



MEMORANDUM

TO:	Zoning Hearing Board Members
FROM:	Laura Harrier, Zoning Officer
DATE:	December 29, 2023
SUBJECT:	ZHB-2023-09 / Shia Ithna’asheri Jamaat of PA 1500 Ridgeview Drive Hearing Date January 04, 2024
COPIES:	ZHB, T. Dinkelacker, Twp Staff, Applicant

The following information is being provided regarding Zoning Application ZHB-2023-09 originally received on October 16, 2023, and amended on December 15, 2023.

PROPOSAL

Shia Ithna’asheri Jamaat of Pennsylvania (“Applicant”), seeks to add a 5th minaret to the current build of the new mosque located at 1500 Ridgeview Drive.

APPLICATION COMPLETENESS REVIEW

The submission included the following documentation:

- A Zoning Appeal Application pages 1 through 11
- Narrative/Amended Supplemental Statement
- Bohler Zoning Plan “Z-1” Dated 12/14/23
- Bohler Concept Plan “C-301” Dated 8/17/23
- A check with appropriate fee
- Lehigh County Property Assessment Record

BACKGROUND INFORMATION

A Zoning Appeal Application was received on October 16, 2023, for relief regarding a recreation facility and sports court Use. This project has been postponed to a future date and the application was then amended to include relief for a 5th minaret addition to the current build of the new mosque. Rather than withdraw the application, the Zoning Officer repurposed the application for the minaret addition.

ZONING OFFICERS COMMENTS

The project currently has an application before the Planning Commission for a Lot Consolidation of three (3) adjoining lots. This plan would consolidate the three (3) parcels into one lot.

- 1504 Ridgeview Dr consist of 2.512 acres and has 208.01 feet of road frontage.
- 1500 Ridgeview Dr consist of the existing mosque with 4.276 acres and 315.86 feet of road frontage.
- 1410 Ridgeview Dr consist of 1.54 acres and approximately 144.3 feet of road frontage.

Without the Lot Consolidation, as the parcel stands today, the minaret addition cannot meet the 50 foot side yard setback and would need relief to encroach 13 feet into the side yard to allow for a finished 37 foot side yard setback.

The Lot Consolidation allows for a compliant side yard setback after the recording of plan. It appears that after the consolidation and the completion of the 5th minaret addition, the final side yard setback would be approximately 245 feet from the addition to the property line.

VARIANCES 350-16

The Board may grant a variance provided the following findings are made where relevant in a given case:

- (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;
- (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 or 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) The variance shall not authorize a Use that is not permitted in the Zoning Ordinance and which could more properly be considered a rezoning to be heard by the South Whitehall Township Board of Commissioners.

APPLICABLE DEFINITIONS

ADDITION TO BUILDING

An increase to the exterior dimensions of a building.

ALTERATION

Any change to a use, building or structure which would modify its use, location and/or size.

BUILD-TO LINE

A line, as prescribed herein, that designates the required placement of a building on a lot, as measured from the ultimate street right-of-way line(s) on which the building fronts.

BUILDING FOOTPRINT

The total horizontal area encompassed by a building's outer walls as measured at ground level.

LOT LINE

A line of record forming the front, rear or sides of a lot and separating one lot from another lot. There are four types of lot lines:

FRONT LOT LINE — The street lot line from which the unit takes access; or where more than one street yard could safely provide this access, the street serving the smallest traffic volume.

REAR LOT LINE — The lot line opposite or nearly opposite the front lot line. In the case of a lot without a clearly identified rear lot line, that line shall be construed to be a ten-foot-long line drawn parallel with the front street line.

SIDE LOT LINE — The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line. For purposes of setbacks, any lot line shared with an unopened street or alley shall be considered a side lot line.

STREET LOT LINE — Any lot line that is also a street right-of-way line.

SETBACK LINE

A line, parallel to a lot line that demarcates the required minimum distance between such lot line and the primary use of structure.

YARD, SIDE (REQUIRED)

A space between a side lot line and the side setback line which shall remain open and unoccupied, except as permitted as part of this chapter.

CLOSING

Due to the unforeseen items during the planning review process, i.e., engineering reviews, Board approvals, Lehigh County Recorder of Deeds protocols, a time frame cannot be given to the Applicant if this process would coincide with their current project time analysis already being utilized with the current build of the mosque. Having to halt construction for the recording of the Lot Consolidation could affect the current mosque build. The timing of the addition of the 5th minaret made more sense to construct now rather than wait for the completion of the Lot Consolidation plan which could possibly exceed the project timeline add the minaret. Conditions could be placed to ensure the Lot Consolidation Plan is finalized to the Zoning Hearing Boards satisfaction. Provided the Applicant meets the Township criteria relevant to the SALDO regulations with the lot consolidation, if a variance would be granted, the Zoning Hearing Board approval would become moot.

Laura Harrier
Zoning Officer, Community Development