



TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PA
2900 SOUTH PIKE AVENUE
ALLENTOWN, PA 18103

Phone: 610-797-4000
Fax: 610-797-5516

**SALISBURY TOWNSHIP ZONING HEARING BOARD
APPEAL PROCEDURE FOR VARIANCE**

1. FORMS TO BE COMPLETED & INFORMATION TO BE SUBMITTED

- a. Application for Hearing and Variance Appeal Information Form
- b. Seven (7) copies of a Plot Plan showing ALL existing and proposed buildings or structures. The Plot Plan must be accurate, and include all existing rights-of-way, easements, and property lines.
- c. A written statement outlining Variances required, special reasons, circumstances and conditions shown in the application.
- d. A copy of the building or construction plan, if applicable to this case.

2. ZONING HEARING BOARD APPEAL FEES: PAYABLE UPON APPLICATION. CHECKS ARE TO BE MADE PAYABLE TO SALISBURY TOWNSHIP

- a. An Appeal relating to a Residential Property – Owner-Occupied - \$500.00
Zoning Application - \$35.00
- b. All Appeals up to Four (4) Residential Units, or any Appeal filed by someone other than the property owner - \$500.00
Zoning Application - \$35.00
- c. An Appeal relating to a Commercial Property - \$750.00
Zoning Application - \$50.00
- d. Cellular Towers - \$700.00
Zoning Application - \$50.00

3. PROCEDURAL INFORMATION

- a. The Zoning Hearing Board meets the first Tuesday of each month at 7:00 P.M. in the Public Meeting Room of the Salisbury Township Municipal Building located at 2900 South Pike Avenue, Allentown, PA.
- b. All forms and information MUST be submitted, and all fees MUST be paid to the Bureau of Planning, Zoning and Development at least twenty-five (25) days before the next regularly scheduled meeting. If a submission is not complete, the application will not be accepted. The applications are received on a conditional basis.
- c. It is the responsibility of the applicant or his / her authorized representative to appear and present the case to the Salisbury Township Zoning Hearing Board.
- d. The Zoning Hearing Board is permitted forty-five (45) days following the last hearing on an appeal to render a decision. You will receive a copy of the Board's Written Decision by mail.
- e. There is a thirty-day (30) appeal 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 year without unanimous consent of the Board.

- f. In the event that a Variance has been granted, or the Zoning Hearing Board has authorized other action, 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.
- g. Applicants will receive certified notification of the hearing date. Also, the agenda must be posted on the property, advertised in the paper (legal ad section), and sent to abutting property owners (within approximately 300 feet). If you occupy the property, you will be given a card, and will be required to post it in a conspicuous location.

4. 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 a 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 valve for the rigid Ordinance.

5. 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:

- a. 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, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood of district in which the property is located.
- b. 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.
- c. That such unnecessary hardship has not been created by the applicant.
- d. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare; and
- e. 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.

6. 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 Court of Common Pleas.



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**SALISBURY TOWNSHIP ZONING HEARING BOARD
APPLICATION FOR VARIANCE**

Application No.: _____
Date Received: _____
Meeting Date: _____
Plan Attached: _____
Fee: _____

NOTE: This application must be completed and appropriate fees paid upon application in order for the Appeal to be considered.

I, WE: _____ Phone No.: _____

Address: _____

Hereby apply for a Hearing before the Zoning Hearing Board concerning the Property or Use located at:

Physical Location of Subject Matter: _____

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.

Signature of Applicant: _____

Print Name: _____ Phone No.: _____

Applicant Address: _____

E-Mail Address: _____

Signature of Property Owner: _____

Print Name: _____ Phone No.: _____

Property Owner Address: _____

E-Mail Address: _____

Law Firm (if applicable): _____ Phone No.: _____

Attorney Name: _____

Law Firm / Attorney Address: _____

Law Firm / Attorney E-Mail: _____

**PLEASE READ THE ATTACHED MATERIALS CAREFULLY &
ANSWER ALL QUESTIONS TO THE BEST OF YOUR KNOWLEDGE**

**SALISBURY TOWNSHIP ZONING HEARING BOARD
APPLICATION FOR VARIANCE**

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. SECTION(S): _____ of the Zoning Ordinance involving:

- | | | |
|---|-----------------------------------|----------------------------------|
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Setbacks | <input type="checkbox"/> Use |
| <input type="checkbox"/> Lot Width | <input type="checkbox"/> Height | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Parking Facilities | <input type="checkbox"/> Validity | |

2. No Variance is requested, but seeks a favorable interpretation of Section(s) _____
_____ of the Zoning Ordinance **regarding:** _____

3. No Variance is requested, but seeks to overrule the decision of the Zoning Officer made on
_____ **regarding:** _____

4. Seeks to authorize the change of a Non-Conforming Use **from:** _____

to: _____

5. What is the full name and home address of the owner of the premises which is the subject of the Appeal?

Name: _____

Address: _____

6. If Appellant is other than the owner, what is the full name and home address of the Appellant, and specified interest of the Appeal; i.e. agent for the owner, equitable interest, agreement of sale, etc.?

Name: _____

Address: _____

Specified Interest of the Appeal: _____

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7. What is the date of acquisition of the subject premises by the owner? _____
8. What is the exact location of the property in question - Tax Map reference (located on the tax bill for the property)?
Tax Parcel No.: _____
Property Address: _____
Property Location: (exact physical location – include cross-streets)

9. 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).

10. Will the Variance, if authorized, alter the essential character of the neighborhood or district in which the property is located, of substantially or permanently impair the appropriate use of the development of adjacent property, or be detrimental to the public welfare? Explain:

11. What landscaping is planned, if any? _____

12. 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?

13. What type of sewage and water facilities are available on the property in question?

14. Property Dimensions:
Front Lot Width: _____ Rear Lot Width: _____
Side Lengths: _____ Total Sq. Ft. of Lot: _____
15. What are the dimensions (height, width and depth) of the existing structures?
Height: _____ Width: _____ Depth: _____

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APPLICATION FOR VARIANCE**

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

Front: _____ Side: _____ Rear: _____

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

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

19. What is the specific nature of the **present** use of the property?

20. What is the specific nature of the **proposed** use of the property?

21. What parking facilities are provided / proposed – list dimension and amount.

22. **Questions 11 through 18 may be addressed by attaching a detailed plot plan.**

23. **If the provided sheets are insufficient, use additional sheets of paper and attach to the application.**

24. **PERMISSION FOR SITE VISIT**

Applicant(s) and/or Owner(s) hereby grant(s) permission and authorize members of the Township of Salisbury 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: _____

25. **PERMISSION FOR AERIAL & GROUND VIEW OF PROPERTY**

Applicant(s) and/or owner hereby grant(s) permission and authorize members of the Township of Salisbury Zoning Office to provide aerial and ground depiction of the subject property as part of the submission with the Zoning Appeal.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____



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ZONING APPLICATION

Zoning Permit No.: _____
Date Received: _____
Date Issued: _____
Fee: _____

NOTICE
This permit is void within one year of date of issuing if work has not commenced.

A. LOCATION, OWNERSHIP AND PRESENT USE OF PROPERTY:

1. Street & Number: _____ Parcel No.: _____
2. Deed Owner: _____ Zoning District: _____
3. Owner's Address: _____ Phone No.: _____
4. Present Use of Land: Residential Commercial Undeveloped
5. Type of Use: Stand-Alone Bldg. Multi-Unit Residential Bldg. Multi-Use Commercial Bldg.
6. Current Use of Building – Describe: _____
7. Number of Dwelling Units: Multi-Family / Number of Units: _____ Single-Family Residential
8. Number of Structures and Buildings on Lot: _____ Describe: _____
9. Present Use of Land: _____
10. Proposed Use of Land: _____

B. PROPOSED TYPE / USE OF STRUCTURE AND/OR LAND:

1. Type: New Structure Change of Use Major Subdivision
 Addition Sign Land Development
 Interior Alterations Billboard Other _____
 Exterior Alterations Minor Subdivision
2. Use: Retail Auto Communication Tower
 Food Service Place of Worship School
 Warehouse Storage Office Home Occupation
 Hospital Industrial Treatment Center
 Other _____
3. Description of Work: _____

C. APPLICANT:

1. Name of Applicant: _____ Phone No.: _____
2. Address of Applicant: _____
3. E-Mail Address: _____

4. Owner, Lessee, or Authorized Agent for Owner of Subject Property: _____

5. Please Print Name: _____ Date: _____

6. Applicant's Signature: _____

D. CHANGE OF USE:

1. Name of Previous Business: _____

2. Previous Use or Type of Business: _____

3. Name of Proposed Business: _____

4. Total Sq. Ft. Floor Space: _____ No. of Parking Spaces: _____ ADA Accessible Spaces: _____

5. A detailed Floor Plan must be submitted, including room dimensions (sq. ft.).

6. An inspection is required for any Change Of Use with or without alterations. A Certificate of Occupancy will be Issued after the Inspector certifies all inspections.

7. Building Permits are required for interior and exterior alterations for Commercial buildings.

NOTE: Were there any previous Appeals to the Zoning Hearing Board? If so, provide specifics and date of the Appeal:

OFFICE USE ONLY

1. Application Approved: Yes No Date: _____ Zoning Officer: _____

2. Comments: _____

3. Appeal to Zoning Hearing Board: Yes No Date of Appeal: _____

Date of Hearing: _____ Appeal No.: _____

Variance Yes No
Special Exception Yes No
Conditional Use Yes No

Appeal Enforcement Notice Yes No
Appeal Interpretation of Ordinance Yes No

4. BOARD'S'S DECISION: GRANTED DENIED Date: _____

Additional Comments: _____

