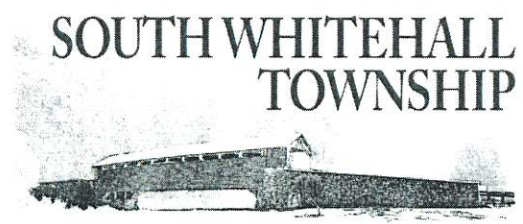


DO NOT WRITE IN THIS SPACE. FOR OFFICIAL USE ONLY.

Submission Date: 12/19/23 Appeal Number: ZHB-2024-01
Fee Paid: \$1,000- Receipt Number: _____ Meeting Date: 1/24/24



ZONING HEARING BOARD

NOTICE OF APPEAL

PROPERTY ADDRESS: 3717 Huckleberry Road, Allentown PA 18104 APPLICATION DATE: _____

APPLICANT: Allentown Plumbing Properties LLC

APPLICANT ADDRESS: 7001 Wooster Pike, Medina OH 44256

APPLICANT TELEPHONE: 717-602-4826 APPLICANT EMAIL: michael.wittkopp@penroto.com

PROPERTY OWNER'S NAME: NLL Property LLC

PROPERTY OWNER'S ADDRESS: 3717 Huckleberry Road, Allentown PA 18104

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

APPLICANT'S RELATIONSHIP TO OWNER: Prospective Purchaser

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: _____ SIGNATURE: _____

SECTION	TYPE OF REQUEST*	DESCRIPTION
350-47(d)(2)		Continuation of Nonconforming Use-Compliance with Section 350-47(d)(2) continuation of nonconforming use changed to another nonconforming use

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

**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: NLL Property LLC

ADDRESS: 3717 Huckleberry 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: Allentown Plumbing Properties, LLC

ADDRESS: 7001 Wooster Pike, Medina OH 44256

INTEREST: Prospective Purchaser

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

LOCATION: 3717 Huckleberry Road, Allentown PIN NO. 547797534446 001

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: February 17, 2022

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

DIMENSIONS: 3.6 Acres

7. What is the square footage of the property?

SQUARE FOOTAGE: 3.6 Acres

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

TYPE OF CONSTRUCTION: _____

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

PRESENT USE: Multi-use business

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

COST: N/A

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: See Exhibit A attached hereto.

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: See Exhibit A attached hereto.

NO:

14. Has this hardship been created by the applicant?

YES: See Exhibit A attached hereto.

NO:

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

YES: See Exhibit A attached hereto.

NO:

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

YES: See Exhibit A attached hereto.

NO:

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

YES: See Exhibit A attached hereto.

NO:

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

YES: See Exhibit A attached hereto.

NO:

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

See Exhibit A attached hereto.

EMPLOYEES: _____

HOURS: _____

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

See Exhibit A attached hereto.

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

See Exhibit A attached hereto.

ABUTTING STRUCTURES: _____

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

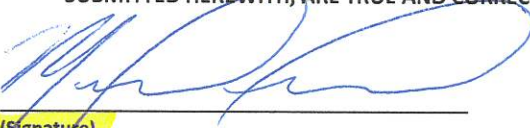
See Exhibit A attached hereto.

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)

Michael W. Hopp

(Printed Name)

(Signature)

(Printed Name)

(Signature)

(Printed Name)

(Date of Submission)

(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.)

See Exhibit A attached hereto.

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;

See Exhibit A attached hereto.

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

See Exhibit A attached hereto.

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;

See Exhibit A attached hereto.

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;

See Exhibit A attached hereto.

6. That the proposed use is a permitted use.

See Exhibit A attached hereto.

**SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY
ALLENTOWN PLUMBING PROPERTIES LLC
3717 HUCKLEBERRY ROAD, ALLENTOWN, PA 18104
AMENDED SUPPLEMENTAL WRITTEN STATEMENT**

Applicant: Allentown Plumbing Properties LLC
Owner: NII Property LLC
Property Address: 3717 Huckleberry Road, Allentown, PA 18104
Property PIN: 547797534446 001
Zoning District: RR-2
Relief Sought: Continuation of Nonconforming Use §350-47(d)(2) or in the alternative a Use Variance

The Applicant is Allentown Plumbing Properties LLC (hereinafter "Applicant"). Applicant is the prospective Buyer of real property located at 3717 Huckleberry Road, Allentown, Pennsylvania (hereinafter the "Property"). The Applicant hereby submits this Amended Supplemental Written Statement as a response to the Township's additional request for information. The following numbered paragraphs correspond to those in the Township's December 26, 2023 letter.

1. **Site Plan & Building Use:** With regard to the request for a site plan showing the boundary signs, please see Exhibit A-7 attached hereto. With regard to the use of the existing buildings, Applicant references Exhibit A-5 attached hereto as follows: The structures marked as numbers "1" and "2" on said Exhibit have been, and will continue to be used, as residential dwellings. Once Applicant has purchased the property, they will continue to lease these residential dwellings to the existing tenants. Applicant does not have any additional plans to utilize structures "1" and "2" in any other manner. With regard to building "3", it is a detached shed that will be utilized to store restoration equipment and plumbing supplies. Building "4" will be utilized by three permanent office employees as the main office building.
2. **Parking Plan:** With regard to the current parking situation, please refer to Exhibit A-6, A-6(a) and A-6(b) attached hereto. In area #1, please note that there are currently nine designated parking spaces. The area marked as #3 generally has vehicles parked in front of the detached shed. Applicant plans to designate nine spaces in front of Building "4" as well as four designated spaces near building "3", for a total of thirteen parking spaces.
3. **Storage of Vehicles:** Applicant anticipates that one to two vehicles will be parked overnight outside. The remaining vehicles will be either taken home by their employees or stored inside of Building "4"'s warehouse. (See Exhibit A-6(a)).
4. **Hours of Operation:** Applicant will operate its business during the hours of 8:00 a.m. and 5:00 p.m. Approximately six technicians will report to Building "4" between 8-9


a.m. and will be dispatched to jobsites afterward. Generally speaking, foot traffic from customers is extremely minimal and generally is composed of customers who are looking to pay their invoice in person, rather than online, which occurs at a frequency of approximately 50 customers a year.

5. **Service Business**: See response to number 2 above.

In addition to the above, Applicant further states there is one sign located at the entry of Property, which they intend to update and utilize for their business. The structure and size of the sign will remain in its current state. See Exhibit A-8 attached.

3717 Huckleberry

Legend

 3717 Huckleberry Rd



Google Earth

Huckleberry Rd



100 ft

EXHIBIT
A-5

3717 Huckleberry

Legend

 3717 Huckleberry Rd



Google Earth

Huckleberry Rd

3717 Huckleberry Rd

DESIGNATED PARKING

PARKING AREA

3
Parking
Area



100 ft

EXHIBIT
A-6



IMG_3672



IMG_3651

tabbles®
EXHIBIT
A-6(a)



IMG_3652

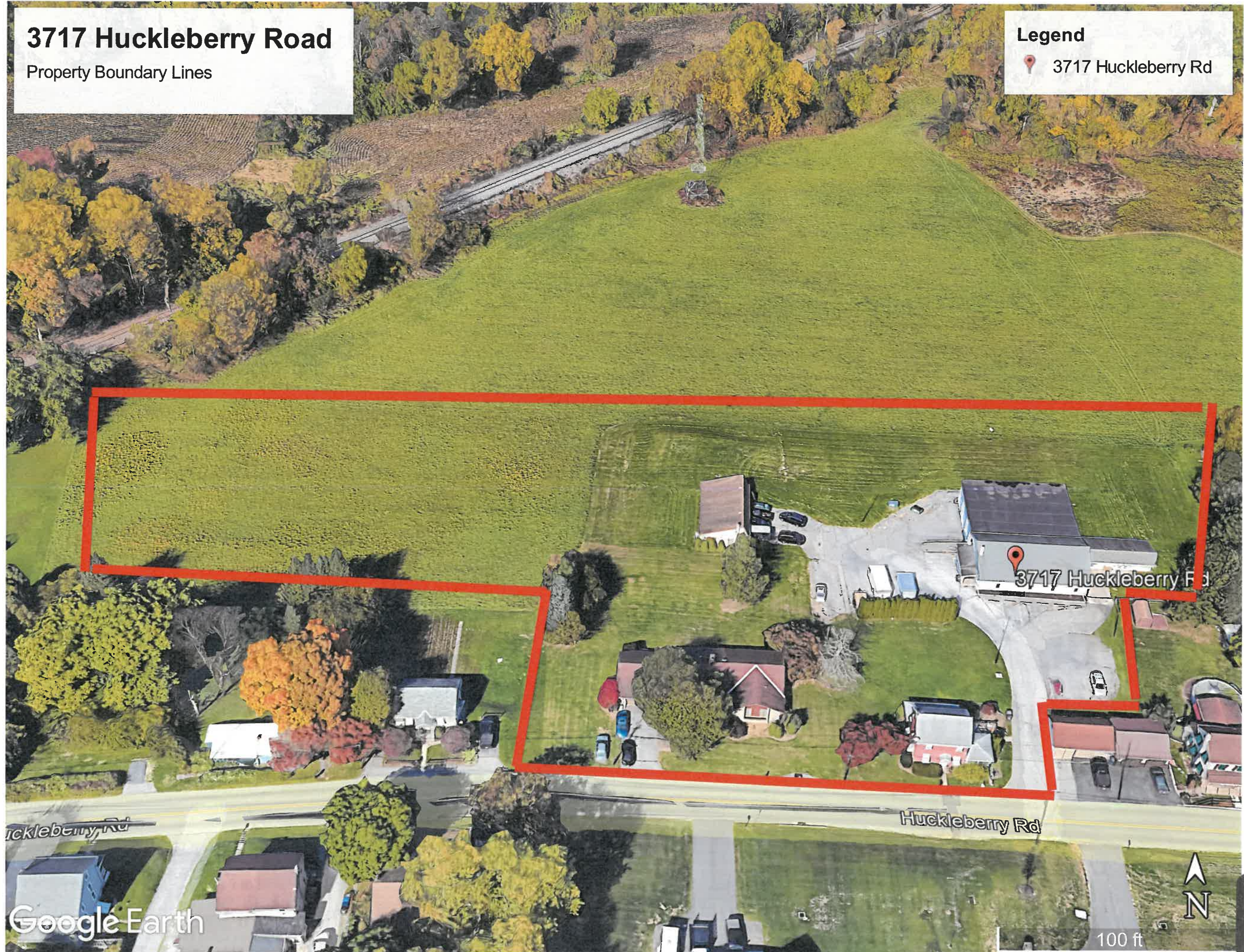
EXHIBIT
A-6(b)

3717 Huckleberry Road

Property Boundary Lines

Legend

 3717 Huckleberry Rd



Google Earth

EXHIBIT

A-7

tabbles



IMG_3650

tabbles	EXHIBIT
	A-8