APPLICATION FOR APPEAL – BOROUGH OF FREEMANSBURG

Official Use Only

Case No.:

Address of Property:	Zoning District:
Lot Size:	☐ Check if vacant land
Date of Submission:	Date of Hearing:

Appeal/Application to the Borough of Freemansburg Zoning Hearing Board is hereby made by the undersigned for: [check applicable item(s)]:

☐ Appeal or makes application from the order, requirement, decision or determination of the Zoning Officer or other Borough official.

☐ Variance from the Borough of Freemansburg Zoning Ordinance

☐ Special Exception permitted under the Borough of Freemansburg Zoning Ordinance

☐ Other:_____

APPLICANT:

Name:	
Address:	
Telephone:	
Email Address:	

OWNER (if different from Applicant above):

Name:	
Address:	
Telephone:	
Email Address:	

ATTORNEY (if applicable):

Name:	
Address:	
Telephone:	
Email Address:	

SECTION 1: REAL ESTATE INFORMATION

A. Attached a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features.
B. Attached photographs.
C. If the real estate is recently under Agreement of Sale, attach a copy of the Agreement.
D. If the real estate is presently leased, attached a copy of the present lease.
E. If this real estate has been the subject of a prior zoning hearing, attached a copy of the Decision.

SECTION 2: RELIEF SOUGHT

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following:

Section of Code	Dimension Required By Code	Dimension Proposed By Applicant	Variance Sought

If the Applicant seeks a Use or other Variance, please state the specific section(s) of the Zoning Ordinance applicable and describe the Variance sought.

_____

_____

_____

If the Applicant seeks a Special Exception, please state the specific section (s) of Zoning Ordinance applicable:

_____

_____

_____

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with the Ordinance:

_____

_____

SECTION 3. NARRATIVE

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

SECTION 4. CERTIFICATION

1. I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief. I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.
2. Petitioner agrees to comply with all provisions of the Borough of Freemansburg Zoning Ordinance and is aware that the Ordinance provides for penalties for violations of its provisions.
3. The Petitioner further acknowledges that the Board does not have to consider any application until all information requested by the Zoning Hearing Board is submitted by said applicant, and that in the event this information is not submitted in full within twenty (20) days from the date of the initial Zoning Hearing Board hearing then the Board may deny such application, with or without prejudice to the applicant.
4. Wherever additional information is requested by the Zoning Hearing Board and leave to submit additional information is specifically granted by the Chairman of the Zoning Hearing Board, then, in consideration of the Board's forbearance in not refusing the application at the conclusion of the hearing, the Petitioner agrees to extend the time of consideration of the application by the Zoning Board for the number of days after the date for decision specified in any Ordinance of the Borough by the same number of days which the Zoning Board's consideration of the Petition was delayed by failure on the part of the Petitioner to submit additional information requested.

NOTE: All Petitioners must sign. At least one must sign in the presence of a Notary Public.

_____
Petitioner

_____

_____
Notary Public *(required)*

SEE ATTACHMENT TO APPLICATION ON THE FOLLOWING PAGE FOR ADDITIONAL INFORMATION.

Attachment to Application for Appeal

Do not include the following sheets with your application

A. The required fee, payable to: ***Borough of Freemansburg***, shall accompany this Application.
B. Six (6) sets of this Application and all supporting documents shall be submitted to the Borough of Freemansburg Office, 600 Monroe Street, Freemansburg, PA 18017.

Zoning Hearing Board Functions. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications and be responsible for the following:

Appeal of a Decision by the Zoning Officer.

a. The Board shall hear and decide appeals where it is alleged by the appellant (the landowner affected, developer, an authorized agent, or applicant, any office or agency of the Borough, or any person aggrieved) that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any valid provision of this chapter or any valid rule or regulation governing the action of the Zoning Officer.
b. All appeals which allege that the Zoning Officer has made an error shall be filed directly with the Borough at the Borough Building within 30 days of the Zoning Officer's alleged error, unless a different time limitation is provided under state law. This time limitation shall not apply to provisions for the revocation of a permit under § **27-109A (6)**.
c. Such appeals shall be in writing, shall state fully the material facts and parties in the case, and shall clearly explain the reasons or provisions of the chapter on which the appeal is based.

Challenges to the Validity of the Chapter or Map.

a. The Board shall hear challenges to the validity of this chapter filed with the Board in writing by the landowner affected, developer, an authorized agent, or applicant, any office or agency of the Borough, or any person aggrieved.
b. After the conclusion of the hearing(s), the Board shall make findings on all relevant issues of fact, conclusions of the law on issues that the Board deems to have been presented and necessary within the time limits specified by the Municipalities Planning Code.

Variance.

a. The Board shall hear requests for variances filed with the Board in writing by any landowner, developer, an authorized agent, or applicant, any office or agency of the Borough, or any person aggrieved (or any tenant with the permission of such landowner).
b. The Board may grant a variance only within the limitations of state law. The Municipalities Planning Code provides that all of the following findings must be made, where relevant:
    i. 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) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;
    ii. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, and a variance is therefore necessary to enable the reasonable use of the property;

iii. Such unnecessary hardship has not been created by the appellant;
iv. 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; and
v. 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 chapter.

Special Exception.

a. The Board shall hear and decide all requests for special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner, developer, an authorized agent, or applicant, any office or agency of the Borough, or any person aggrieved), as provided in this chapter and in accordance with such standards and criteria contained in this chapter.

In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as the Board may deem necessary to implement the purposes and intent of this chapter.