

Tax Map # _____

**EAST ALLEN TOWNSHIP
5344 NOR-BATH BOULEVARD
NORTHAMPTON, PA 18067
(610) 262-7961**

APPEAL PETITION
(Zoning Hearing Board)

NOTICE: This Petition, in order to be acted upon by the Zoning Hearing Board must be fully completed in accordance with the "instructions to applicant". Failure to do so will result in a denial of the Petition without refund of your filing fee.

Date _____

Hearing # _____

1. Full name of appellant(s) (hereinafter referred to as "Appellant") and address of each (attach additional sheet if necessary). Also list telephone numbers.

2. Name, address and telephone number of attorney for Appellant if applicable.

3. Appellant is the: (check one or more)
 - ☐ Owner
 - ☐ Occupant
 - ☐ Agent for
 - ☐ Other

4. Appellant: (check appropriate action)
 - ☐ a. Hereby appeals from the decision of the Zoning Officer, or other Township Official, alleging that said official has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
 - ☐ b. Hereby applies for a special exception.
 - ☐ c. Hereby requests a variance alleging that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Appellant.
 - ☐ d. Hereby applies for: (other)

5. The name(s) and address(es) of the owners of the real estate involved in this Petition is: (all parties to the title must be listed).

6. The exact location of the real estate involved in this Petition is as follows: (street address is sufficient if available)

Deed Reference: Volume_____ Book_____ Page_____

Date Property Acquired _____

7. (a) The dimensions and area of the real estate are:_____

(b) The real estate contains _____ square feet.

8. The real estate in question is presently classified under the East Allen Township Zoning Ordinance as:

9. (a) The real estate is presently used for the purpose of:

Since the date of: _____

And had been used prior thereto for the following purposes:
(List dates and uses for the past 20 years)

(b) and contains buildings and other improvements consisting of: (if real estate is vacant land, so note)

10. Appellant appeals or makes application from the order, requirement, decision or determination of the Zoning Officer or other Township Official made on _____, 20____, which was as follows: (quote, or if insufficient space, attach additional page)

11. Appellant claims that the variance, exception, or other relief should be granted as herein requested under the following sections of the East Allen Township Zoning Ordinance. (Cite all sections supporting your position, or relevant to the consideration of your Petition.)

12. The variance or exception requested and the new improvements desired to be made as follows:
 - (a) Buildings to be erected:

 - (b) Buildings to be changed:

 - (c) Buildings to be used for:

13. The plot plan, drawings, sketches and other exhibits attached hereto are made a part thereof.

14. Appellant believes that the exceptions, variance or other relief requested should be granted for the following reasons: (attach additional sheet if necessary)

15. Appellant agrees to comply with all provisions of the East Allen Township Ordinance and is aware that the Ordinance provides for penalties for violations of its provisions.
16. The Appellant further acknowledges that the Board does not have to consider any application until all information requested by the Zoning Hearing Board is submitted by said applicant, and that in the event this information is not submitted in full within twenty (20) days from the date of the initial Zoning Hearing Board hearing, then the Board may deny such application, with or without prejudice to the Appellant.
17. Wherever additional information is requested by the Zoning Hearing Board and leave to submit additional information is specifically granted by the Chairman of the Zoning Hearing Board, then in consideration of the Board's forbearance in not refusing the application at the conclusion of the hearing, the Appellant agrees to extend the time for consideration of the application by the Zoning Hearing Board for the number of days after the date for decision specified in any Ordinance of the Township, or applicable law, by the same number of days which the Zoning Board's consideration of the Petition was delayed by failure on the part of Appellant to submit additional information requested.

Appellant Signature

NOTE: All Appellants must sign –
at least one must sign in the
presence of a person capable of
administering an oath (see below)

____ (SEAL)

____ (SEAL)

____ (SEAL)

____ (SEAL)

____ (SEAL)

NOTE: The following affidavit must be taken before a Notary Public or other appropriate official by one of the Appellants.

FOR CORPORATE APPELLANTS:

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF:

On this _____ day of _____, 20____, before me, a Notary Public in and for the county and state aforesaid, the undersigned officer, personally appeared himself (herself) to be the _____ of _____ a corporation, and that (s)he as such _____ being authorized to do so, executed the foregoing Appeal Petition for the Purposes therein contained by signing the name of the corporation by himself (herself) as _____ and that the facts set forth in the foregoing Appeal Petition and the attached exhibits are true and correct to the best of his (her) information, knowledge and belief.

In witness whereof, I hereunto set my hand and official seal.

_____(SEAL)
Signature of the Appellant
taking affidavit

Sworn to and subscribe before me

this _____ day of _____, 20____

Notary Public

FOR INDIVIDUAL APPELLANTS:

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF:

On this _____ day of _____, 20____, before me, a Notary Public in and for the county and state aforesaid, the undersigned officer, personally appeared _____
_____ known to me (or satisfactorily proven) to be the person whose name subscribed to the within Petition, and acknowledged that (s)he executed the same for the purposes therein contained and that (s)he was authorized to take this affidavit on behalf of all of the Appellants, and that the facts set forth in the foregoing Appeal Petition and the attached exhibits are true and correct to the best of his(her)(their) information, knowledge and belief.

In witness whereof, I hereunto set my hand and official seal.

_____(SEAL)
Signature of the Appellant
taking affidavit

Sworn to and subscribe before me

this _____ day of _____, 20____

Notary Public

SPECIAL NOTICE

IF YOU ARE APPLYING FOR A SPECIAL EXCEPTION OR A CONDITIONAL USE

YOU **MUST** ATTEND THE PLANNING COMMISSION MEETING
PRIOR TO YOUR SCHEDULED HEARING DATE

All Planning Commission meetings are held the **first Thursday of each month at 7:00 PM** in the Township Municipal Building, unless a change is advertised in the local newspaper.

All Special Exception hearings before the Zoning Hearing Board are held on the **third Tuesday of each month at 7:00 PM** in the Township Municipal building and advertised in the local newspaper.

All Conditional Use hearings before the Board of Supervisors are held on the **second Wednesday of the month at 7:00 PM** in the Township Municipal building and advertised in the local newspaper.

All Special Exception and Conditional Use hearings require Planning Commission review.

YOU MUST ATTEND THE PLANNING COMMISSION MEETING

**GENERAL INSTRUCTIONS FOR
ZONING HEARING BOARD
APPELLANTS**

1. All information on the appeal petition with supporting documents must be complete.
2. The petition must be filed with the Township Secretary by the 22nd of the month prior to the month the hearing is to be held.
3. Appellants must be prepared to proceed with the hearing upon their appeal petition at the advertised meeting otherwise the petition will be dismissed unless postponed by the Zoning Hearing Board upon cause shown or upon its own motion.
4. The following must accompany all petitions:

a. Filing fee: \$ 2,000.00

Fee is payable in cash or check made payable to East Allen Township. The filing fee is non-refundable. If a continuation is requested and granted, a continuance fee may apply.

b. Pictures of the lot or building or adjacent building, if this would assist the Zoning Hearing Board in its conclusion.

c. A plot plan showing (in detail) the following:

- (1) The lot involved with its dimensions, lot number and subdivision name, if any and the direction for North.
- (2) Names and widths of all abutting streets.
- (3) Locations, dimensions and uses of any existing structures on lot involved.
- (4) Locations, dimensions and proposed use of structure requested and distance from building to lot lines and to other buildings on the same lot.
- (5) Dimensions of all yards in relation to the proposed structure or use.
- (6) Distance from any existing building or structure within fifty (50) feet.
- (7) Provisions for off street parking, number of car capacity of such area.
- (8) If involved, accurate location of well and/or sewage or waste disposal systems, location and direction of other wells and drainage or sewage systems if within 100 feet.

d. Please print or type all desired information.

- e. Applications will not be considered until all information is supplied, and fees paid. The appellant will receive a certified notice of the date of the hearing and a notice will be posted on the property.

5. The Zoning Hearing Board has the following powers:

- a. The Zoning Hearing Board shall hear requests for variances filed with the Township in writing by any landowner (or any tenant with the permission of such landowner) which alleges that the provision of the Zoning Ordinance inflicts unnecessary hardship upon the applicant.
- b. The Zoning Hearing Board may grant a variance only if the following findings, where relevant, are made:
 - (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 circumstance or conditions generally created by the provision of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or condition, there is not possibility that the property can be developed in strict conformity with the provision 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 appellant
 - (4) The variance, if authorized, will not alter the essential character or neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of 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.
 - (6) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.
- c. Where the governing body 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 Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

6. All hearings of the Zoning Hearing Board shall be open to the public.

7. No decision by the Zoning Hearing Board shall relieve any applicant from the responsibility of obtaining any required permits in the manner prescribed by the Zoning Ordinance.
8. Nothing herein provided shall in any manner, relieve the petitioner from any requirements of Act 247, known as the "Pennsylvania Municipalities Planning Code", as amended, particularly see sections 901-916.

I HAVE READ AND UNDERSTAND THE PRECEEDING AND HAVE COMPLIED WITH ALL REQUESTED INFORMATION.

Date

Applicant Signature