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By \_\_\_\_\_

Submission Date:  Appeal Number: ZHB-2023-09

Fee Paid:  Receipt Number:  Meeting Date: 1/04/24

# SOUTH WHITEHALL TOWNSHIP



# ZONING HEARING BOARD NOTICE OF APPEAL

PROPERTY ADDRESS 1500 Ridgeview Drive APPLICATION DATE: December, 2023

APPLICANT: Shia Ithna'asheri Jamaat of Pennsylvania

APPLICANT ADDRESS: 1500 Ridgeview Drive, Allentown, PA 18104

APPLICANT TELEPHONE: (610) 517-2320 APPLICANT EMAIL: jaffer@yourway.com

PROPERTY OWNER'S NAME: Shia Ithna'asheri Jamaat of Pennsylvania

PROPERTY OWNER'S ADDRESS: 1500 Ridgeview Drive, Allentown, PA 18104

OWNER'S TELEPHONE: (610) 517-2320 OWNER'S EMAIL: jaffer@yourway.com

APPLICANT'S RELATIONSHIP TO OWNER: N/A

**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: Shia Ithna'asheri Jamaat of Pennsylvania  
By: Gulam Jaffer SIGNATURE:

SECTION	TYPE OF REQUEST*	DESCRIPTION
350-24(c)(5)	Variance	Variance for setback of minaret.

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

The description of the property involved in this appeal is as follows:  
1500 Ridgeview Drive,

Location: 1500 Ridgeview Drive: 4.31 acres;  
Lot Size: \_\_\_\_\_  
Zoning District: R-3  
Present Use: Place of Worship  
Proposed Use: Place of Worship

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:

Please see attached Amended Supplemental Statement.

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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](http://www.lehighcounty.org/departments/assessments)).

NAME: Shia Ithna'asheri Jamaat of Pennsylvania

ADDRESS: 1500 Ridgeview Drive, 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: N/A

ADDRESS: N/A

INTEREST: N/A

- 3. What is the exact location of the property in question? Please include the county parcel identification number. 1500 Ridgeview Drive: 547752233175-1;

LOCATION: \_\_\_\_\_

- 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 of Shia Ithna Asheri Jamaat of PA

APPEAL: ZHB-2022-11

- 5. What was the date of the acquisition of the subject property by the owner(s)?  
1500 Ridgeview Drive: 02/2006;

DATE: \_\_\_\_\_

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

DIMENSIONS: Please see the attached Plan.

7. What is the square footage of the property?

SQUARE FOOTAGE: Please see the attached Plan.

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

DIMENSIONS: Please see the attached Plan.

TYPE OF CONSTRUCTION: Please see the attached Plan.

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

PRESENT USE: Place of Worship.

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

COST: To be determined.

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: Please see attached Amended Supplemental Statement.

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:  Please see attached Amended Supplemental Statement.

NO:  \_\_\_\_\_

14. Has this hardship been created by the applicant?

YES:  \_\_\_\_\_

NO:  Please see attached Amended Supplemental Statement.

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

YES:  \_\_\_\_\_

NO:  Please see attached Amended Supplemental Statement.

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

YES:  Please see attached Amended Supplemental Statement.

NO:  \_\_\_\_\_

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

YES:  Please see attached Amended Supplemental Statement.

NO:  \_\_\_\_\_

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

YES:  \_\_\_\_\_

NO:  Please see attached Amended Supplemental Statement.

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

EMPLOYEES: \_\_\_\_\_

HOURS: \_\_\_\_\_

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

Please see attached Plan.

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: Residence, office, municipal building/facilities.

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

Public water and sewer.

**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:

1. 10 Copies of the completed Zoning Appeal Application
2. 10 Sets of Supporting Documentation, including:
  - a. Applicable site/construction 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.
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)

Shia Ithna'asheri Jamaat of Pennsylvania  
By ~~Gulam Jaffer~~ AMEEN DATOO  
\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Date of Submission)

\_\_\_\_\_  
(Telephone Number)

**BEFORE THE ZONING HEARING BOARD OF**

**SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA**

**In re:** Application of Shia Ithna'asheri Jamaat of Pennsylvania  
1500 Ridgeview Drive, South Whitehall Township, Lehigh County, Pennsylvania

**Date:** December 14, 2023

**AMENDED SUPPLEMENTAL STATEMENT**

**I. BACKGROUND**

Shia Ithna'asheri Jamaat of Pennsylvania, a Pennsylvania nonprofit corporation, (the **"Applicant"**) is the owner of the property located at 1500 Ridgeview Drive, South Whitehall Township, Lehigh County, Pennsylvania, known as Lehigh County Parcel ID No. 547752233175-1 (the **"Property"**). The Property is located in the Low Density Residential (**"R-3"**) District, as established by the South Whitehall Township Zoning Ordinance (**"Ordinance"**). The Property has been improved with a mosque for over twenty years. Applicant has received approval from the South Whitehall Township Zoning Hearing Board (**"Board"**) to construct a new mosque pursuant to Appeal No. ZHB-2022-11 dated January 24, 2023 (**"Decision"**).

In the period since the Decision was issued, The Jaffer Foundation, a charitable foundation associated with the mosque, (the **"Foundation"**) has acquired the properties to the north and south and directly adjacent to the Property. A Lot Line Adjustment and Consolidation Plan (the **"Consolidation Plan"**) has been submitted by Applicant and the Foundation to remove internal lot lines. Construction of the new mosque on the Property has commenced.

**II. RELIEF REQUESTED**

Variance – Setback for Fifth Minaret

Applicant requests a variance from Section 350-24(c)(5) to allow a minaret to be located approximately 37' from the existing lot line where a setback of 50' is required. The proposed location of the additional minaret is shown in green on the enclosed concept plan (the **"Plan"**). In accordance with the Consolidation Plan, the lot line from which this setback variance is being requested ultimately is intended to be removed. Due to timing constraints with the construction of the new mosque and the review of the Consolidation Plan, Applicant is requesting the setback relief to allow a fifth minaret to be constructed at this time.

**III. CONCLUSION**

For these reasons, Applicants respectfully request that the Zoning Hearing Board grant the requested relief.