



New Hanover Township
2943 N Charlotte Street Gilbertsville, PA 19525
610-323-1008 | permits@newhanover-pa.org

Zoning Hearing Board Application

Part 1 - Property Owner Information

Name(s) _____

Physical Address _____

Mailing Address (if different) _____

Phone # _____ Email _____

Tax Parcel Number of Subject Property #47- _____ Deed Book _____ Page _____

Part 2 - Legal Representative OR Alternative Applicant Information (if different from Property Owner)

Name(s) _____

Address _____

Firm or Business _____

Phone # _____ Email _____

Part 3-Plan Submission Requirements

All application materials must be submitted as a PDF packet in addition to seven (7) hard copies.

- Completed application form (Parts 1 through 6 and Part 11)
- Supplemental narrative (see Part 7)
- List of adjoining property owners (see Part 8)
- Plot plan (see Part 9)
- Proof of standing (see Part 10)
- Application fee (see Township fee schedule)

Part 4-Applicant's Signature (Owner signature required only if different from Applicant)

By signing this form, the applicant attests that all of the information is true and correct, and acknowledges the duties and responsibilities of the applicant under the Township Zoning Ordinance.

Applicant's Signature _____ Owner's Signature _____

Print _____ Print _____

Date _____ Date _____

Township Use Only

Date Rec'd _____ Zoning District _____ Case # _____

Posted Date _____ Letter Date _____ Hearing Date _____

Part 5 - Request for Relief

In accordance with the provisions of Part 21 of the New Hanover Township Zoning Ordinance, a hearing before the Zoning Hearing Board is requested in which the applicant(s) seek an adjudication of the matter(s) indicated below. Please select all that apply and provide the corresponding Zoning Code section.

- Variance** Section(s) _____
- Special Exception** Section(s) _____
- Appeals from the Zoning Officer** Section(s) _____
- Validity Challenge** Section(s) _____

Part 6 - General Property Information

Existing property use: Residential Non-Residential Description _____

Proposed property use or improvement(s): _____

Part 7 - Supplemental Narrative

In a separate document, please provide additional information applicable to your request for relief. Examples to include, but are not required, include:

- Written description of the reasoning for the requested relief and hardships present on the property.
- Photographs or drawings depicting existing or proposed conditions, architectural plans, or building drawings.
- Letters of support from neighbors.
- Any areas identified as protected natural features like floodplains, wetlands, woodlands, or under easements.

Part 8 - Notice to Adjoining Property Owners

As part of the public notice, letters are sent to all adjoining property owners to notify them of the hearing date and subject matter. The applicant is required to provide a true and accurate list of all names and mailing addresses of all properties that share a property border with the property/properties under consideration as part of this application. This shall include properties that are located across the street from the subject property/properties. This list must be provided as an Excel spreadsheet as part of the digital submission, or pre-printed on address labels that can be affixed to envelopes.

Part 9 - Plot Plan

Provide a plot plan drawing (must depict accurate measurements but does not have to be to scale) showing full property boundary, existing and proposed structures (if applicable), and all setbacks from property lines.

Part 10 - Standing

In order to bring forward a zoning hearing request, the applicant must demonstrate they have standing as either the property owner or as a designee. If an application is being made under a corporation, business, or other entity, documentation must be provided to identify the responsible party who will represent the applicant and their relationship to the corporation or business. One of the following must be provided with the application materials:

- Property deed or agreement of sale.
- Owner acknowledgement designating the applicant, if applicant is a tenant or otherwise not an owner.

Part 11 - Information for Applicants

The Zoning Hearing Board is a quasi-judicial branch of the local government consisting of five (5) residents of the Township. The Board is represented by an attorney who is called the Solicitor to the Board. In general, the Zoning Hearing Board only has jurisdiction in specific areas as set forth in Section 909.1(a) of the Municipalities Planning Code. The Board’s jurisdiction can, in general, be summarized as including the following matters:

- Certain substantive and procedural challenges to Township ordinances
- Appeals from determination of the Zoning Officer
- Requests for variances and special exceptions
- Review of interpretations of zoning/land use ordinances by township officials

The Zoning Hearing Board, within 60 days after the receipt of an application, will convene a hearing which is advertised in the newspaper, posted on the premises and mailed to surrounding landowners. While the Zoning Hearing Board is not required to follow the formal rules of evidence in the conduct of its hearings, it generally conducts a rather formal hearing since the law requires the Board to make a stenographic record of the proceedings. While it is not required that an applicant or objector retain the services of an attorney to assist in the application and the hearing, applicants must be aware that neither the Zoning Hearing Board nor its solicitor will give legal advice; nor will the Board or its solicitor attempt to help an applicant prepare or present the case. It is the applicant’s burden to gather evidence or information and prove the matters asserted in the application which are being offered as justification for granting whatever relief has been requested from the Board.

The Board will only receive evidence which is under oath and subject to cross-examination. A hearing before the Zoning Hearing Board is not for the purpose of dispensing information, but rather for the Board to receive information and evidence. The Board is constituted much like a court and is to receive information presented to it and to render a decision based upon the information brought to the Board. The Zoning Hearing Board is not permitted to communicate with any party in connection with any applications except as part of the hearing process itself. Applicants and other interested persons, whether in favor or against the application, must be prepared at the time of the hearing to present whatever information or evidence they think is important to the Board’s determination and to do so within the confines of a relatively formal judicial proceeding.

Finally, it should be noted that the Zoning Hearing Board holds a separate and distinct role in Township governance. Their role and duties are outlined in Article IX of the Pennsylvania Municipalities Planning Code. As with federal government, Township government has three branches: the Board of Supervisors are elected officials and operate as the legislative branch of government. Staff positions and appointed consultants appointed such as the township manager, zoning officer, engineer, and solicitor are the executive branch of the government. The Zoning Hearing Board can be considered to be the judicial branch of the government which has the duty to interpret zoning ordinances and serves as the initial avenue of appeal from determinations by the zoning officer.

By signing this form, the applicant and property owner acknowledge they have read this information and understand the process and duties of the Zoning Hearing Board.

Applicant’s Signature _____ Owner’s Signature _____
Print _____ Print _____
Date _____ Date _____