20 \_\_.

\_\_\_\_\_  
NOTARY PUBLIC

FOR CORPORATE PETITIONERS:

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

**ON THIS**, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_  
\_\_\_\_\_ the undersigned officer,  
personally appeared, \_\_\_\_\_,  
who acknowledged \_\_\_self to be the \_\_\_\_\_ of  
\_\_\_\_\_, a corporation, and that \_he as such \_\_\_\_\_ being  
authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the  
corporation by \_\_\_self as \_\_\_\_\_.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
Signature of the Petitioner taking affidavit (SEAL)

Sworn to and subscribed before me  
This \_\_\_\_ day of \_\_\_\_\_ 20 \_\_.

\_\_\_\_\_  
NOTARY PUBLIC