

**UPPER SAUCON TOWNSHIP
ZONING HEARING BOARD
REQUIREMENTS FOR APPEALS
(Revised January 2011)**

GENERAL INSTRUCTIONS

The first three (3) items below **MUST** be completed and returned to the Township at least twenty-one days (21) before the following Zoning Hearing Board Meeting, usually held the 3rd Monday of each month.

1. Application form (one original and ten copies)
2. Fee (established by Resolution No. 2010-46) of \$500.
 - a. If an appeal cannot be concluded at one public hearing and is continued, a Continuance Fee of \$250.00 shall be paid by the applicant each time the appeal is continued.
 - b. If an appeal is continued without the public hearing commencing (i.e. rescheduled), OR if an appeal is continued at the request of the Township, the Continuance Fee will not be charged.
 - c. In the event that an appeal is withdrawn by the applicant prior to advertisement of the public hearing in the newspaper, the application fee shall be refunded to the applicant. Applicants whose appeals are withdrawn after advertisement in the newspaper shall not be entitled to a refund.
3. Ten (10) **folded** copies of 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. Names & 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, ten (10) copies of the memorandum shall be included with the Application.

THE ZONING HEARING BOARD

Generally, the Zoning Hearing Board meets the second Monday each month at the Township building. Meetings begin at 7:00 P.M. You will be notified of the date of the Zoning Hearing Board meeting at which your application will be considered. You must attend this 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 Zoning Hearing Board that your request conforms to the requirements of Section 910.2 of the Pennsylvania Municipalities Planning Code for Variances, or Section 804.C of the Ordinance for Special Exceptions (see below).

Applications must be submitted a minimum of twenty-one (21) days before the next Zoning Hearing Board Meeting to meet the legal requirements of publishing notice of your application in the newspaper. All notices of zoning applications in Upper Saucon Township are published in the MORNING CALL.

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

The Zoning Hearing Board is a three member quasi-judicial board appointed by the Township Board of Supervisors. Zoning Hearing Board Members are appointed to three-year terms.

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 of a decision by the Board. Generally, a building permit cannot be issued until the written decision by the Zoning Hearing Board is received.

Any 'objecting party' aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after the 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 the 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 910.2)

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 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 this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.

No variance in the strict application of the provisions of this 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 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. 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 with 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

(Upper Saucon Township Zoning Ordinance Section 804.c)

The Zoning Hearing Board shall have the power to approve special exceptions for any of the uses for which the Zoning Ordinance requires the obtaining of such exceptions and for no other use or purpose.

In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall not grant a special exception except in conformance with the conditions and standards outlined in this Ordinance.

The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted or a special exception will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall among other things require that any proposed use and location be:

1. In accordance with the Upper Saucon Township Comprehensive Plan and consistent with the spirit, purpose and intent of this Ordinance.
2. In the best interests of the Township, the convenience of the community, the public welfare and be a substantial improvement to property in the immediate vicinity.
3. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
4. In conformance with all applicable requirements of this Ordinance.
5. Suitable in terms of permitting the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
6. Suitable in terms of effects on street traffic and safety with adequate sidewalks and vehicular access arrangements to protect major streets from undue congestion and hazard.

The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will subsequently secure the objective of this Ordinance.

UPPER SAUCON TOWNSHIP
5500 Camp Meeting Road
Center Valley PA 18034
610.282.1171 ext. 2