

ZONING HEARING BOARD APPLICATION

Coopersburg Borough
5 N Main St
Coopersburg, PA 18036

APPLICANT INFORMATION

Name: _____

Address: _____

Telephone No. _____ Fax No. _____

PROPERTY INFORMATION

Property Tax Parcel No. _____ Block _____ Lot _____

Street Address: _____

Zoning District: _____ Lot Size: _____

Owner Name and Address if different than applicant (Please Print):

Telephone No. _____ Fax No. _____

Property owners must approve of the ZHB action. Please provide a letter from the property owners approving of this action.

Has any previous application or appeal been filed in connection with this property?

Yes No

If yes, state the nature and date of the previous application.

Present Use: _____

Proposed Use: _____

APPEAL INFORMATION:

Application is hereby made for:

Variance from Special Exception to Interpretation of

The provisions of the Coopersburg Borough Zoning Ordinance Section _____

_____, for the subject property, OR Appeal of Determination of Appeal of Enforcement Notice of the Zoning Officer of Coopersburg Borough

Is this application submitted as a result of Zoning Enforcement Notice?

No Yes - Date of Letter _____

REPRESENTATION BY COUNSEL

Applicant ___ will ___ will not be represented by counsel.

If legal counsel will represent the applicant, please provide the name, address and telephone number of counsel:

Name: _____

Firm: _____

Address: _____

Telephone No. _____ Fax No. _____

The Borough is hereby requested to set a date and time for a hearing of this application as required by law.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

NOTE: Is the applicant is not the owner, this application must be signed by BOTH the applicant and owner. In the case of a partnership, it should be signed by a partner, and when it is a corporation, it should be signed by an officer of the corporation.

PERMISSION FOR SITE VISIT

Applicant(s) and/or owner(s) hereby grants permission and authorize members of the Coopersburg Borough Zoning Hearing Board to enter subject property to view the premises in conjunction with the Zoning Appeal which is hereby filed.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

ZONING HEARING BOARD REQUIREMENTS FOR APPEALS

GENERAL INSTRUCTIONS

The first three (3) items below **MUST** be completed and returned to the Borough before the ZHB meeting is scheduled.

1. Application form.
2. Fee - A non-refundable fee of \$500.00 has been set for the review and appeal.
3. Five (5) copies of the plan of property drawn to scale with proposed changes. This plan shall include, **IF APPLICABLE AND/OR NECESSARY TO RENDER DECISION**.
 - a. Name and current address of Property Owner
 - b. North Arrow
 - c. Date
 - d. Lot dimension, Lot number & subdivision name
 - e. Name and widths of all abutting streets.
 - f. Locations, dimensions & use of all existing structures on lot including sheds, pools, gazebos, fences, etc.
 - g. Location, dimensions & proposed use of structures requested and distance from building to lot lines and to other buildings on same lot.
 1. Dimensions of all yards in relation to the proposed structure or use.
 2. Provisions for off street parking, number of cars, capacity of such area.
 3. Accurate location of well and/or sewage or waste disposal system (if applicable).
 4. Contour lines (if applicable)
4. If the applicant is represented by counsel and counsel plans to submit a memorandum to the Zoning Hearing Board in support of the application, five (5) copies of the memorandum shall be included with the application.

THE ZONING HEARING BOARD

Generally, the Zoning Hearing Board meets whenever an application is presented before them. You will be notified of the date of the ZHB meeting at which your application will be considered. You must attend the meeting and be prepared to present testimony under oath in support of your application. In other words, you must be prepared to explain your request to the Board in detail, together with the reasons why you should be allowed use of your structure and/or land in the manner you propose. In particular, you should be prepared to prove to the ZHB that your request conforms to the requirements of Section 910 of the Pennsylvania Municipalities Code for Variances or the pertinent section of the Coopersburg Borough Code for Special Exceptions.

Applications must be submitted and a ZHB meeting will be scheduled based upon the availability of members and advertising requirements. All notices of zoning applications are advertised in the Morning Call.

Neighboring property owners will be notified by mail of your application, and approximately one week before the meeting a notice bearing information about the application will be posted on the subject property.

The Zoning Hearing Board is a three member quasi-judicial body appointed by the Borough Council. Zoning Hearing Board members are appointed for a three year term.

Decisions by the Board are legally binding. You will receive a copy of the Board's decision by mail within forty-five (45) days of rendering a decision of the Board. Generally a building permit cannot be issued until the written decision by the Zoning Hearing Board.

Any "objecting" party aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after issuance of the written decision of the Board, appeal to the Court of Common Pleas of Lehigh County. In order to qualify as an objecting party one must appear at the Zoning Hearing and participate by stating one's name, address, and nature of the objections.

It is not necessary for you to be represented by counsel at your hearing before the Zoning Hearing Board. However, because of the quasi-judicial nature of the proceeding before the Zoning Hearing Board and because valuable property rights are involved, you should consider whether it would be in your best interest to be represented by counsel.

INFORMATION ABOUT VARIANCES

(Municipalities Planning Code Section 910)

The Zoning Hearing Board has the power to vary or adapt the strict application of any of the requirements of the Zoning Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions where such strict application of the Zoning Ordinance would result in difficulty and unnecessary hardship, depriving the owner of the reasonable use of land or building involved.

In general, the power to authorize a variance from the terms of the Zoning Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.

NO variance in the strict application of the provisions of the Zoning Ordinance shall be granted by the Zoning Hearing Board unless the Board finds that ALL of the below requirements and standards are satisfied.

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 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.

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 in 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.

INFORMATION ABOUT SPECIAL EXCEPTIONS

Where the Borough Council, in the Zoning Ordinance has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement those expressed in the Zoning Ordinance and the Pennsylvania Municipalities Planning Code.