



The Borough of Hanover
YORK COUNTY, PENNSYLVANIA
Borough Municipal Offices
44 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, 44 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**