



Borough of Bath

**121 South Walnut Street, Bath PA 18014
Phone: 610-837-6525 Fax: 610-837-8989**

ZONING HEARING BOARD SUBMISSION REQUIREMENTS:

When submitting plans to the Zoning Hearing Board, the Borough of Bath requires the original and one (1) complete copy (if digital version is available, please email copy) be sent to the Bath Borough Municipal Office as well as a complete copy being sent to the Zoning Hearing Board Members, Solicitors, Engineer and Zoning Officer as follows:

**Marlene Bender
301 S. Walnut Street
Bath, PA 18014**

**Emanuel Mirabito
270 E. Northampton St.
Bath, PA 18014**

**Suzette Campos
128 Old Forge Dr.
Bath, PA 18014**

**Kevin Danyi, Esq.
Danyi Law Offices
133 Broad Street
Bethlehem, PA 18018**

**Jamie Kratz, Esq.
Stevens & Lee
840 W. Hamilton St.Ste.521
Allentown, PA 18101**

**Shawn Leidy
Barry Isett & Associates
121 South Walnut St
Bath, PA 18014**

**Ron Madison
Colliers
121 South Walnut St
Bath, PA 18014**

Please indicate in your cover letter that the above parties have been sent their copy of your submitted plans.

Thank you,

**Borough of Bath
Zoning Hearing Board**

**GENERAL INSTRUCTIONS FOR APPLICATION TO THE
ZONING HEARING BOARD OF THE BOROUGH OF BATH**

- 1. All information requested on the Application to the Zoning Hearing Board must be supplied, together with all supporting documents required. Failure to provide the requested information shall be a basis for denial of the Application.**
- 2. An original and four (4) copies of the Application must be filed with the Zoning Hearing Board of the Borough of Bath at least 30 days prior to any regularly scheduled meeting or special meeting of the Zoning Hearing Board in order to be placed on the agenda for consideration at that regularly scheduled meeting or special meeting of the Zoning Hearing Board. The Application shall be filed at the Borough Municipal Office, 121 South Walnut Street, Bath PA.**
- 3. The Applicant must be prepared to proceed with the presentation of evidence in support of the Application at the scheduled hearing. Failure to proceed with an Application at a hearing will constitute grounds for dismissal of the Application.**
- 4. Any request for continuance or postponement of a scheduled hearing must be presented in writing to the Zoning Hearing Board. A decision to grant a continuance or postponement is within the discretion of the Zoning Hearing Board, and no postponement or continuance will be granted unless good cause is shown by the moving party. If a postponement or continuance is granted by the Zoning Hearing Board, the party requesting the postponement or continuance shall be responsible for any additional costs incurred as a result of the postponement or continuance. The Zoning Hearing Board shall notify a moving party of any additional costs incurred for which the party is responsible, and said moving party must pay in full those costs, prior to the next scheduled hearing. Any party requesting a postponement or a continuance of a hearing shall be deemed to have waived any and all time requirements for action by the Zoning Hearing Board set forth in the Borough Zoning Ordinance, or in the Pennsylvania Municipalities Planning Code.**
- 5. At all hearings, proof of title to the property involved in the Application must be presented to the Hearing Board. If the Applicant is the owner of the property, in addition to proof of title to the property, the Applicant must present proof in writing of his interest in said property, in the form of a lease, option, agreement of sale, or other similar writing.**
- 6. At the time of filing of the Application, the following filing fees must be paid as listed or as stated in the current year's Schedule of Fees:
 - (a) Residential Applicants – A filing fee* of cash or check made payable to the Borough of Bath must be submitted with the Application. The appearance fee for a stenographer shall be paid for by the applicant. The cost shall not exceed the actual use of a stenographer. The Zoning Hearing Board reserves the right to continue any hearing or withhold its decision until the additional fees are paid. The basic filing fee is non-refundable and non-returnable.*****See current Schedule of Fees for appropriate fee.****

(b) Commercial Applicants – A filing fee* of cash or check made payable to the Borough of Bath must be presented with the Application. The appearance fee for a stenographer shall be paid for by the applicant. The cost shall not exceed the actual use of a stenographer. The Zoning Hearing Board reserves the right to continue any hearing or withhold its decision until the additional fees are paid. The basic filing fee is non-refundable and non-returnable.

***See current Schedule of Fees for appropriate fee.**

- 7. The Applicant shall furnish with the Application one (1) copy of a Plot Plan (if digital version is available, please email copy) and diagram which indicates thereon all exact dimensions of the premises, the building setback lines, location of all buildings and structures, names of contiguous streets and alleys, and other similar information.**
- 8. The Applicant must furnish at the time of the filing of the Application a copy of the building or construction plans, if applicable to the case.**
- 9. If applicable, the Applicant must furnish plans showing accurate location of well and/or sewage or waste disposal systems, and location of other wells and drainage or sewage systems if within 100 feet of the subject property.**
- 10. At the time of the filing of the Application, the Applicant must submit the names and addresses of all owners of property within 100 feet of the property for which action is requested. The Zoning Hearing Board shall give notice by Certified First Class Mail to all such property owners of the hearing at which the Applicant's Application will be considered. The cost of furnishing such notice by Certified First Class Mail to said property owners shall be the responsibility of the Applicant. A bill for furnishing such notice shall be submitted to the Applicant prior to the hearing, and said bill must be paid by the Applicant before any hearing or other action is taken on the Application. The fee for notice by Certified First Class Mail to said property owners shall be in addition to the filing fee required above.**
- 11. All testimony presented on behalf of the Applicant at the hearing shall be presented under oath.**
- 12. The Applicant shall have the right to be represented by counsel at the hearing and will be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all the relevant issues.**
- 13. Formal rules of evidence shall not apply at the hearing, but the Zoning Hearing Board may exclude any irrelevant, immaterial, or unduly repetitious evidence.**
- 14. No decision by the Zoning Hearing Board shall relieve any Applicant from the responsibility of obtaining any required permits in the manner prescribed by the Zoning Ordinance.**
- 15. Applications will not be considered until all information is supplied, and fees paid.**
- 16. All Applicants must sign the Application and certify that the information supplied is true and correct.**

5. The Applicant applies for a hearing before the Zoning Hearing Board for the following reason: (check appropriate section)

_____ **(a) The Applicant appeals from the decision, order, or ruling made by the Zoning Officer on the basis that the Zoning Officer has failed to follow prescribed procedures or has mis-interpreted or mis-applied any provision of the Zoning Ordinance or map or any other valid rule or regulation governing the action of the Zoning Officer.**

_____ **(b) The Applicant hereby applies for a special exception.**

_____ **(c) The Applicant hereby requests a Variance on the basis that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant.**

_____ **(d) Other: (specify)**

6. If the Applicant is appealing from a decision of the Zoning Officer set forth the date of the Zoning Officer's decision and the reasons given by the Zoning Officer for the decision.

7. The Applicant claims that the appeal, variance, special exception, or other requested relief should be granted for the following reasons:

(Cite all sections of the Zoning Code, other Borough Ordinances, state statutes, or other laws or regulations in support of your position.)

8. List the exact dimensions of the property:

9. List the square footage or acreage of the subject property.

10. Set forth any streets or alleys upon which the subject property abuts and list present building setbacks, and building setbacks for proposed structures.

11. The Plot Plan, drawings, sketches and other exhibits required to be submitted are attached as exhibits and are made part of this Application.

12. The present use of the property which is the subject of the Application is:

13. The present zoning classification of the property which is the subject of the Application is:

14. The names and addresses of all owners of property located within 100 feet of the property for which action is requested are as follows: (If there is insufficient room below Applicant shall attach a separate sheet listing said owners)

15. State whether the property for which action is requested is located within 500 feet of the boundary of another municipality, and if so, state the name of the municipality.

16. Set forth any additional information or exhibits which the Applicant feels is relevant to the disposition of the Application by the Zoning Hearing Board:

All Applicants hereby certify that the information set forth above is true and correct and may be considered by the Zoning Hearing Board in disposing of the Application.
