

**BLACK CREEK TOWNSHIP**  
**LUZERNE COUNTY**  
**1980 Tomhicken Rd. 17815**  
**Zoning Officer – (570) 628-2300**

<p><b>For Township Use Only:</b> Date application/appeal received for review: _____ Amount of fee received/check number: _____ Date application/appeal verified as complete &amp; ready: _____</p>
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Application Fee - \$900.00  
(Made payable to Black Creek Township)

**ZONING HEARING BOARD APPLICATION/APPEAL**

1. Identification of Applicant:
  - A. Name of Applicant: \_\_\_\_\_
  - B. Address of Applicant: \_\_\_\_\_  
\_\_\_\_\_
  - C. Daytime Telephone Number of Applicant: \_\_\_\_\_
  - D. Email address of Applicant: \_\_\_\_\_
  
2. Identification of Property Owner:
  - A. Name of Owner: \_\_\_\_\_
  - B. Address of Owner: \_\_\_\_\_  
\_\_\_\_\_
  - C. Daytime Telephone Number of Owner: \_\_\_\_\_
  - D. Email address of Owner: \_\_\_\_\_
  
3. Identification of Applicant's Representative:
  - A. Name of Applicant's Representative: \_\_\_\_\_
  - B. Address Applicant's Representative: \_\_\_\_\_  
\_\_\_\_\_
  - C. Daytime Telephone Number of Applicant's Representative: \_\_\_\_\_
  - D. Email address of Applicant's Representative: \_\_\_\_\_

4. Identification of Property:

A. Street Address: \_\_\_\_\_

B. Tax Assessment Parcel No.: \_\_\_\_\_

C. Property Area: \_\_\_\_\_ square feet or \_\_\_\_\_ acres

D. Property Dimensions: Width: \_\_\_\_\_ feet, Depth: \_\_\_\_\_ feet

E. Property Improvements and Present use:

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

F. Proposed Property Improvements and/or Use:

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

G. Zoning District of Property: \_\_\_\_\_

5. Plot Plan

Attach an accurate plot plan to this application showing all existing buildings and improvements and all proposed buildings and improvements with their square footages and the respective distances, in feet, from the lot lines along with the current and proposed uses.

6. Identification of Applicant's interest in property:

Owner of record

Equitable owner

Tenant

Landowner affected by use or development permitted on the property of another by an ordinance or map or provision thereof

7. Identification of Relief Requested:

Variance from Section(s) of the Zoning Ordinance:

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Special exception pursuant to Section(s) of the Zoning Ordinance:

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Appeal from determination of Zoning Officer relating to grant or denial of permit or failure to act upon an application for permit.

Appeal from an enforcement notice issued by Zoning Officer.

Substantive challenge to the validity of the Zoning Ordinance.

Challenge to validity of land use ordinance raising procedural questions or defects in process of enactment.

Appeal from Preliminary Determination of Zoning Officer.

Variance from Section(s) \_\_\_\_\_ of the Flood Plain Ordinance.

Special exception pursuant to Section(s) \_\_\_\_\_ of the Flood Plain Ordinance.

8. Identification of Proposed Use/Basis of Appeal:

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9. Listing of Adjoining Property Owners

- A. List all adjoining property owners, including name and complete mailing address.  
(Attached as a separate document)

The information and statements in this application and any documents or plans attached hereto are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. 4904 (relating to unsworn falsifications to authorities).

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature (If not applicant)

\_\_\_\_\_  
Date

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**FOR ZONING HEARING BOARD USE ONLY**

1. Variance from Section(s) of the Zoning Ordinance:

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

- Granted  Denied  
 Granted  Denied  
 Granted  Denied  
 Granted  Denied

2. Special exception pursuant to Section(s) of the Zoning Ordinance:

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

- Granted  Denied  
 Granted  Denied  
 Granted  Denied  
 Granted  Denied

3. Appeal from determination of Zoning Officer relating to grant or denial of permit or failure to act upon an application for permit.

- Granted  Denied

4. Appeal from an enforcement notice issued by Zoning Officer

- Granted  Denied

5. Substantive challenge to the validity of the Zoning Ordinance

- Granted  Denied

6. Challenge to validity of land use ordinance raising procedural questions or defects in process of enactment.

- Granted  Denied

7. Appeal from Preliminary Determination of Zoning Officer

- Granted  Denied

8. Variance from Section(s) \_\_\_\_\_  
of the Flood Plain Ordinance

Granted  Denied

9. Special exception pursuant to Section(s) \_\_\_\_\_  
of the Flood Plain Ordinance

Granted  Denied

\_\_\_\_\_  
Zoning Hearing Board Chairman

\_\_\_\_\_  
Date of Decision

\_\_\_\_\_  
Signature

BLACK CREEK TOWNSHIP  
ZONING HEARING BOARD APPLICATION INSTRUCTIONS

All applications to the Zoning Hearing Board must be submitted including one original and five (5) complete copies of all information. Failure to provide these copies will result in rejection of the application as being incomplete.

**1. Identification of Applicant:**

- a. If the applicant is an individual or a sole proprietor, his/her full name shall be listed. If the applicant is a partnership, the full names of all partners shall be listed. If the applicant is a corporation, the actual name of the corporation as registered with the Pennsylvania Secretary of State, Corporation Bureau, shall be listed. Fictitious names, even if registered with the Pennsylvania Secretary of State, may not be substituted for the identification of any applicant. Names of engineers, architects, real estate managers, etc., may not be substituted for identification purposes but may be listed supplemental for contact purposes.
- b. If the applicant is an individual or sole proprietor, his/her personal address shall be listed. If the applicant is a partnership, the personal addresses of all partners shall be listed. If the applicant is a corporation, the registered address as shown on the records of the Secretary of State and the actual physical location of the principal office if different than the registered address. Post office boxes may not be used for mailing addresses for any applicant.

**2. Identification of Owner:**

A. and B. See Instructions for 1 a. and b.

**3. Identification of Applicant's Representative:**

The individual who is authorized by the applicant or property owner to represent their interests and receive/ provide communications and/or information on their behalf relative to the application.

**4. Identification of Property:**

For irregularly shaped properties, reference may be made to the deed or site plan to be attached to application.

A general description of any structures on the property shall be listed.

A brief description of the current use of the property shall be listed.

**5. Plot Plan:**

Attach an accurate plot plan to this application showing all existing buildings and improvements and all proposed buildings and improvements with their square footages and the respective distances, in feet, from the lot lines along with the current and proposed uses.

**6. Identification of Applicant's Interest in Property:**

If the record owner is the applicant, a copy of the deed shall be attached to the application.

If the equitable owner is the applicant, a copy of the agreement of sale shall be attached to the application. Confidential information from the agreement may be redacted.

If the tenant is the applicant, the written permission of the record owner/landlord shall be attached to the application.

**7. Identification of Relief Requested:**

The application shall indicate the specific section(s) of the Zoning Ordinance for which relief is sought. As an example, “Sect. 307 – Min. Side Yard Setback – Intrude into left side yard setback by 3 feet.”

If an appeal is taken from the determination/denial of the Zoning Officer, a copy of the written response from the Zoning Officer to the request for a permit shall be attached to the application.

If an appeal is taken from a zoning enforcement notice issued by the Zoning Officer, a copy of the notice shall be attached to the application.

**8. Proposed Use/Basis for Appeal:**

The application should address the issues set forth in Section 909 and 910 of the Zoning Ordinance, as applicable.

The relief requested from the Board should be specified, including specific reference to the part, section, and subsection (if applicable) of the Black Creek Township Zoning Ordinance from which relief is being requested. Additional sheets may be attached to the application.

**9. Listing of all Adjoining Property Owners:**

A complete listing of all adjoining property owners, their full addresses must be attached to the application.

**10. Basic information for applicants to the Black Creek Township Zoning Hearing Board:**

- A. The Black Creek Township Zoning Hearing Board has authority to decide applications for variances and special exceptions, appeals from determinations made by the Zoning Officer and challenges to the validity of the Black Creek Township Zoning Ordinance and/or map. The Board does not have the power to re-zone districts or to enforce zoning violations; the Board of Supervisors has this responsibility.
- B. After the application, plans and \$900.00 application fee (made payable to Black Creek Township) have been accepted by the Black Creek Township Zoning Officer, the Zoning Officer will schedule a hearing within 60 days. A notice of the hearing will be sent to adjoining landowners, will be advertised in the newspaper, and will be posted on the property in question. Zoning Hearing Board hearings are typically scheduled on the third Tuesday of the month.
- C. At the hearing formal rules of evidence do not apply. However, the Board will listen only to relevant information about the application. A stenographer will be present to record the

testimony.

- D. An applicant is not required to have an attorney. However, neither the Board nor its attorney (solicitor) is allowed to give legal advice. The Board cannot be questioned about the legal rules which apply to the application. In addition, an applicant cannot come to the hearing and expect the Board to tell him or her what information is necessary. The purpose of the hearing is for the Board to receive information and evidence from the applicant, not the other way around. The applicant has the burden of providing evidence to support the application. If he or she fails to do so, the Board may deny the requested relief.
- E. If the applicant applies for a variance, Section 909 of the Black Creek Township Zoning Ordinance, should be consulted for the type of information which shall be provided to the Board. If the applicant applies for a special exception, Section 910 of the Black Creek Township Zoning Ordinance should be checked for the type of information which should be provided to the Board. In both cases, detailed site plan requirements of the property as outlined on the attached application must be submitted with the application.
- F. At the end of the hearing the Board may announce a decision either granting or denying the application. A written decision will be sent to the applicant within 45 days of the last hearing. An appeal from this decision may be filed with the Court of Common Pleas of Schuylkill County.