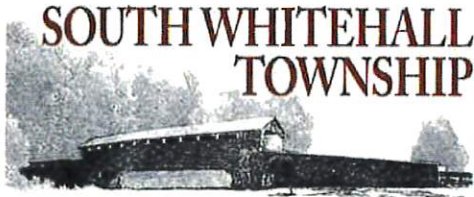


#202301096

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

Submission Date: 12-7-23 Appeal Number: ZHB-2023-12
 Fee Paid: \$200- Receipt Number: _____ Meeting Date: 1/4/24



**ZONING HEARING BOARD
NOTICE OF APPEAL**

RECEIVED
RECEPTIONIST
DEC 07 2023
SOUTH WHITEHALL TOWNSHIP

PROPERTY ADDRESS: 1429 Eck Road APPLICATION DATE: _____

APPLICANT: Triple Net Investments CI, LLC c/o Joseph Petrucci

APPLICANT ADDRESS: 171 Route 173, Suite 201, Asbury, NJ 08802

APPLICANT TELEPHONE: 908-730-6909 APPLICANT EMAIL: joepetrucci@jgpetrucci.com

PROPERTY OWNER'S NAME: Daryl R. and Cheryl L. Long

PROPERTY OWNER'S ADDRESS: 3742 Eagle Road, Slatington, PA 18080

OWNER'S TELEPHONE: _____ OWNER'S EMAIL: _____

APPLICANT'S RELATIONSHIP TO OWNER: Equitable Owner

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: See attached Agreement SIGNATURE: _____

| SECTION | TYPE OF REQUEST* | DESCRIPTION |
|---------|--------------------|---|
| | One year extension | Time extension of prior decision dated January 12, 2023 |
| | | |
| | | |
| | | |
| | | |

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

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

Location: 1429 Eck Road

Lot Size: approx. 5.10 acres

Zoning District: IC-1

Present Use: vacant land, agricultural

Proposed Use: outdoor storage

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:

Applicant obtained zoning relief by a written decision dated January 12, 2023. Applicant

continues to pursue land development approval for the project. Despite proceeding diligently,

Applicant needs more time to obtain the land development approval. No circumstances have changed that affect the prior decision.

Applicant requests a one-year extension of the prior decision.

**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: Daryl R. and Cheryl L. Long

ADDRESS: 3742 Eagle Road, Slatington, PA 18080

- 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: Triple Net Investments CI, LLC c/o Joseph Petrucci

ADDRESS: 171 Route 173, Suite 201, Asbury, NJ 08802

INTEREST: Equitable Owner

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

LOCATION: 1429 Eck Road; Parcel ID 547720402074 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 of Triple Net Investments CI, LLC c/o Joseph Petrucci

APPEAL: NO. ZHB-2022-09

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

DATE: June 2012

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

DIMENSIONS: see enclosed plan

7. What is the square footage of the property?

SQUARE FOOTAGE: approximately 222,165 SF

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

DIMENSIONS: N/A - no building proposed

TYPE OF CONSTRUCTION: N/A

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

PRESENT USE: vacant agricultural land, currently not being tilled

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

COST: unknown at this time

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: N/A

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? N/A

YES: _____

NO: _____

14. Has this hardship been created by the applicant? N/A

YES: _____

NO: _____

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

YES: _____

NO: _____

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

YES: _____

NO: _____

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

YES: _____

NO: _____

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

YES: _____

NO: _____

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?

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: _____

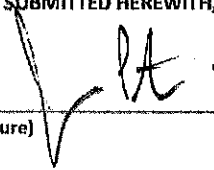
22. What type of water and sewerage facilities are available on the property?

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)

Joe Petrucci

(Printed Name)

(Signature)

(Printed Name)

(Signature)

(Printed Name)

11/07/2023

(Date of Submission)

484-268-3195

(Telephone Number)