



TOWNSHIP OF BETHLEHEM

Staff Use Only
Appeal #: _____

COMMUNITY DEVELOPMENT DEPARTMENT

MUNICIPAL BUILDING
4225 Easton Avenue
Bethlehem, Pennsylvania 18020-1496

Phone: 610.814.6400
www.bethlehemtownship.org

APPLICATION FOR HEARING

ZONING HEARING BOARD

PROPERTY INFORMATION

Street Address: _____

Bethlehem, PA 18020 Easton, PA 18045

Parcel Identification Number(s) (PIN): _____

Subdivision / Land Development (if applicable): _____

Zoning District(s): _____

Lot Width: _____ Lot Depth: _____ Lot Size (acres/square feet): _____

Present Use: _____

Proposed Use: _____

Previous Zoning Hearing Board action on property: No Yes (attach Board opinion if applicable)

APPLICANT INFORMATION

Applicant Name: _____

Address: _____

Phone: _____ Email: _____

Owner Name (if different from applicant): _____

Address: _____

Phone: _____ Email: _____

Attorney Name: _____

Address: _____

Phone: _____ Email: _____

Applicants may choose to have an attorney act on their behalf. Legal representation is not required.

Professional Expert Name: _____

Address: _____

Phone: _____ Email: _____

Applicants may choose to have a professional expert testify on their behalf. Professional experts are not required.

APPLICATION INFORMATION

Appeal of Zoning Officer [Type: Violation Action Opinion Other]

Variance [Type: Dimension Use Other]

Special Exception Validity Challenge

Interpretation Temporary Use

Zoning Ordinance	Dimension/Standard	Dimension/Standard	Relief Sought:
Section(s):	Required:	Proposed:	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Remedy Sought: _____

Basis for Zoning Relief Request: _____

Findings: This Section is required for variance applications and suggested for all other hearing requests. Provided that all of the following findings are made, where relevant in a given case, the Board may grant a variance.

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 *including:* _____

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 *because:* _____

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 *because:* _____

3. That such unnecessary hardship has not been created by the appellant *because:* _____

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 *because:* _____

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, *specifically:* _____

All information and materials requested herein are required, unless otherwise specified. Applications missing required information or materials are considered incomplete and will not be reviewed until deemed complete. The Township reserves the right to refuse incomplete applications and, further, is not responsible for maintenance of incomplete applications.

I/We hereby certify that as applicants, owners, contractors, agents or others that I/we completed and read the foregoing Application and that the information and statements in this application and other representations contained in all accompanying plans are made a part of this application and are true and correct to the best of our knowledge and belief.

Applicant Printed Name: _____

Applicant Signature: _____ Date: _____

Owner Printed Name (if different from applicant): _____

Owner Signature: _____ Date: _____

Please review the Zoning Hearing Board application checklist, procedures and by-laws for required materials, meeting information and recommended hearing preparation.

Submittal of this application affirms receipt of the Zoning Hearing Board's procedures.

CHECKLIST

ZONING HEARING BOARD

Submittal Checklist

Fee

Seven (7) copies of all materials shall be provided:

Application

Deed

Northampton County assessment map (depicting the property and surrounding property)

Formal opinion of zoning officer (ex – decision; permit denial; notice of violation; cease and desist order; etc.)

Plot plan

Site plan (if applicable)

Agreement of sale (if applicable)

Lease agreement (if applicable)

Easement of record (if property is subject to easements impacting zoning remedy sought)

Copy of Zoning Hearing Board opinion for previous action on the property (if applicable)

Other evidence / exhibits: _____

Digital copies of materials are suggested

Additional Required Hearing Materials

List of notified property owners (including name and mailing address)

Proof of mailed notice (ex – post office receipt or affidavit of personal service)

Affidavit granting third party representation (if owner will not appear at the hearing)

Other evidence / exhibits (not available at time of application): _____

Digital copies of materials are suggested

Zoning Hearing Board Fees (effective April 1, 2020)

(a)	Special exception – single family residential	\$600.00
(b)	Variance – single family residential	\$750.00
(c)	All other special exception/variance requests	\$1,000.00
(d)	Interpretation of ordinance	\$750.00
(e)	Curative amendment/validity challenge	\$5,000.00
(f)	Withdrawal of application	
	Appeal withdrawn prior to advertisement in the newspaper	Full refund
	Appeal withdrawn after advertisement in the newspaper	25% refund of appeal fee
Continuance fee for any reason other than error by the Township, whether requested by the applicant or required by the Board, will be charged as follows:		
(a)	For continuances pursuant to (a) and (b) above	\$250.00
(b)	All other requests	\$500.00



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PROCEDURES FOR APPLICANTS

ZONING HEARING BOARD

Procedures Applicable to Applicants and Third Parties Appearing Before the Zoning Hearing Board of Bethlehem Township

1. The Board on its own motion may choose to first hear those uncontested cases where the parties stipulate that all testimony will be presented within a limited time frame (usually 15 minutes or less).
2. Unless amended or extended by motion of the Board, hearings commence at 6:30 pm, and conclude at 10:00 pm. Continuation of hearings will be rescheduled at the convenience of the Board.
3. An Applicant seeking an "Interpretation" by the Board of some provision found within the zoning code must reflect upon the Applicant's initial application the exact wording of the proposed interpretation the Applicant seeks the Board to render in favor of the Applicant.
4. At the commencement of the hearing, the Applicant must advise the Board of the specific remedy sought, including sections of the zoning or Saldo ordinance that are applicable. The Applicant must further advise the Board whether any remedy sought in the original written application has been amended, altered or deleted. If a variance is sought, the Applicant must state for the record three separate numbers or dimensions: the number or dimension found in the Code, the number or dimension proposed by the Applicant, and the number or dimension of the variance sought.
5. The Prothonotary of Northampton County requires that all documents filed with that office be presented on eight and one half by eleven inch paper. Applicants appearing before the Board may submit an exhibit of any size, if the same is legible. However, the submission must also be accompanied by a copy that is no larger than eight and one half by eleven inches. If the Applicant fails to do so, and an appeal is thereafter taken to the Northampton County Court and if the Board and its stenographer are then required to create copies, the dimension of which must comply with the Prothonotary's requirements, the cost of such labors

shall be billed to the party who submitted the exhibit. Documents submitted into evidence become part of the permanent Board record, and can not be returned to the submitting party.

6. The Board may on occasion require that its solicitor formally record a Board Opinion at the Office of the Recorder of Deeds of Northampton County. If the Opinion is favorable to the Applicant, the Board may require that the Applicant reimburse the Township for the cost of such recordation.
7. Parties appearing before the Board who claim that they did not receive adequate notice of the hearing are deemed, by their presence before the Board, to have received adequate notice.
8. The Board is not required to adhere to the strict rules of evidence. Nonetheless, parties are advised that the submission of letters, documents, petitions, and other forms of communication or statements alleged to have been drafted by third parties not presently before the Board or subject to cross-examination may be deemed to be hearsay and may be ruled to be inadmissible as evidence.
9. Individuals other than the Applicant who seek to be parties of record must enter their written appearance before the Board at the commencement of proceedings. Individuals will not be permitted to enter an appearance after proceedings have commenced, unless granted leave to do so by the Board for good cause shown.
10. Individuals who seek to testify or place evidence on the record must be administered an oath by the court stenographer or other appropriate representative of the Board.
11. The Board is empowered to issue subpoenas to compel the presentation of testimony or documentation. Parties seeking to have the Board issue a subpoena must give adequate notice to the Board by submitting such a request in writing to the zoning administrator within a reasonable time prior to commencement of the formal hearing. After a hearing commences, a subpoena will issue only upon good cause shown.
12. A party seeking to appeal a decision of the Board maintains the responsibility to order an original transcript of the proceedings from the Board stenographer. Such a party must pay the stenographer in advance the statutory fee applicable to transcription of the record.
13. The Board deliberates in public. The public is invited to be present during such deliberations, but may not take part in the deliberations, or interrupt the Board. The use of cameras and recording devices is prohibited during deliberations, unless leave to do so has been pre-approved by the Board.
14. The use of cameras during the Board's hearing must be pre-approved by the Board. If a third party seeks to electronically record the testimony presented during a hearing, such a party must first identify himself, and the form of recording device being utilized. The Board may, at its option, decline to permit the use of cameras or recording devices during a hearing.
15. A party may at time of hearing seek to use an electronic device to project an image on a screen for review by the Board, but such an image must be captured upon a document which is simultaneously submitted into evidence.

16. A party seeking a continuance of a hearing must appear before the Board to request the same. Objectors and other third parties may be heard as well. If the Board grants a continuance request, the same may be conditioned upon the Applicant paying for re-advertising costs and further conditioned upon the Applicant mailing appropriate notice of the continuance to owners of record existing within the statutory notice area. The Board may refuse to grant a continuance where good cause is not shown.
17. Where a tract of real estate or a portion thereof has been the object of the Board's prior consideration resulting in the execution of a formal Opinion, the Applicant shall append to the present application for relief a copy of any prior Opinion rendered by the Board. It is incumbent upon the Applicant to inquire of the zoning administrator to confirm whether such a prior Opinion exists.
18. A written copy of these Board Procedures is to be appended to every zoning application tendered to an Applicant. The Applicant is to affirm upon any executed zoning application submitted to the Board that the applicant has read these procedures, and is conversant with same. Copies of these Board Procedures are also to be made available to the public at time of any zoning hearing. These procedures are to appear upon the Township website.
19. Zoning hearings shall be conducted as follows: The Applicant will present its case. Each witness shall be subject to cross-examination. At the conclusion of the Applicant's case, any interested party of record may present testimony or documentation, and witnesses thusly called will similarly be subject to cross-examination. At the conclusion of the case, the parties shall rest, whereupon the Board shall entertain closing argument.
20. The Board requests that public comments other than testimony by third parties be limited to five minutes. Those offering comments are discouraged from appearing multiple times and should organize their comments for singular presentation.