



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

Phone: 610-797-4000  
Fax: 610-795516

**SALISBURY TOWNSHIP ZONING HEARING BOARD  
APPEAL PROCEDURE FOR SPECIAL EXCEPTION**

**1. FORMS TO BE COMPLETED AND INFORMATION SUBMITTED**

All applicants for a Special Exception Use shall submit seven (7) sets of Site Plans for the proposed use to the Secretary to the Zoning Hearing Board, together with a written application. The Zoning Officer may waive the Site Plan requirement for Home Occupations that are not intense, and other uses not involving new buildings, or additional off-street parking. Photographs of the existing site or buildings may also be requested to be presented by the applicant.

**2. ZONING HEARING BOARD APPEAL FEES: PAYABLE UPON APPLICATION**

- 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**

All Site Plans shall contain the information required in Section 107.D.

**4. TOWNSHIP PROCEDURES**

- a. The Township shall forward the application to the Zoning Hearing Board and it's Solicitor. A minimum of one (1) copy shall be retained in the Township files.
- b. The Zoning Officer should, prior to the next Zoning Hearing Board Meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance, and report these findings to the Zoning Hearing Board.

**5. SITE PLAN REVIEW AND OPTIONAL REVIEW**

- a. **Site Plan Review:** A Site Plan Review by the Planning Commission and the Board of Commissioners may also be required for certain uses under Section 116 prior to issuance of building permits, but which may occur after Special Exception approval.
- b. **Optional Review:** The Zoning Hearing Board may, at its sole discretion, provide the Planning Commission with the opportunity to review a Special Exception Application that the Board believes may have Township-wide impacts. In such cases, the Board shall establish that any comments of the Planning Commission shall be provided in writing, and within a specified time period in order to be considered by the Board.

**6. ZONING HEARING BOARD ACTION**

- a. The Board shall hear and decide such request for a Special Exception use under the procedures of Article I and the State Planning Code.
- b. The Board shall schedule the first hearing within sixty (60) days after submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within forty-five (45) days after the conclusion of the final hearing on the matter.
- c. The decision of the Board shall be in writing, and shall be communicated to the applicant or their representative in accordance with Article I.

**7. APPROVAL OF SPECIAL EXCEPTION USE**

The Zoning Hearing Board shall approve any proposed Special Exception Use if they find adequate evidence that any proposed Use will meet:

- a. All of the standards listed in Section 118.4
- b. Specific standards for the proposed use listed in Sections 402 and 403
- c. All other applicable requirements of this Ordinance

**SPECIAL EXCEPTIONS**

All Zoning Ordinances contain provisions for Uses, which are permitted by right. These are the basic Uses which are permitted in the various Zoning Districts. For example – if a Zoning Ordinance contains both Commercial and Industrial Zones, a person desiring to locate a shoe store in the Commercial District is permitted to do so by right. Also, a fabricating plant is free to locate in an Industrial Zone by right.

**WHAT IS A SPECIAL EXCEPTION?**

A Special Exception is permission or approval granted an applicant to use land in a district for a purpose other than generally permitted outright in that district. The permission or Special Exception is granted by the Zoning Hearing Board in accordance with the standards contained in the Zoning Ordinance, provided generally that the specific application of the use would not prove injurious to the public interest.

It is important to realize that the term “Special Exception” is a misnomer. It is neither special, nor is it an exception. It is not a deviation from the Zoning Ordinance. An applicant for a Special Exception is following the Zoning Ordinance. The application is one envisioned by the Ordinance, and of the standards established by the Ordinance are met, the use is one permitted by the Ordinance.

**CONDITIONS**

In granting a Special Exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement to the purpose of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Ordinance.



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**APPLICATION FOR SPECIAL EXCEPTION**

Application No.: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  
45 Day Expiration Date: \_\_\_\_\_  
Zoning Fees: \_\_\_\_\_  
Date If Submitted to  
Planning Commission: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  
Plan Attached?  Yes  No

I, WE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ Phone No.: \_\_\_\_\_

**HEREBY APPLY FOR A SPECIAL EXCEPTION HEARING BEFORE THE ZONING HEARING BOARD  
CONCERNING THE PROPERTY OR USE LOCATED AT:**

Location of Subject Matter: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_ Tax Parcel No.: \_\_\_\_\_

**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 MATERIAL CAREFULLY  
ANSWER ALL QUESTIONS TO THE BEST OF YOUR KNOWLEDGE**

**SALISBURY TOWNSHIP ZONING HEARING BOARD  
APPLICATION FOR SPECIAL EXCEPTION**

**NOTE: No application shall be accepted unless and until all requested data, information, and plans are completed, and the required number submitted; and all fees are paid in full.**

**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.**

1. **A SPECIAL EXCEPTION IS HEREBY REQUESTED TO:**  
\_\_\_\_\_ Section(s) of the Zoning 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, and the specified interest of the Appellant in Appeal (agent for 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 Tax bill for property)?  
\_\_\_\_\_  
\_\_\_\_\_
6. What landscaping is planned, if any?  
\_\_\_\_\_  
\_\_\_\_\_
7. What is the character of the structures and uses being considered on properties abutting the subject premises? What is the character of the neighborhood?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. What type of sewer and water facilities are available on the property in question?  
\_\_\_\_\_  
\_\_\_\_\_
9. Property Dimensions: If Lot is irregular in shape, please complete as well as possible.  
Front Lot Width: \_\_\_\_\_  
Rear Lot Width: \_\_\_\_\_  
Side Lengths: \_\_\_\_\_  
Total Sq. Ft. of Lot: \_\_\_\_\_

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

11. What are the front, side, and rear setbacks of existing structure(s)?  
\_\_\_\_\_  
\_\_\_\_\_

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

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

14. What is the specific nature of the present use of the property?  
\_\_\_\_\_  
\_\_\_\_\_

15. What is the specific nature of the proposed use of the property?  
\_\_\_\_\_  
\_\_\_\_\_

16. What parking facilities are provided / proposed? List dimension and amount:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Questions 9 through 16 may be addressed by attaching a detailed Plot Plan.

18. **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: \_\_\_\_\_

19. **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: \_\_\_\_\_





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 DECISION:  GRANTED  DENIED Date: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_