



Application # _____
Received on _____
Received by _____
Fee paid _____

**BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF FREEMANSBURG
NORTHAMPTON COUNTY, PA**

Revised 8/10/2007

Appeal Petition

Notice: This petition, appeal and/or application, in order to be acted upon by the Zoning Hearing Board, must be fully completed. Failure to do so may result in a denial of the petition, appeal and/or application. Filing fees associated with the written appeal petition are non-refundable.

1. Full name(s) of Appellant(s) (hereinafter referred to as "Appellant") and mailing address of each:

2. Name and mailing address of attorney for Appellant (if applicable):

3. Parcel Number _____ Parcel Address _____ Present Zoning of Parcel _____

4. Appellant is the Owner Occupant Agent for Purchaser Other: _____

5. Appellant: (check appropriate action)

hereby appeals from the decision of the Zoning Officer or other Borough Official, alleging that said official has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

The sections of the Borough of Freemansburg Zoning Ordinance which have been misinterpreted or misapplied or in which procedures have not been followed correctly are as follows:

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

hereby requests a variance alleging that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Appellant.

A variance is sought from the following provisions of the Borough of Freemansburg Zoning Ordinance:

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

€ hereby applies for a Special Exception from the following provisions of the Borough of Freemansburg Zoning Ordinance.

A Special Exception is sought from the following provisions of the Borough of Freemansburg Zoning Ordinance:

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

€ hereby applies for a permit under the terms of the Borough of Freemansburg Zoning Ordinance.

A permit is sought from the following provisions of the Borough of Freemansburg Zoning Ordinance:

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

€ hereby applies for: (other) _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

6. The names and mailing addresses of the owners and other parties of interest of the subject real estate involved in this Petition, Appeal or Application: (all parties to the title must be listed)

7. The deed to the subject property is recorded in the Recorder of Deeds Office in and for Northampton County in Deed Book _____ at Page _____, or parcel identification number (PIN) _____. The date of the Deed is _____. Date acquired by Appellant or other parties of interest is _____. A copy of the deed is attached hereto. €(attached)

8. Provide dimensions, area (_____ square feet or _____ acres) and configuration of subject real estate €(attached)

9. Present use of property: _____ Since the date of: _____

10. Use of property prior to present (list date and uses for up to 20 years): _____

11. Provide dimensions of each building, improvement, number of stories per building or improvement, location of building or improvements within the lot. If real estate is vacant, so note: _____ € (attached)

12. Appellant appeals or makes application from the order, requirement, decision or determination of the Zoning Officer or other Borough Official made on _____ (date), which was as follows:

13. Appellant claims that for the following reasons, the variance, special exception or other relief should be granted as requested under the aforesaid sections of the Zoning Ordinance. (Cite all sections and your supporting position thereunder or other relevant information to be considered in your appeal).

If variance, please document hardship

€ 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 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;

€ 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 this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

€ that such unnecessary hardship has not been created by the appellant;

€ 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; and

€ 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.

14. The variance, if applicable, or the special exception, or other relief requested, and the new improvements and/or use desired to be made are as follows:

€ Structures to be erected or changed:

€ Structures and/or property to be used for:

€ Other improvements, alterations or zoning requirements affected:

15. Have any prior applications or appeals been filed in connection with the subject property? € Yes € No

If yes, state the name of applicant, date and decision _____

16. Provide six copies of the application, plans, drawings, sketches and /or other exhibits and all information requested herein. Appellant shall provide any objectors with copies of the same. € (attached)

17. Appellant agrees to comply with all provisions of the Borough of Freemansburg Zoning Ordinance and is aware that the ordinance provides for penalties and violations of its provisions.

18. The Appellant further acknowledges that the Board does not have to consider any application until all information requested by the Zoning Hearing Board or Zoning Officer is submitted by said Appellant, and that, in the event this information is not submitted within the specified amount of time from the date of the initial Zoning Hearing Board hearing, then the Board may deny such application, with or without prejudice to the Appellant.

19. Whenever 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 Appellant agrees to extend the time for consideration of the application by the Zoning Hearing Board for the number of days after the date for decisions specific in any ordinance of the Borough by the same number of days which the Zoning Hearing Board's consideration of the Petition, Appeal or Application was delayed by failure on the part of the Appellant to submit additional information requested.

Appellant date

Appellant date

Appellant date

Appellant date

All appellants must sign. At least one must sign in the presence of a person capable of administering an oath (see next page). Note: The following affidavit must be taken before a Notary Public or other appropriate official by one of the Appellants.

FOR INDIVIDUAL APPELLANTS:

COMMONWEALTH OF PENNSYLVANIA)

) SS.

COUNTY OF NORTHAMPTON)

On this ____ day of _____, _____, before me, a Notary Public in and for the county and state aforesaid, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the within petitioner, and acknowledged that he/she/they executed the same for purposes therein contained and that he/she/they was/were authorized to take this Affidavit on behalf of all the Appellants that the facts set forth in the foregoing Appeal Petition and the attached exhibits are true and correct to the best of his information, knowledge and belief.

Signature of Appellant taking Affidavit

IN WITNESS WHEREOF, I hereto set my hand and official seal.

(seal)

SWORN TO AND SUBSCRIBED

Before me this _____ day of

_____, _____

Notary Public