

WHITEHALL TOWNSHIP
ZONING HEARING BOARD
APPEAL PROCEDURE



A. FORMS TO BE COMPLETED AND INFORMATION SUBMITTED:

1. A completed application for hearing and appeal information form with original signatures.
2. Must submit nine (9) copies of a site/plot plan showing all existing, proposed buildings or structures and any other supporting documentation. The site/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 required and special reasons, circumstances and conditions supporting the application.
4. A copy of the building or construction plan, if applicable to this case.

B. ZONING HEARING BOARD APPEAL FEES:

1. An appeal relating to a single family residence: \$150.00
2. Appeals involving other residences up to and including 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 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 located at 3219 MacArthur Road, Whitehall, PA 18052.
- 2) **All forms** and information **MUST** be submitted and all fees **MUST** be paid to the Bureau of Planning, Zoning & Development by the submission deadline date listed. If a submission is not complete, the application 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 will be carried over to the next month's agenda.
- 3) Applicants will receive a certified and regular mail notification of the hearing date (a copy of the agenda). 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.
- 4) It is the responsibility of the applicant or his/her authorized representative to appear and present the case to the Whitehall Township Zoning Hearing Board.
- 5) The Zoning Hearing Board is permitted forty-five (45) days following the last hearing on an appeal to render a decision.
- 6) 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 Lehigh County Court of Common Pleas 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 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 by the Zoning Hearing Board unless an alternate stipulation has been imposed by the Zoning Hearing Board.

2018 ZONING HEARING BOARD SCHEDULE

<u>Meeting Date</u>	<u>Submission Deadline</u>
January 16, 2018	December 21, 2017
February 20, 2018	January 25, 2018
March 20, 2018	February 22, 2018
April 17, 2018	March 22, 2018
May 15, 2018	April 19, 2018
June 19, 2018	May 24, 2018
July 17, 2018	June 21, 2018
August 21, 2018	July 26, 2018
September 18, 2018	August 23, 2018
October 16, 2018	September 20, 2018
November 20, 2018	October 25, 2018
December 18, 2018	November 15, 2018

2019 ZONING HEARING BOARD SCHEDULE

<u>Meeting Date</u>	<u>Submission Deadline</u>
January 22, 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

VARIANCES

What is a Variance?

A variance is a means of solving the problems created by attempting to apply the general terms of the ordinance to fit the land which is regulated. It is necessary because the zoning requirement may prevent any use of a property if strictly applied. A variance procedure prevents problems in applying general legislation to specific situations. All zoning ordinances contain many detailed pre-set regulations designed to be self-executing. Various setbacks and height limitations are examples of these provisions, which omit administrative discretion. Variances act as a relief for the rigid ordinance.

Requirements for a Variance

The Zoning Hearing Board hears requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- 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 issue.*

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

Variance Procedure

Typically, a request for a variance arises when an application for a zoning or building permit is rejected or “turned down” by a Zoning Officer because the proposed activity does not meet all the requirements of the zoning ordinance. The applicant then makes application to the Zoning Hearing Board for a variance as a result of this denial. The Zoning Hearing Board has the authority to vary the terms of the ordinance in proper instances. A decision of the Zoning Hearing Board may be appealed to the Lehigh County Court of Common Pleas.

**WHITEHALL TOWNSHIP
ZONING HEARING BOARD
APPLICATION FOR HEARING
VARIANCE / SPECIAL APPROVAL**

PLEASE NOTE:

This application **MUST** be completed in its entirety with original signatures and the appropriate fees paid in order for the appeal to be considered.

Docket Number

Fee

Plan Attached

I, We _____
Name(s)

Mailing Address	Telephone Number
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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 reasons 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.

A variance is hereby requested to:

1. _____ of the zoning ordinance, involving:
- | | |
|-----------------|--------------------------|
| _____ Lot Area | _____ Use |
| _____ Setbacks | _____ Signage |
| _____ Lot Width | _____ Parking Facilities |
| _____ Height | _____ Validity |

** No variance is requested, but seeks a favorable interpretation of Section(s) _____ of the zoning ordinance regarding _____

** No variance is requested, but seeks a to overrule the decision of the Zoning Officer made on _____ regarding _____

** Seek to authorize the change of a non-conforming use from _____ to _____

** Seek a substantive challenge to the validity of a land use ordinance _____

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

3. If the appellant is other than the owner, what is the full name and home address of the appellant(s), and the specified interest of the appellant in the appeal (i.e. agent for the 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. Does there exist any 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 property? (It must be remembered that granting of the variance is based upon the unnecessary hardship due to the existing conditions, and not the circumstances or conditions of the zoning ordinance in the neighborhood or district in which the property is located)

8. Will the variance, if authorized, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of the development of adjacent property, or be detrimental to the public welfare? Explain:

9. What landscaping is planned, if any? _____

10. What is the character of the structures and uses being considered on properties abutting the subject premises? What is the character of the surrounding neighborhood?

11. What types of sewage and water facilities are available on the property in question?

12. Property dimensions:

Front Lot Width:

Rear Lot Width:

Side Lengths:

Total Square Footage of Lot:

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

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

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

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

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

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

19. 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)

