

# WHITEHALL TOWNSHIP

## ZONING HEARING BOARD

### APPEAL PROCEDURE



#### A. FORMS TO BE COMPLETED AND INFORMATION SUBMITTED:

1. One (1) completed application with original signatures.
2. 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** and submitted by the appropriate deadline.
3. Submit nine (9) copies of a written statement outlining all variances required and special reasons, circumstances and conditions supporting the application.
4. Submit nine (9) copies of the building or construction plan, if applicable in 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 five (5) units: **\$500.00**
3. All other appeals: **\$1,000.00**
4. Continuance fee (when appeal is continued by Applicant): **25% of original filing fee, per request**  
*(ALL CHECKS or MONEY ORDERS 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, information and fees must be paid for and submitted to the Bureau of Planning, Zoning & Development by 3:00 p.m. of the submission deadline date listed herein. 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 Lehigh Valley Press News and notice will be sent by the Township to all 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.

## **2023 ZONING HEARING BOARD SCHEDULE**

<b><u>Meeting Date</u></b>	<b><u>Submission Deadline by 3:00 p.m.</u></b>
November 21, 2023	<b>October 26, 2023</b>
December 19, 2023	<b>November 22, 2023</b>

## **2024 ZONING HEARING BOARD SCHEDULE**

<b><u>Meeting Date</u></b>	<b><u>Submission Deadline by 3:00 p.m.</u></b>
January 16, 2024	<b>December 21, 2023</b>
February 20, 2024	<b>January 25, 2024</b>
March 19, 2024	<b>February 22, 2024</b>
April 16, 2024	<b>March 21, 2024</b>
May 21, 2024	<b>April 18, 2024</b>
June 18, 2024	<b>May 22, 2024</b>
July 16, 2024	<b>June 20, 2024</b>
August 20, 2024	<b>July 25, 2024</b>
September 17, 2024	<b>August 22, 2024</b>
October 15, 2024	<b>September 18, 2024</b>
November 19, 2024	<b>October 24, 2024</b>
December 17, 2024	<b>November 21, 2024</b>

# 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 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**

_____
Docket Number
_____
Fee
_____
Plan Attached
_____
60 DAY EXPIRATION
_____
(Office Use Only)

**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
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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 (To secure this information: go to FEMA's Flood Map Service Center at: [Msc.Fema.Gov/portal/home](http://Msc.Fema.Gov/portal/home))

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?

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12. Property dimensions:

Front Lot Width: \_\_\_\_\_

Side Lengths: \_\_\_\_\_

Rear Lot Width: \_\_\_\_\_

Total Square Footage of Lot: \_\_\_\_\_

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

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

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

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

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

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

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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 to application.**

**\*\*\* Copies of the Zoning Ordinance of Whitehall Township are available on the Township's website at [www.whitehalltownship.org](http://www.whitehalltownship.org).**

**REPRESENTATION BY COUNSEL:**

***(Please check one)***

The applicant: **will** \_\_\_\_\_ **OR** **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 completed 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(s))

\_\_\_\_\_  
(Your Complete Mailing Address)

LOCATION: \_\_\_\_\_, Whitehall, PA 18052, PIN \_\_\_\_\_  
(Location of property for this hearing) (Parcel Identification Number(s))

the subject property is located in \_\_\_\_\_ 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)