

ZONING APPEAL APPLICATION

APPLICATION REQUIREMENTS

Appellant (applicant or other person of legal standing) must attend hearing.

A. FORMS TO BE COMPLETED AND INFORMATION SUBMITTED

1. 10 Copies of the completed Zoning Appeal Application
2. 10 Sets of Supporting Documentation, including:
 - a. Applicable site plans
 - b. Letter of Intent/Project Narrative/Description of Work
 - c. A Plot Plan/Location Map of the subject property. The Plot Plan must:
 - (i) Be drawn to scale;
 - (ii) Show the North Point;
 - (iii) Show all property lines;
 - (iv) Show the location of the buildings and structures on the property (both existing and proposed); and
 - (v) Show the distances to property lines of all proposed improvements.
 - d. Applicable construction documents
 - e. Copy of the current Lehigh County Property Assessment record. (You may attach a copy of your current Deed instead of, or in addition to, the Lehigh County Property Assessment record).
 - f. If the applicant is other than the property owner, written proof of interest, or a written statement signed by the owner(s) of the property giving you authorization to present the property owner's interests before the Zoning Hearing Board.

RECEIVED

SEP 23 2023

COMMUNITY DEVELOPMENT
SOUTH WHITEHALL TOWNSHIP

B. ZONING HEARING BOARD FEES

1.	RESIDENTIAL APPEAL CATEGORIES	FEE
a.	Dimensional Variances All appeal items that strictly involve physically measurable or quantifiable requirements, of the Zoning Ordinance such as separation distances, setbacks, height, volume size, etc.	\$250
b.	Special Exceptions, Use Variances and All Other Appeals	\$350
c.	Temporary Use Reviews	\$250
d.	Time Extension Extensions of time for decisions previously granted by the Zoning Hearing Board	\$200
e.	Zoning Hearing Board Continuance Fee for each advertised Zoning Hearing Board Hearing after the initially-advertised Hearing.	\$150
<p>The applicant is responsible for 50% of the stenographer fees associated with the Zoning Appeal.</p>		

2.	<u>NONRESIDENTIAL APPEAL CATEGORIES</u>	<u>FEE</u>
a.	Dimensional Variances All appeal items that strictly involve physically measurable or quantifiable requirements of the Zoning Ordinance such as: separation distances, setbacks, height, volume, size, area, number of parking spaces, number of signs, square footage of signs, or the provision of site improvements that are required of the appellant by the Zoning Ordinance	\$750
b.	Special Exceptions, Use Variances and All Other Appeals	\$1,000
c.	Temporary Use Reviews	\$250
d.	Time Extension Extensions of time for decisions previously granted by the Zoning Hearing Board	\$200
e.	Zoning Hearing Board Continuance Fee for each advertised Zoning Hearing Board Hearing after the initially-advertised Hearing.	\$150
The applicant is responsible for 50% of the stenographer fees associated with the Zoning Appeal.		

All appeal items on any given appeal application shall be categorized as shown above and, where more than one category is included in the appeal, the fee for all categories involved in the appeal shall be charged to the appellant. Where there is any uncertainty about which of the categories under which an appeal item should fall, that category with the higher fee shall apply.

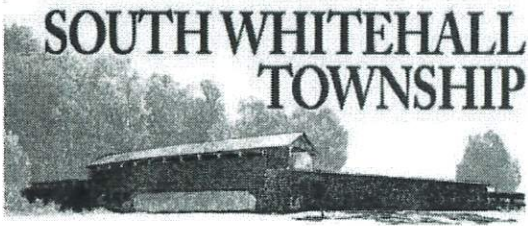
D. MISCELLANEOUS INFORMATION:

1. All information required must be submitted and all fees must be paid no later than 4:00 p.m. on the cutoff date listed. If the submission is not complete, the application will be held until the following month.
2. The Zoning Hearing Board is permitted forty-five (45) days following the last hearing on an appeal to render a decision.
3. There is a thirty (30) day appeal period following the issuance of a decision by the Zoning Hearing Board in which an appeal may be taken to the Court of Common Pleas of Lehigh County to reverse or limit said decision.
4. In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction or alteration within three hundred sixty-five (365) days of the final action by the Zoning Hearing Board.
5. The cost of the original transcript of the hearing shall be divided equally between the applicant and the Board if requested by the Board. If the appellant wishes to obtain a copy of a transcript, the appellant is required to purchase it from the stenographer.

#202300925

DO NOT WRITE IN THIS SPACE. FOR OFFICIAL USE ONLY.

Submission Date: 9/28/23 Appeal Number: ZHB 2023-08
 Fee Paid: \$250- Receipt Number: _____ Meeting Date: 11/22/23



ZONING HEARING BOARD NOTICE OF APPEAL

PROPERTY ADDRESS: Brickyard Road, Allentown, PA 18104 APPLICATION DATE: 9/12/2023

APPLICANT: Deborah Panik and Larry Panik

APPLICANT ADDRESS: 1919 Brickyard Road, Allentown, PA 18104

APPLICANT TELEPHONE: 484-554-8944 APPLICANT EMAIL: dipanik16@gmail.com

PROPERTY OWNER'S NAME: Deborah Panik and Larry Panik

PROPERTY OWNER'S ADDRESS: 1919 Brickyard Road, Allentown, PA 18104

OWNER'S TELEPHONE: 484-554-8944 OWNER'S EMAIL: dipanik16@gmail.com

APPLICANT'S RELATIONSHIP TO OWNER: Owners

PROPERTY OWNER'S CERTIFICATION AND AUTHORIZATION:

I hereby certify that I am the owner of the subject property and authorize the applicant named herein to make application and testify before the South Whitehall Township Zoning Hearing Board.

OWNER'S PRINTED NAME: Deborah Panik SIGNATURE: 

SECTION	TYPE OF REQUEST*	DESCRIPTION
1-A	Variance	Ground mount solar panels. The houses metal shingled roof is not suitable for solar panels, larger portion of property is required.

*Variance, Special Exception, Conditional Use, Temporary Use, or Favorable Interpretation

The description of the property involved in this appeal is as follows:

Location: 1919 Brickyard Road Allentown, PA 18104

Lot Size: .72 acres

Zoning District: South Whitehall Township

Present Use: Residential backyard

Proposed Use: Residential ground mount solar panel

State the basis for the appeal: (Please include the grounds for appeal, with respect to law and fact, to grant the appeal, Special Exception or Variance, and, if a legal hardship is claimed, state the specific hardship:

The amount of solar panels required exceeds the allowable square footage by the county.

The solar panels cannot be placed on the roof due to the type of roof materials – metal shingles.

Application is for 1,418 sq ft of solar, only 313 sq feet is permitted due to the ruling of only 10 sq feet of every 1,000 sq foot.

Multiple horizontal lines for additional text input.

ZONING HEARING BOARD
SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

NOTICE OF APPEAL

Please answer the following questions which apply to your appeal. The purpose of this information form is to assist both you and the Zoning Hearing Board in the quick and efficient review of your application. Please type or print clearly.

- 1. What is the full name and mailing address of the owner(s) of the property that is the subject of this appeal? **Please attach a copy of the current Lehigh County Property Assessment record.** (Available online at www.lehighcounty.org/departments/assessments).

NAME: Deborah Irene Panik and Larry Charles Panik

ADDRESS: 1919 Brickyard Road, Allentown, PA 18104

- 2. If the applicant is other than the owner(s), what is the full name and mailing address of the applicant, and the specific interest of the applicant in the subject property (e.g., equitable owner under a signed Agreement of Sale, lessee under a signed Lease Agreement with authorization from the landowner, holder of an Option or contract to purchase, authorized agent for owner, etc.). Please attach written proof of interest, or a written statement signed by the property owner(s) giving you authorization to present the property owner's interests before the Zoning Hearing Board.

NAME: NA

ADDRESS: _____

INTEREST: _____

- 3. What is the exact location of the property in question? Please include the county parcel identification number.

LOCATION: 1919 Brickyard Road, Allentown, PA 18104. Parcel ID: 547775677860 1

- 4. Has any previous application or appeal been filed in connection with the subject property? YES NO

If YES, please list the name and appeal number under which it was filed:

NAME: _____

APPEAL: _____

- 5. What was the date of the acquisition of the subject property by the owner(s)?

DATE: August 30, 2019

6. What are the exact dimensions of the property (i.e. the length of the front, sides and rear property lines)?

DIMENSIONS: 216.12' x 163.86' x 180.69' x 193.92'

7. What is the square footage of the property?

SQUARE FOOTAGE: 31405

8. Please describe the dimensions (height, width, and depth) and the type of construction (materials used) for the proposed building or structure.

DIMENSIONS: plans are attached with scale.

TYPE OF CONSTRUCTION: ground mount solar panels

9. What is the specific nature of the present use being made of the property?

PRESENT USE: no specific use, residential backyard

10. What is the approximate cost of the work involved?

COST: \$120,000

11. Upon what grounds do you base this appeal?

A. Temporary Use. A Temporary Use is a certain use or activity which is not otherwise permitted in the Zoning Ordinance but its establishment and operation for a limited period of time would serve the public interest. The Zoning Hearing Board may approve a Temporary Uses if the use does not detrimentally affect the use of neighboring properties, and the use will materially contribute to the general welfare, needs and convenience of the Township, and the specific dates of the use, in the judgment of the Zoning Board, serve the intended purpose.

B. Special Exception Use. A Special Exception Use is a specific use, shown as a Special Exception Use in the Zoning District Schedule, which is permitted upon the approval by the Zoning Hearing Board if the Board finds that the use is generally not detrimental to the neighborhood and that the minimum standards specified for the use are proposed. The Board can attach any reasonable conditions it deems appropriate.

C. Variances. A variance to the Zoning Ordinance is required when a proposed use or structure does not meet all of the requirements placed on it by the Ordinance. The Zoning Hearing Board may grant a variance when the applicant demonstrates that the variance will not be contrary to the public interest and where, owing to unique conditions of the land, a literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship. Such hardships occur only where circumstances affecting the land are unique and applicable to that land alone. If there is a general hardship, the situation should be remedied by a revision of the general Zoning Ordinance and not by the grant of a variance.

NOTE: If your request is a Temporary Use or a Special Exception Use, please use the space

ANSWER QUESTIONS NUMBERS 12 THRU 22 FOR VARIANCE REQUEST

12. Are there unique physical circumstances or conditions including irregularity, narrowness, or shallowness of the lot's size or shape, or exceptional topographical or other physical conditions peculiar to the subject property?

CONDITION: No

13. Do the conditions stated in question number 13 prevent the possibility that the property can be developed within strict conformity of the Zoning Ordinance?

YES: _____

NO: _____

14. Has this hardship been created by the applicant?

YES: _____

NO: _____

15. Will the character of the neighborhood be altered by the granting of this variance?

YES: _____

NO: The panels are in the back of the house which faces an empty wooded area.

16. Is the requested variance the minimum variance needed to afford relief from the Zoning Ordinance?

YES: _____

NO: _____

17. Is the proposed use of the property permitted in the Zoning District it is located within?

YES: _____

NO: _____

18. Will the specific intended use of the premises generate any nuisance characteristics such as noise, dust, odor, etc.?

YES: _____

NO: _____

19. How many employees will be employed and what are the hours of operation (if applicable)?

EMPLOYEES: NA

HOURS: _____

20. What landscape/buffer is planned, if any?

Not at this time, but we are open to shrubs or hedges if required

21. What are the characteristics of the structures and uses on properties abutting the subject premises (e.g. single family residential dwelling, Church, etc.)?

ABUTTING STRUCTURES: single family dwelling to one side. Open lot beside and behind
The house.

22. What type of water and sewerage facilities are available on the property?

Well water and septic tank

NOTE: PLEASE ATTACH THE FOLLOWING DOCUMENTS WITH YOUR NOTICE OF APPEAL APPLICATION. FAILURE TO ATTACH THE REQUIRED DOCUMENTS WILL RESULT IN A DELAY IN THE CONSIDERATION AND DISPOSITION OF YOUR APPLICATION BY THE ZONING HEARING BOARD:

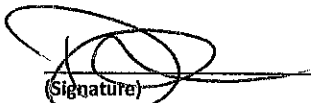
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 - f. If the applicant is other than the property owner, written proof of interest, or a written statement signed by the owner(s) of the property giving you authorization to present the property owner's interests before the Zoning Hearing Board.
7. If applicable, completed copies of the Escrow and Reimbursement Agreement, the Required Escrow Account Opening Information form and the W-9 Form (attached).

The Applicant or other person of legal standing must attend the hearing.

I HEREBY CERTIFY THAT ALL OF THE ABOVE STATEMENTS, AND THE STATEMENTS CONTAINED IN ANY ATTACHMENTS SUBMITTED HERewith, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

(Signature)

(Printed Name)



(Signature)

Deborah Panik

(Printed Name)



(Signature)

Larry Panik

(Printed Name)

(Date of Submission)

484-554-8944

(Telephone Number)

ZONING HEARING BOARD

APPLICANT WORKSHEET

Dear Applicant:

This worksheet was devised to help you present your appeal to the Zoning Hearing Board. Please read and answer the questions on this worksheet and bring it with you when you appear before the Board. It is intended to be an "aid sheet" so that you can address the pertinent issues regarding variances.

The primary function of the Zoning Hearing Board is to hear requests for variances when applicants feel that the Zoning Ordinance inflicts an unnecessary hardship upon them. The Zoning Hearing Board may only grant a variance when the applicant demonstrates a "legal hardship" as defined in the Pennsylvania Municipalities Planning Code. Listed below are the criteria for determining a "legal hardship". An area is provided below each section for you to write down your response.

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, and 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; (Please write down your unique physical feature of your lot: is it a comer lot, is the lot shallow, etc.)

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;

3. That such unnecessary hardship has not been created by the appellant;

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 of development of adjacent property, nor be detrimental to the public welfare;

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;

6. That the proposed use is a permitted use.
