

HEARING DATE \_\_\_\_\_ APPLICATION DEADLINE \_\_\_\_\_ APPEAL NUMBER \_\_\_\_\_

CHECK NUMBER \_\_\_\_\_ AMOUNT PAID \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

**APPLICATION FOR APPEAL TO THE BETHLEHEM TOWNSHIP ZONING HEARING BOARD, MUNICIPAL BUILDING, 4225 EASTON AVENUE, BETHLEHEM, PA 18020**

I. INTRODUCTION TO THE APPLICANT

1. It is recommended by the Zoning Hearing Board that the Applicant, prior to any scheduled appearance before the Zoning Hearing Board, first contact the Zoning Administrator of the Township of Bethlehem (telephone 610 814 6430) to determine the specific sections of the Zoning Code applicable to the present appeal, and to obtain a determination as to whether the relief sought by the Applicant will be denied by the Zoning Administrator. Please note that at time of such contact, it is not possible for the Zoning Administrator to guarantee what sections of the Zoning Code may be applicable. While the Zoning Administrator will employ his or her best efforts to focus upon the applicable sections of the Zoning Code, the burden rests solely upon the Applicant and the Applicant's professional advisor(s) to make a final determination as to what sections of the Zoning Code may apply or be relevant, and what specific remedies the Applicant may need to pursue.
2. If the Zoning Administrator has issued a formal opinion denying a zoning remedy, a copy of the opinion must be attached to this Application.
3. The Applicant maintains the responsibility of serving written notice of the zoning hearing upon those owners of record of real estate situated within 400 feet of the lot lines of the subject real estate. Service upon owners of record within 200 feet of the lot lines will suffice if the application only seeks a side or rear yard setback for a private dwelling or an accessory use to a dwelling. A list of the names and mailing addresses of every owner of record to which notice has been remitted must be presented at time of formal zoning hearing, with accompanying proof of service i.e. a post office receipt or affidavit of personal service.
4. If the Applicant has received a notice of violation or cease and desist order from the Zoning Administrator, a copy of such notice must be attached to the Application.
5. The zoning hearing is a formal legal proceeding during which testimony is taken under oath and a stenographic record is created. With few exceptions, the rules of evidence apply. The Applicant maintains the initial burden of proof in the presentation of its case. The procedures applicable to Applicants and third parties appearing before the Zoning Hearing Board are attached to this Application. It is the Applicant's responsibility to become conversant with these procedures prior to the hearing.

II. THE RELIEF SOUGHT

1. If the Applicant seeks a dimensional variance pursuant to Section 111.F.4 of the Zoning Code, please state the following:

Section of Code	Dimension Required by Code	Dimension Proposed by Applicant	Variance Sought
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. If the Applicant seeks a use or other variance, please state the specific section of the Code applicable and describe the use variance sought.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. If the Applicant seeks a special exception, please state:

Section of Zoning Code applicable: \_\_\_\_\_

\_\_\_\_\_

Special Exception remedy sought: \_\_\_\_\_

\_\_\_\_\_

4. If the Applicant seeks an appeal from a decision of the Zoning Administrator:

a. Attach a copy of the formal decision obtained from the Zoning Administrator.

b. State the remedy sought: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. If the Applicant seeks to assert a validity challenge to the Zoning Ordinance or to the Township Zoning Map, state the nature of the validity challenge:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. If the Applicant seeks certification of a non-conformity, state the location of the non-conformity, the use of the non-conformity, and any proposed zoning remedy:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. If the Applicant seeks an interpretation pursuant to Section 117 of the Zoning Ordinance, state the formal action taken or not taken by the Zoning Administrator i.e. refusal of a permit, variance, special exception or other remedy. Note: Pursuant to *Darrah v. Zoning Hearing Board of Spring Garden Township*, 928 A.2d 443: 2007 Pa. Cmwlth. Lexis 372 (2007), the Zoning Hearing Board may not hear requests for interpretations in the abstract. State verbatim the specific favorable interpretation which the Applicant seeks to obtain from the Zoning Hearing Board:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. APPLICANT INFORMATION

1. Name of Applicant: \_\_\_\_\_

check one ( ) owner of record  
( ) equitable owner  
( ) other \_\_\_\_\_

2. Applicant's Mailing

Address: \_\_\_\_\_  
\_\_\_\_\_

3. Applicant's Daytime

Telephone: \_\_\_\_\_

4. Applicant's

Facsimile: \_\_\_\_\_

5. Applicant's

Email: \_\_\_\_\_

6. If the Applicant is not the owner of record, please state the name, address and telephone number of the present owner of record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. State the name, address and telephone number of the individual who will appear on behalf of the owner at time of zoning hearing if the owner of record will not be appearing. Please note that an affidavit signed by the owner granting permission for appearance of this third party must be produced at time of zoning hearing.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. If the Applicant will be represented at time of hearing by an attorney, state the attorney's name, address and telephone number.

\_\_\_\_\_  
\_\_\_\_\_

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9. If the Applicant will be accompanied at time of hearing by an engineer, expert witness, or other professional assistant, state the name, address and telephone number of the witness:
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#### IV. INFORMATION REGARDING THE REAL ESTATE

1. State the mailing address of the real estate that is the subjection of this application and hearing: \_\_\_\_\_  
\_\_\_\_\_
2. State the Northampton County Parcel Identification Number of the real estate:  
\_\_\_\_\_
3. Attach a copy of the Northampton County Assessment Map depicting the real estate and each tract of real estate surrounding the subject real estate.
4. State the Northampton County Recorder of Deeds recorded deed book volume of the most recently recorded deed, and attach a copy of same.  
\_\_\_\_\_
5. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
6. If the real estate is presently leased, attached a copy of the present lease.
7. If the Applicant has prepared a site plan of the real estate for submission at time of hearing, please attach a copy of the site plan.
8. State if the real estate or any portions thereof exist in a flood plain, flood zone, or other environmentally sensitive area, and describe the area:  
\_\_\_\_\_

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9. If the real estate been the objection of a Planning Commission Hearing, state the date of this hearing and what disposition occurred.

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10. If the real estate is subject to easement(s) of record that will impact the zoning remedies sought, please attach copies of the easement(s) of record.

11. If this real estate has been the object of a prior zoning hearing, please state the appeal number, date of decision, and remedy granted if any.

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V. APPLICATION NARRATIVE

Please submit a brief statement reflecting why zoning relief is sought and should be granted.

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I hereby certify that the information contained within and attached to this application is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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 the 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 dimensions 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 hearings 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 also 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 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.

AMENDED BYLAW #1 "NOTICE OF ZONING HEARING"

WHEREAS, the Township of Bethlehem, hereinafter the "Township", did, the 15th day of December, 1997, promulgate a Zoning Ordinance, hereinafter the "Ordinance", which Ordinance took effect the 20th day of December, 1997; and

WHEREAS, the Zoning Ordinance was adopted by Bethlehem Township Ordinance #8-97, and was most recently amended on April 1, 2010; and

WHEREAS, the Ordinance does, at Section 275-11.D.3, empower the Zoning Hearing Board, hereinafter the "Board", of the Township to enact those bylaws necessary to fulfill the mandates of the Ordinance; and

WHEREAS, 53 P.S. 10908(1), "The Municipal and Quasi-Municipal Corporation Law", hereinafter the "Statute", requires that public notice of a zoning hearing take that form as prescribed by the Township Ordinance or by rule of the Board;

NOW THEREFORE, the Board, authorized aforesaid to enact bylaws as may be necessitated to comply with the above Statute and Ordinance, does, by unanimous consent of the Board, and after public hearing, propound the following bylaws:

1. Should an applicant or petitioner seek to place a matter upon the formal agenda of the Board for consideration at time of zoning hearing, the applicant-petitioner shall maintain the sole burden of establishing at time of public hearing that the applicant-petitioner has complied with the notice requirements reflected in the present bylaws.

2. It shall be the responsibility of the applicant-petitioner to obtain the current name and address of each owner of real estate, and the accompanying Northampton County tax parcel identification number of every parcel of real estate, any portion of which exists within 400 feet of the lot lines of the subject lot, except such distance shall be reduced to 200 feet if an application only involves a side or rear yard setback for a dwelling or an accessory use to a dwelling. The above information shall be accompanied by a map depicting the parcel identification numbers, and identifying each such neighboring parcel in relationship to the real estate subject to the zoning appeal.

3. The applicant-petitioner shall, at time of submission of the application, present the above information to the Bethlehem Township Zoning Administrator, who shall thereupon tender to the applicant-petitioner the form of written notice which must be submitted by the applicant-petitioner to the surrounding neighbors advising the latter of the date, location, and nature of the zoning hearing and zoning remedy or remedies sought.

4. The applicant-petitioner must correctly complete the written notice, and submit same to the surrounding neighbors, either through the U.S. Mail, or by personal service, within seven (7) days prior to the hearing. Proof of this service must be submitted at time of the formal zoning hearing. Proof of personal service shall be submitted at time of the zoning hearing by affidavit as required by the Board. Proof of First Class or similar mailing through the U.S. Mail shall be submitted by introduction of a postal receipt, or

similar proof that such mailing was timely pursued, with presentation to the Board at time of hearing of any returned or unclaimed mailings.


5. The Township, Board, and Zoning Administrator shall only maintain the responsibility of advertising the formal zoning hearing in a newspaper of general circulation as required by the above Statute.


6. It shall be the responsibility of the Township Office Staff at least one week prior to the date of the public zoning hearing to conspicuously post upon the real estate written notice of the zoning hearing as required by law. At time of the hearing, the Zoning Administrator or his authorized representative shall present testimony confirming that posting of notice has been successfully accomplished.


7. If it is alleged that compliance with the notice provisions has not occurred, the Board may entertain testimony to determine if good faith was duly exercised. Should the Board rule that good faith occurred permitting the petitioner to proceed, the petitioner may then proceed at his or her peril, subject to possible objection by the party who may not have received notice.


8. Where a neighboring property is titled in the name of an entity other than a human being, notice may be addressed or delivered to the secretary of such entity at the address listed at the Northampton County Courthouse.


These bylaws have, this 29<sup>th</sup> day of AUGUST, 2018, been adopted by the members of the Zoning Hearing Board after discussion and vote at public meeting.

  
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Stephen M. Szy

  
\_\_\_\_\_  
David Chismar

  
\_\_\_\_\_  
Paul Weiss

  
\_\_\_\_\_  
Rodman Law

  
\_\_\_\_\_  
Richard Pelizzoni