

WHITEHALL TOWNSHIP
ZONING HEARING BOARD
APPEAL PROCEDURE

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A. FORMS TO BE COMPLETED AND INFORMATION SUBMITTED:

1. A completed application with original signatures.
2. Must submit twenty-nine (29) copies of a plot plan showing ALL existing and proposed buildings or structures. The 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 and/or other approvals requested and special reasons, circumstances and conditions supporting the application.
4. A copy of the building or construction plan, if applicable to this case.

B. PLAN REVIEW APPEAL FEES:

1. An appeal relating to a single-family residence: **\$150.00**
2. Appeals involving other residences up to and including five (5) units: **\$500.00**
3. All other appeals: **\$1,000.00**
(ALL CHECKS ARE TO BE MADE PAYABLE TO: WHITEHALL TOWNSHIP)

C. PROCEDURAL INFORMATION:

- 1) The Planning Commission meets the third Wednesday of each month at 7:30 p.m. in the Public Meeting Room of the Whitehall Township Municipal Building.
- 2) The Zoning Hearing Board meets the third Tuesday of each month at 7:00 p.m. in the Public Meeting Room of the Whitehall Township Municipal Building.
- 3) Due to State Law, hearing advertising requirements, all forms and information **MUST** be submitted, and all fees **MUST** be paid to the Bureau of Planning, Zoning and Development by the submission date listed. **IF A SUBMISSION IS NOT COMPLETE, THE APPLICATION CAN NOT AND WILL NOT BE ACCEPTED.** The applications are received on a conditional basis. A maximum of seven (7) appeals will be heard per meeting. The excess may be carried over onto the next month's agenda.
- 4) It is the responsibility of the applicant or his/her authorized representative to appear and present their case to the Planning Commission and the Whitehall Township Zoning Hearing Board.
- 5) The Planning Commission must make a recommendation on the proposal or forty-five (45) days must elapse prior to review by the Zoning Hearing Board. The Zoning Hearing Board is permitted forty-five (45) days following the last hearing on an appeal to render a decision.
- 6) In the event that your appeal is denied, 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 Court of Common Pleas of Lehigh County to reverse or limit said decision. **NO INDIVIDUAL OR BOARD AT THE TOWNSHIP LEVEL CAN OVERTURN THE ZONING HEARING BOARD.** Re-hearings before the Zoning Hearing Board for the same appeal cannot occur within one (1) year without unanimous consent of the Board.

- 7) In the event that a variance, special exception or other approval 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 unless an alternate stipulation has been imposed by the Zoning Hearing Board.
- 8) Applicants will receive notice via regular mail of the Planning Commission meeting date and will receive notice via certified and regular mail notification of the Zoning Hearing date. For zoning, 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 Whitehall-Coplay Press and a notice will be sent to abutting property owners within approximately 200 feet.

SPECIAL EXCEPTIONS

All zoning ordinances contain provisions for uses which are permitted by right. These are the basic uses which are permitted in the various zoning districts. For example, if a zoning ordinance contains both commercial and industrial zones, a person desiring to locate a shoe store in the commercial district is permitted to do so by right; also, a fabricating plant is free to locate in an industrial zone by right. In both cases, since the zone for these specific uses is established in the zoning ordinance, they are uses permitted by right.

What is a Special Exception?

A special exception is a permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in that district. The permission or special exception is granted by the Zoning Hearing Board in accordance with the standards contained in the zoning ordinance, provided generally that the specific application of the use would not prove injurious to the public interest.

It is important to realize that the term "special exception" is a misnomer. It is neither special nor is it an exception. It is not a deviation from the zoning ordinance. An applicant for a special exception is following the zoning ordinance. The application is one envisioned by the ordinance, and, if the standards established by the ordinance are met, the use is one permitted by the ordinance.

PLEASE REMEMBER THAT ACCORDING TO SECTION 513 (d) OF THE WHITEHALL TOWNSHIP ZONING ORDINANCE, ALL SPECIAL EXECPTIONS MUST FIRST BE REVIEWED BY THE WHITEHALL TOWNSHIP PLANNING COMMISSION. AFTER THIS REVIEW, THE ZONING HEARING BOARD, BASED UPON THE RECOMMENDATION RECEIVED BY THE PLANNING COMMISSION AND TESTIMONY PRESENTED AT THE HEARING BY THE APPLICANT, MAKES A DECISION ON THE SPECIAL EXCEPTION REQUEST.

Pursuant to **Section 5.13** of the zoning hearing ordinance, the application for a special exception shall be submitted on the form provided by the Zoning Officer. No application shall be accepted unless and until all requested data, information and required number of complete plans are submitted and all fees are paid in full.

All requests for special exceptions shall be made in writing by the legal or equitable owner of the subject property or their authorized agents.

Applications for a special exception shall contain the following:

1. Accurately scaled site plans sealed by a registered professional engineer or land surveyor, showing:
 - a. the location, size and topography of the tract;
 - b. existing and proposed buildings, parking areas, accesses and improvements;
 - c. location, size and use of open space; and
 - d. existing and proposed easements.
2. A description of any public services and facilities which would be required to be provided in connection with the special exception.
3. A description of size and use of all existing and proposed buildings or structures as well as any other site data for which compliance with this section and other zoning regulations are required.
4. A description of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants from or for public utilities.
5. In the case of development plans which call for development over a period of years, the owners or equitable owners shall designate geographic sections for development under the plan and file a schedule showing the proposed areas within which applications for final approval of all sections of the development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
6. A description of any and all waivers, variances or interpretations requested or necessary to complete the project as proposed.
7. Any additional information required by the Planning Commission, Zoning Hearing Board, Township Engineer or Commissioners.

The following three (3) pages are to be filled out and turned in with twenty (20) copies of your plans (must be folded) for the Planning Commission meeting.

Remember: the deadline for the Planning Commission is 21 days prior to the meeting date of the 3rd Wednesday of the month.

<u>2018 PLANNING COMMISSION SCHEDULE</u>	
<u>Meeting Date</u>	<u>Submission Deadline</u>
December 19, 2018	November 29, 2018
<u>2019 PLANNING COMMISSION SCHEDULE</u>	
<u>Meeting Date</u>	<u>Submission Deadline</u>
January 16, 2019	December 27, 2018
February 20, 2019	January 31, 2019
March 20, 2019	February 28, 2019
April 17, 2019	March 28, 2019
May 15, 2019	April 25, 2019
June 19, 2019	May 30, 2019
July 17, 2019	June 27, 2019
August 21, 2019	August 1, 2019
September 18, 2019	August 29, 2019
October 16, 2019	September 26, 2019
November 20, 2019	October 31, 2019
December 18, 2019	November 28, 2019

Whitehall Township Site Review Application

Index No.: _____
Submission Date: _____
P.C. Meeting Date: _____
90 Day Expiration: _____

PLEASE READ CAREFULLY
All applications with original signatures, plans, fees and support documents must be submitted at least twenty-one (21) days prior to the Planning Commission meeting. Applicants must submit twenty **20 FOLDED** copies of their plan. The agenda for the Planning Commission will be limited to a maximum of eight (8) items. Occasionally a special meeting will be scheduled if determined necessary. THIS APPLICATION FORM MUST BE COMPLETED. IF NOT, THE SUBMISSION IS CONSIDERED INCOMPLETE AND WILL BE RETURNED VIA CERTIFIED MAIL AS UNACCEPTED THIS ALTERING THE ORDERLY REVIEW PROCESS.

NAME OF DEVELOPMENT: _____

LOCATION: _____
ZONING DISTRICT: _____ PRESENT LAND USE _____

WHAT IS THE FLOOD INSURANCE RATE MAP (FIRM) INFORMATION:
Map / Panel Number: _____ Flood Zone(s): _____
TRAFFIC IMPACT ZONE: Yes No

TYPE OF PLAN REVIEW:
 SKETCH PRELIMINARY FINAL SPECIAL EXCEPTION*
 CONDITIONAL USE*

OWNER / APPLICANT:
OWNER: _____
ADDRESS: _____
PHONE: _____ FAX: _____
EMAIL ADDRESS: _____
CONTACT: _____

APPLICANT (IF OTHER THAN OWNER): _____
ADDRESS: _____
PHONE: _____ FAX: _____
EMAIL ADDRESS: _____
CONTACT: _____
Is there an option to buy subject property? Yes No
If yes, indicate option expiration date: _____

ENGINEER/SURVEYOR:
NAME: _____
ADDRESS: _____
PHONE: _____ FAX: _____
EMAIL ADDRESS: _____
CONTACT: _____

ARE YOU REQUESTING A CURBING AND/OR SIDEWALK WAIVER WITH THIS PROPSAL?
 Yes** No

** If YES, you must complete and attach a "Curbing and/or Sidewalk Waiver Request" form.

*For Special Exception and Conditional Uses, Complete Page 3 of this application.

ESCROW / FEE SCHEDULE FEES:

Minor Subdivision (up to and including 5 residential lots, residential zones only)

\$100.00 \$ _____

Major Subdivision/Preliminary/Sketch Plan:

\$200.00, plus \$50.00 per acres or fraction thereof \$ _____

(Must be rounded up to next whole number)

Final Plan Review Fee

\$100.00 \$ _____

Special Exception or Conditional Use:

\$150.00 – Single Family Residential \$ _____

\$500.00 – Residential – Up to & including 5 Units \$ _____

\$1,000.00 – All Other Appeals..... \$ _____

ACT 167 Stormwater Management Plan Drainage Reviews:

\$100.00 – Single Residential Lot \$ _____

*All others \$100.00 plus \$50.00 per acres/fraction thereof rounded up to next whole amount – PLUS Developer responsible for **all** fees over initial amount

REIMBURSABLE ESCROW

Minor Subdivision (up to and including 5 residential lots, residential zones only)

\$500.00 \$ _____

Major Subdivision/Preliminary/Sketch Plan

\$1,000.00, plus \$100.00 per acres or a fraction thereof \$ _____

(Must be rounded up to next whole number)

- *NOTE:
1. The required fee and escrow must be paid in SEPARATE CHECKS.
 2. Interest will be accrued on the reimbursable escrow; therefore, the Township must report this interest to the Internal Revenue Service. To properly report this information, the attached Form W-9 must be completed and returned as part of your complete application package. Once again, if this is not included with the application the submission will be considered incomplete and returned.
 3. Fraction of an acre requires entire incremental amount.
 4. All commercial and/or industrial subdivisions are MAJOR subdivision.

I (WE), THE UNDERSIGNED, HAVE RECEIVED AND ARE AWARE OF THE GUIDELINES, DEADLINES, APPROPRIATE ORDINANCES AND REGULATIONS PERTAINING TO THIS APPLICATION AND PLANS SUBMITTED.

Property Owner’s Original Signature

Applicant/Developer’s Original Signature

Print Name

Print Name

DATE

DATE

**ALL SIGNATURES MUST BE ORIGINAL
REMEMBER TO COMPLETE ATTACHED OWNER’S CERTIFICATION AND W-9 FORM**

SPECIAL EXCEPTION / CONDITIONAL USE REVIEW

1. A Special Exception / Conditional Use review is requested pursuant to Section _____ of the Whitehall Township Zoning Ordinance.

2. The nature of the existing use of the property can best be described as:

3. The nature of the proposed use of the property can best be described as:

4. Please describe the proposed use, including but not limited to; hours of operation, parking facilities proposed, number and type of employees, landscaping proposed, nature of surrounding properties, and other pertinent information that will assist the Commission in the review of your plan.

The following pages are to be completed and submitted with the remaining nine (9) copies (must be folded) of your plans to the Zoning Hearing Board **after** your submission to the Planning Commission.

Submission Deadline

Please see the following page for the Zoning Hearing Board submission deadline. The Zoning meetings are held the 3rd Tuesday of the month in the Public Meeting Room at the Whitehall Township Municipal Building.

2018 ZONING HEARING BOARD SCHEDULE	
<u>Meeting Date</u>	<u>Submission Deadline</u>
December 18, 2018	November 15, 2018
2019 ZONING HEARING BOARD SCHEDULE	
<u>Meeting Date</u>	<u>Submission Deadline</u>
January 15, 2019	December 20, 2018
February 19, 2019	January 24, 2019
March 19, 2019	February 21, 2019
April 16, 2019	March 21, 2019
May 21, 2019	April 25, 2019
June 18, 2019	May 23, 2019
July 16, 2019	June 20, 2019
August 20, 2019	July 25, 2019
September 17, 2019	August 22, 2019
October 15, 2019	September 19, 2019
November 19, 2019	October 24, 2019
December 17, 2019	November 21, 2019



DOCKET NO.: _____

INDEX NO.: _____

FEES: ZONING _____

PLAN REVIEW _____

TOTAL _____

DATE RECEIVED: _____

60-DAY EXPIRATION DATE: _____

DATE SUBMITTED TO
PLANNING COMMISSION: _____

PLAN ATTACHED? _____

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 reason 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

Print Name

Email: _____

Mailing Address

Telephone Number

ORIGINAL SIGNATURE OF PROPERTY OWNER

Print Name

Email: _____

Mailing Address

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.

1. A special exception is hereby requested to:

_____ Section(s) of the Zoning Ordinance.

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

3. If appellant is other than owner, what is the full name and home address of the appellant, and the specified interest of the appellant in appeal (agent for 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. What landscaping is planned, if any?

8. What is the character of the structures and uses being considered on properties abutting the subject premises – what is the character of the neighborhood?

9. What type of sewage and water facilities are available on the property in question?

10. Property dimensions:

_____ Front lot width

_____ Side lengths

_____ Rear lot width

_____ Total square footage of lot

*If lot is irregular in shape, please complete as well as possible

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

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

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

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

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

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

17. What parking facilities are provided / proposed – list dimension and amount:

**** 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 Whitehall Township are available in the township office or on the township’s website at www.whitehalltownship.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: _____

The following paragraph **must** be filled in as to how the Variance / Special Exception / Interpretation shall be advertised. **Failure** to complete this form may result in the delay of your application being heard by the Zoning Hearing Board.

DOCKET # (XXXX) - _____ - _____
(Your Name) (Your Mailing Address)

LOCATION: _____, Whitehall, PA 18052, PIN _____,
(Location of property for this hearing)

the subject property is located in a _____ Zoning District. Applicant(s) is/are requesting a

_____ to Section(s) _____
Variance / Special Exception / Interpretation (Section(s) of the Zoning Ordinance)

_____ of the Zoning Ordinance regarding _____
(Brief Description)

