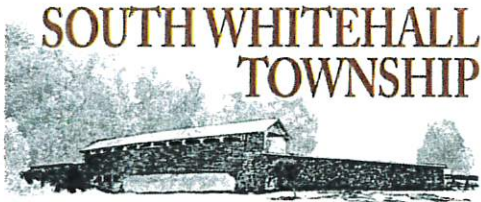


DO NOT WRITE IN THIS SPACE. FOR OFFICIAL USE ONLY.

Submission Date: \_\_\_\_\_ Appeal Number: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_ Meeting Date: \_\_\_\_\_



## ZONING HEARING BOARD NOTICE OF APPEAL

PROPERTY ADDRESS: 2619 Stadium Road APPLICATION DATE: January 23, 2024

APPLICANT: Parkland School District

APPLICANT ADDRESS: 1210 Springhouse Road, Allentown, PA 18104

APPLICANT TELEPHONE: 610-351-5587 APPLICANT EMAIL: oakesa@parklandsd.net

PROPERTY OWNER'S NAME: Parkland School District

PROPERTY OWNER'S ADDRESS: 1210 Springhouse Road, Allentown, PA 18104

OWNER'S TELEPHONE: 610-351-5587 OWNER'S EMAIL: oakesa@parklandsd.net

APPLICANT'S RELATIONSHIP TO OWNER: Same

**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: MARK MAOSON SIGNATURE: 

SECTION	TYPE OF REQUEST*	DESCRIPTION
350-48(s)(4)(D)	Variance	Parking requirements of 1 space per staff memeber plus 3 spaces for each administrative office, plus 5 spaces for each High School classroom, plus 1 large off-street loading zone.

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

NAME: Parkland School District

ADDRESS: 1210 Springhouse 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: Same as Owner

ADDRESS: \_\_\_\_\_

INTEREST: \_\_\_\_\_

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

LOCATION: 2619 Stadium Road, Orefield, PA 18069

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: March 19, 2014

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

DIMENSIONS: Front 1620, Rear 1702, Side 505

7. What is the square footage of the property?

SQUARE FOOTAGE: 430,116

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

DIMENSIONS: 220' x 135' x 30' High

TYPE OF CONSTRUCTION: Steel and Masonry

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

PRESENT USE: Vacant, proposed use Institutional

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

COST: \$3,000,000

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: Lot is long and narrow, lot is steep, lot contains a large PPL easement.

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:  \_\_\_\_\_

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

14. Has this hardship been created by the applicant?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EMPLOYEES: 68

HOURS: 7 AM to 5 PM

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

46 street trees, 9 parking lot shade trees, 93 parking lot screening shrubs, 30 basin trees, 31 basin shrubs, and 23 buffer trees.

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: SF homes to East and Institutional to South, North, and West.

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

Public water and private 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.

Arthur J Oakes  
(Signature)

Arthur J Oakes  
(Printed Name)

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

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

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

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

JANUARY 24 2024  
(Date of Submission)

(610) 351-5587  
(Telephone Number)

Exhibit "A"

Parkland School District Zoning Hearing Board Amended and Restated Application Basis for Appeal:

Applicant requests a dimensional variance from application of the South Whitehall Township Zoning Ordinance ("Ordinance") governing minimum off-street parking requirements under Section 350-48(s)(4)(D). Applicant proposes ninety-four (94) permanent parking spaces based on the approved land development plan.

The request for relief is related to Applicant's proposed two-level District Operations Center. The first level is largely a storage space for District supplies and materials, with related loading, staging and workshop areas. The second level includes secondary classrooms, offices for employees, and administrative offices designed to house Director's offices, registration offices and social worker offices.

For secondary education use, Ordinance Section 350-48(s)(4)(D) requires off-street parking of "1.0 space per staff member plus 3.0 for each administrative office plus 5.0 per high school classroom, plus one large off-street loading zone." The Ordinance does not define administrative office. As a result, the Applicant is unclear on how many parking spaces are required to comply with the Ordinance. As a threshold issue, Applicant requests the Board interpret the number of parking spaces required under the Ordinance.

Applicant argues an administrative office is intended to be an office designed to, or having the potential to, receive guests, parents, or relevant members of the public. For example, the administrative suite in a high school would include, inter alia, guidance counselor(s), social worker(s), and the principal and assistant principal. These administrative offices are rightly subject to the 3.0 space requirement under the Ordinance to accommodate the expected burden. In contrast, offices occupied solely by employees that do not receive visitors would not constitute an administrative office – instead, these offices would fall under the 1.0 space per staff member requirement of the Ordinance.

Under the above interpretation, Applicant avers the building includes thirteen (13) administrative offices, twenty-four (24) offices to be occupied by single employees that will not receive visitors, and three (3) classrooms. In addition, the building will have sixty-eight (68) employees. Under this interpretation, Applicant argues the Ordinance requires one hundred twenty-two (122) spaces. Specifically, the Ordinance would require: (i) thirteen (13) administrative offices requiring 3.0 spaces each; (ii) three (3) classrooms requiring five (5) spaces each; and (iii) sixty-eight (68) employees, for a total of one hundred twenty-two (122) spaces.

However, the Board may characterize the Operations Center as containing thirty-seven (37) offices, being the total of thirteen (13) administrative offices and twenty-four (24) single employee offices. Under this interpretation, Applicant argues the Ordinance requires a maximum of one hundred ninety-four (194) spaces. The



maximum number is calculated without consideration of whether an office will be an administrative office. As such, the Ordinance would require: (i) thirty-seven (37) administrative offices requiring 3.0 spaces each; (ii) three (3) classrooms requiring five (5) spaces each; and (iii) sixty-eight (68) employees, for a total of one hundred ninety-four (194) spaces.

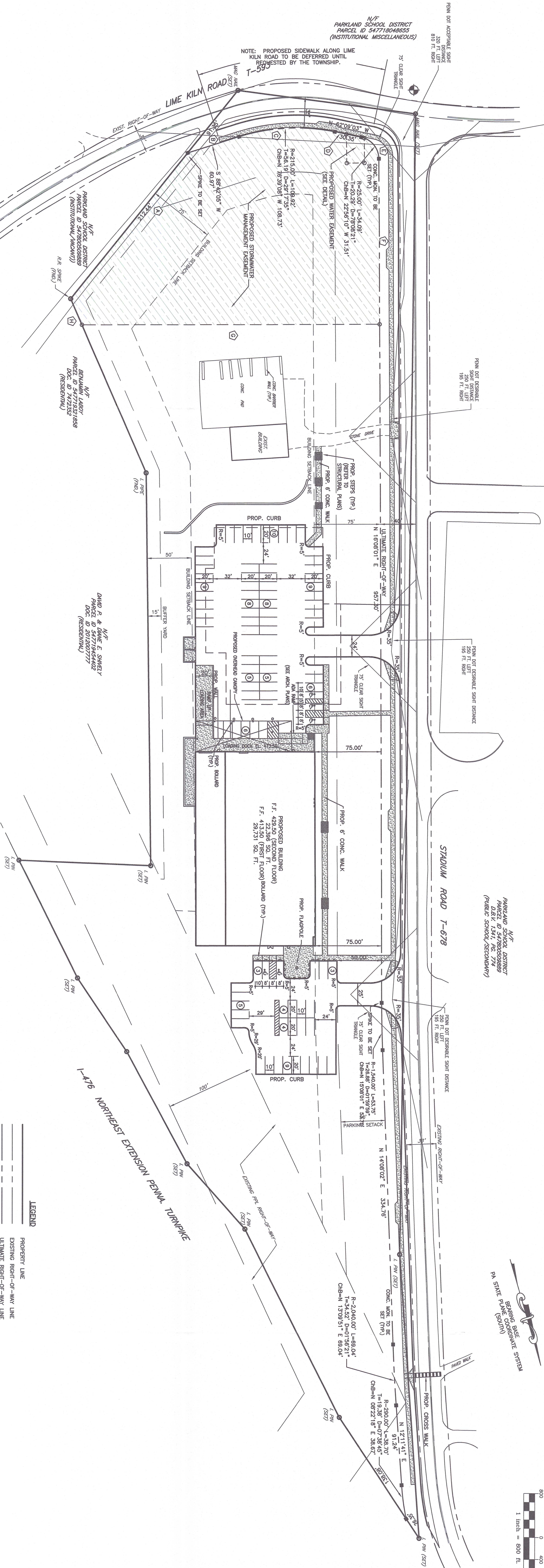
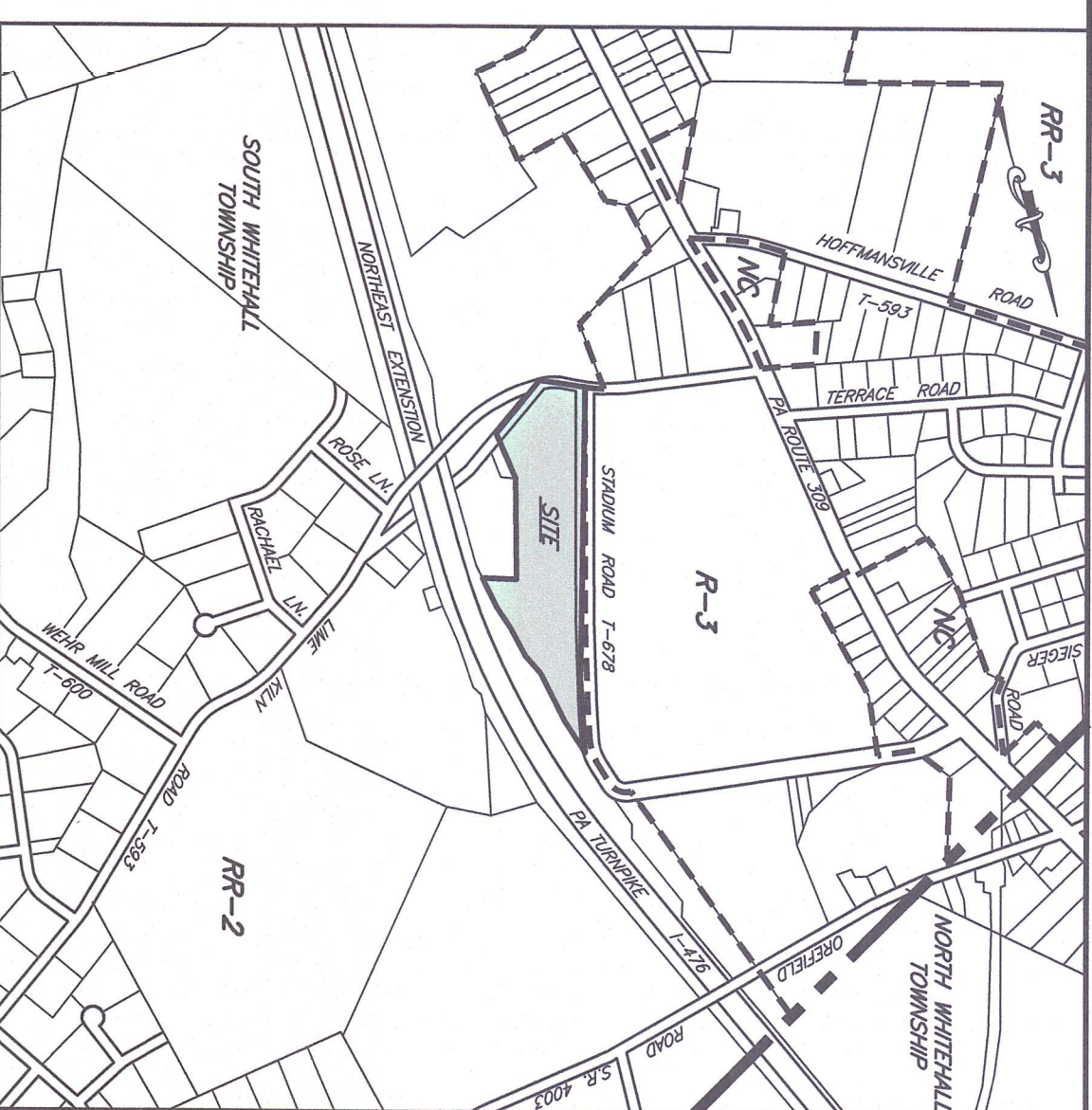
Under either interpretation, Applicant argues the request for variance satisfies the six (6) part variance test established at Section 350-16(c)(1)(A)—(F). The property at issue is long, narrow and irregularly shaped, with a large PPL easement prohibiting development. In addition, the property is impacted by irregular slopes and irregular soil composition that require enlarged stormwater facilities and restrict development on a substantial portion of the property. Finally, the right of way frontage is higher than normally anticipated for the road classification and restricts development.

In addition, under either interpretation, Applicant argues the request for relief falls within Zoning Ordinance Section 350-48(o)(2)(E)(i)(5), which allows variance relief where it is documented to the Board's satisfaction that the requirements would result in unneeded parking. The ninety-four (94) spaces proposed is well in excess of the anticipated District use. The District intends to prove through credible evidence and testimony that the Operations Center requires a maximum of ninety-one (91) parking spaces, and that any number of spaces above that are unneeded.

Applicant does not waive any alternative or additional theory for relief, including any relief fashioned by the Zoning Hearing Board in its discretion.

ZONING REGULATIONS	RECORD	APPROVED
MIN. LOT AREA	8,704 SQUARE FEET	8,704 SQUARE FEET
MIN. LOT FRONTAGE	300 FT.	221.53 FT (LIME KILN ROAD)
MAX. IMPERVIOUS COVERAGE	75%	26.63% (100.963 SQ. FT.)
MAX. BUILDING HEIGHT	35 FT.	<35 FT.
MAX. FRONT YARD	75 FT.	75.00'
MIN. SIDE YARD	50 FT.	231.73 FT.
MIN. REAR YARD	50 FT.	52.11 FT.

\*REMOVED/ APPROVED 100.963 SQ. FT.

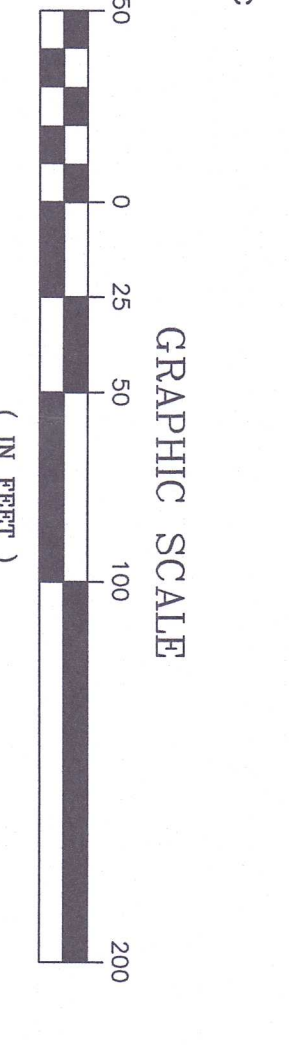


**GENERAL NOTES**

- OWNER: PARKLAND SCHOOL DISTRICT, ALLENTOWN, PA 18104-2119
- SITE ADDRESS: 2619 STADIUM ROAD OREFIELD, PA 18069
- SITE DATA: PARCEL ID 547718048655 (INSTITUTIONAL MISCELLANEOUS), PARCEL ID 547718048655 (INSTITUTIONAL MISCELLANEOUS), PARCEL ID 547718048655 (INSTITUTIONAL MISCELLANEOUS), PARCEL ID 547718048655 (INSTITUTIONAL MISCELLANEOUS), PARCEL ID 547718048655 (INSTITUTIONAL MISCELLANEOUS), PARCEL ID 547718048655 (INSTITUTIONAL MISCELLANEOUS)
- ALL UTILITIES OF THIS PLAN ARE REFERRED TO AND CAPTURED TO COMPLY WITH THE LATEST AMENDMENT OF PA ACT 287 OF 1974.
- THIS PLAN CONTAINS INFORMATION PERTAINING TO UNDERGROUND UTILITIES WHICH IS FOR GENERAL INFORMATION ONLY, AND MAY NOT BE BASED ON AN EXHAUSTIVE SURVEY. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION AND IS NOT TO BE USED AS A BASIS FOR ANY DESIGN OR CONSTRUCTION. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION AND IS NOT TO BE USED AS A BASIS FOR ANY DESIGN OR CONSTRUCTION.
- THIS PLAN DEPICTS EXISTING CONDITIONS AND PROPOSED IMPROVEMENTS AS THEY WERE SURVEYED AND DESIGNED. ENGINEERING TIME OF THE TIME OF CONSTRUCTION OCCURS, THE CONDITION OF THE SITE MAY HAVE CHANGED OR UNDETECTED UTILITIES OR OTHER UNDERGROUND FEATURES MAY BE ENCOUNTERED DURING CONSTRUCTION. THE INFORMATION SHOWN IS TO BE CONSIDERED "AS BUILT" AT THE TIME OF CONSTRUCTION.
- UNDERGROUND SOIL AND GEOLOGICAL INFORMATION INDICATED ON THESE PLANS IS BASED ON THE INFORMATION PROVIDED BY THE FIELD SURVEYOR IS RESPONSIBLE TO VERIFY THESE CONDITIONS BY PERFORMING A FIELD SURVEY.
- ENCROACHMENT = RM OF SANITARY MANHOLE AT THE INTERSECTION OF LIME KILN ROAD AND STADIUM ROAD.
- SOIL EXCAVATION, REMOVAL OF SOLS AND PLACEMENT OF SOIL FILL IS BASED ON THE ASSUMPTION THAT SOLS AND ASSOCIATED MATERIALS ARE FREE OF CONTAMINANTS AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. CONDITIONS IS NOT WITHIN THE SCOPE OF CIVIL ENGINEERING PERFORMED IN THE CREATION OF THESE PLANS.
- SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X", AREA OF UNUAL RISK MAP NO. 402770339R. EFFECTIVE DATE OF 07-15-2004.
- ON-SITE SURVEY PERFORMED BY COWAN ASSOCIATES, INC. ON MARCH 8, 2022.
- WATER: PUBLIC, SEWER: PRIVATE

**LEGEND**

PROPERTY LINE
EXISTING RIGHT-OF-WAY LINE
ULTIMATE RIGHT-OF-WAY LINE
ADJACENT LOT LINE
CENTRAL LINE OF ROADWAY
BUILDING SETBACK LINE
PARKING SETBACK LINE
BUFFER YARD LINE
EXISTING PAV. EASEMENT
EXISTING EDGE OF PAV.
EXISTING CURB
EXISTING EDGE OF STONE
PROPOSED CURB



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<p><b>COWAN ASSOCIATES, INC.</b> PROVIDING A FULL RANGE OF CIVIL ENGINEERING &amp; SURVEYING SERVICES 1818 PENN-AM BOULEVARD, SUITE 100 ALLENTOWN, PENNSYLVANIA 18104 TELEPHONE (610) 296-7075 FAX (610) 296-2981 www.cowaninc.com</p>	<p><b>MKSD, LLC</b> 1200 Hagerman Road, Suite A Allentown, PA 18104 Phone: 610.268.2981 www.mksdinc.com</p>	<p>Shila A. Hoffman, AIA Lead O. Chandra, AIA Jessica E. Kocouk, AIA</p>	<p><b>SEAL</b> Professional Engineer Professional Surveyor</p>	<p><b>PROJECT NUMBER</b> 22.149</p>	<p><b>DRAWN BY</b> SWW</p>	<p><b>SCALE</b> 1"=50'</p>	<p><b>DATE</b> 01.23.2024</p>	<p><b>DRAWING NUMBER</b> ZHB-1</p>	<p><b>DRAWING TITLE</b> ZONING HEARING BOARD PLAN</p>	<p><b>REVISIONS</b></p> <table border="1"> <tr><th>No.</th><th>Date</th><th>Description</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	No.	Date	Description				<p><b>Parkland School District</b> <b>New Operations Center</b> 2619 Stadium Road Orefield, PA 18069</p>
											No.	Date	Description				
<p><b>811</b></p>																	