



**BOROUGH OF COOPERSBURG**  
5 N. Main St. Coopersburg, PA 18036  
**ZONING HEARING BOARD APPLICATION**

**APPLICANT INFORMATION**

APPLICANT NAME: \_\_\_\_\_ PHONE: ( ) \_\_\_\_\_  
APPLICANT ADDRESS: \_\_\_\_\_ FAX: ( ) \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**PROPERTY INFORMATION**

PROPERTY TAX PARCEL NO.: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
ZONING DISTRICT: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

**OWNER NAME AND ADDRESS IF DIFFERENT THAN APPLICANT:**

OWNER NAME: \_\_\_\_\_ PHONE: ( ) \_\_\_\_\_  
OWNER ADDRESS: \_\_\_\_\_ FAX: ( ) \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**PROPERTY OWNER(S) MUST APPROVE OF THE ZONING HEARING BOARD ACTION. PLEASE PROVIDE WRITTEN DOCUMENTATION FROM THE PROPERTY OWNER(S) VERIFYING SUCH APPROVAL.**

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 EXECPTION TO:  INTERPRETATION OF: THE PROVISIONS OF THE COOPERSBURG BOROUGH ZONING ORDINANCE SECTION \_\_\_\_\_

\_\_\_\_\_ FOR THE SUBJECT PROPERTY,

**OR**

APPEAL OF DETERMINATION  APPEAL OF ENFORCEMENT NOTICE OF THE COOPERSBURG ZONING OFFICER

IS THIS APPLICATION SUBMITTED AS A RESULT OF A ZONING ENFORCEMENT NOTICE?  NO  YES

IF YES, LIST 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 OF COUNSEL: \_\_\_\_\_ PHONE: ( ) \_\_\_\_\_

NAME OF FIRM: \_\_\_\_\_ FAX: ( ) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**SIGNATURES**

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:** IF 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; IF 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 GRANT 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** ITEMS LISTED BELOW **MUST** BE COMPLETED AND RETURNED TO THE BOROUGH BEFORE THE ZONING HEARING BOARD MEETING IS SCHEDULED.

1. APPLICATION FORM.
2. FEE: A NON-REFUNDABLE FEE OF \$600.00 HAS BEEN SET FOR THE REVIEW AND APPEAL.
3. FIVE COPIES OF THE PROPERTY PLAN DRAWN, TO SCALE WITH PROPOSED CHANGES. THIS PLAN SHALL INCLUDE, **AS APPLICABLE AND/OR NECESSARY TO RENDER A DECISION:**
  - A. NAME AND CURRENT ADDRESS OF PROPERTY OWNER
  - B. NORTH ARROW
  - C. DATE
  - D. LOT DIMENSIONS, LOT NUMBER, AND SUBDIVISION NAME
  - E. NAME AND WIDTHS OF ALL ABUTTING STREETS
  - F. LOCATIONS, DIMENSIONS, AND USE OF ALL EXISTING STRUCTURES ON LOT INCLUDING SHEDS, POOLS, GAZEBOS, FENCES, ETC.
  - G. LOCATIONS, DIMENSIONS, AND PROPOSED USE OF ALL STRUCTURES REQUESTED AND DISTANCE FROM BUILDING TO LOT LINES AND TO OTHER BUILDINGS ON THE SAME LOT
    - (1) DIMENSIONS OF ALL YARDS IN RELATION TO THE PROPOSED STRUCTURE OR USE
    - (2) PROVISIONS FOR OFF-STREET PARKING, NUMBER OF CARS, AND 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** 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 ZONING HEARING BOARD 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 ZONING HEARING BOARD 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 ZONING HEARING BOARD 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 45 DAYS OF A DECISION BEING RENDERED THE BOARD. GENERALLY, A BUILDING PERMIT CANNOT BE ISSUED UNTIL THE WRITTEN DECISION BY THE ZONING HEARING BOARD HAS BEEN RECEIVED.

ANY "OBJECTING" PARTY AGGRIEVED BY ANY DECISION OF THE ZONING HEARING BOARD MAY, WITHIN 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 OBJECTION.

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, 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 THE 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 REQUIREMENTS AND STANDARDS LISTED BELOW ARE SATISFIED.

1. THAT THERE ARE UNIQUE PHYSICAL CIRCUMSTANCES OR CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS, OR SHALLOWSNESS 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.