

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: 4750 Tilghman Street, Allentown, Pennsylvania 18104 **APPLICATION DATE:** _____

APPLICANT: Julie Wagner Burkart, Esq of Stevens & Lee (Land Use Counsel) on behalf of Tilghman Holdings, LLC, Owner

APPLICANT ADDRESS: 840 W. Hamilton Street, Suite 521, Allentown, Pennsylvania 18101

APPLICANT TELEPHONE: (610) 997-5072(o) (610) 972-8624 (c) **APPLICANT EMAIL:** julie.burkart@stevenslee.com

PROPERTY OWNER'S NAME: Tilghman Holdings, LLC c/o Joseph J. Bennett, member

PROPERTY OWNER'S ADDRESS: 619 Iron Street, Lehighton, Pennsylvania 18235

OWNER'S TELEPHONE: (610) 390-2501 **OWNER'S EMAIL:** joe@bennettfamilyproperties.com

APPLICANT'S RELATIONSHIP TO OWNER: Land Use Counsel

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: Joseph J. Bennett, Member

SIGNATURE 

SECTION	TYPE OF REQUEST*	DESCRIPTION
350-24(c)(14)	Special Exception	Outdoor Storage as a second Primary Use to a Coordinated Development
350-42(b)	Special Exception	Buffer Strip Requirement modification by ZHB
350-48(o)(8)(E)(iii)	Variance	Paving of area to the extent that vehicles exiting do not introduce mud or debris onto public street
350-48(c)(11)(E)(v) & 350-24(c)(14)	Variance	25' Side Yard Set Back where 200' Pennsylvania Turnpike Right of Way abuts lot line
350-48(c)(11)(D) & 350-48(o)(8)(D)	Variance	Minimum Offstreet Parking Requirements for Coordinated Development & Outdoor Storage
350-48(o)(8)(E)(i)	Interpretation-Variance -	Favorable Interpretation that walk-up ATM Kiosk is permitted to allow 6' fence with no visual barrier

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

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

Location: A portion of 4750 Tilghman Street, Allentown, Pennsylvania 18104

Lot Size: 8.5 acres (369,680 s.f.)

Zoning District: HC-1 (Highway Commercial w/ height limit); Commercial Retrofit Innovation Overlay District

Present Use: Coordinated Development

Proposed Use: Addition to/Expansion of Coordinated Development with 2nd Outdoor Storage Primary Use and ATM

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:

The Owner is expanding the current footprint of the building for the portion of the building previously designed for Go Puff Storage to accommodate

Advanced Auto (6929 sf) and space for a future tenant (5465 sf). The building also consists of Ollie's (42,697 sf) and Just for Cabinets (12,322 sf).

In coordination with the expansion, Owner seeks to add a stand alone walk-up ATM station at the northern corner of the parking lot

and obtain Special Exception approval for an Outdoor Storage area to temporarily store tractors in the lot's side yard which backs up to the

Turnpike. The 50,072 sf area proposed for the Outdoor Storage use was recently improved in coordination with the Township by the removal of clay matter

which was preventing proper drainage and installing pervious gravel so that runoff now infiltrates into the ground in this area. The Owner has no intention of ever

paving this area. The Township's Zoning Officer made the determination that the use of this area for the temporary storage of the tractors constitutes

"Outdoor Storage" requiring Special Exception approval. Her determination was provided by letter dated September 29, 2023 (See attached).

The Owner will comply with all other conditions set forth in her September 29th letter, as well as the conditions of Special Exception approval set forth in

Sec. 350-48(o)(8) for Outdoor Storage uses, but for (i) the side yard setback, (ii) the fence height and visual screen, and (iii) the requirement to pave the area to avoid mud.

The Outdoor Storage area will abut the Pennsylvania Turnpike which already has a 200' right-of-way set back and is more than adequately buffered.

An existing fence of 6' in height, topped with barbed wire, surrounds the outdoor storage area.

The added stand-alone ATM will sit upon a 90" x 156" level Concrete Pad (see Proposed Kiosk Site Plan attached hereto).

As a result of the expansion of the storefront and addition of the storage & walk-up ATM, parking is compromised and the lot is deficient by 27 spaces.

The ATM is not designed to accommodate a drive through and instead facilitates only walk-up use.

**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: Tilghman Holdings LLC

ADDRESS: 619 Iron Street, Lehighton, Pennsylvania 18235-1914

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: Julie Wagner Burkart, Esq. of Stevens & Lee

ADDRESS: 840 Hamilton Street, Suite 521, Allentown, Pennsylvania 18101

INTEREST: Land Use Counsel

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

LOCATION: 4750 Tilghman Street, Allentown, Pennsylvania 18104

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 of 2017

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

DIMENSIONS: Front: 170.07', South Side Yard: 1173.04', Rear: 931.20', North-West Side Yard: 274.97', North-East Side Yard: 302.50'

7. What is the square footage of the property?

SQUARE FOOTAGE: 369,680 sf

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

DIMENSIONS: 89'-10" x 50'-2"

TYPE OF CONSTRUCTION: (See Attached Construction Plans for Advanced Auto)

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

PRESENT USE: Coordinated Development with multiple tenants in a building

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

COST: _____

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: The Property abuts the Pennsylvania Turnpike

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: In addition to the side yard setbacks, the Turnpike has a 200' right-of-way which abuts the side yard.

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: The Applicant has improved the drainage issue experienced in the area of the proposed Outdoor Storage use.

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: A coordinated development is permitted and the outdoor storage use is permitted by Special Exception.

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: Outdoor Storage: 3 (1 Supervisor, 2 technicians); Advanced Auto: 6 (4 for deliveries)

HOURS: Outdoor Storage: 24/7; Advanced Auto: 7:30 am - 9 PM M-Sun

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

None

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: The abutting uses and structures are commercial in nature, including a shopping center and car dealership.

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

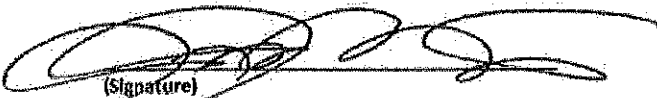
Public Water and Sewer

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)

Joseph J. Bennett
(Printed Name)

(Signature)

(Printed Name)

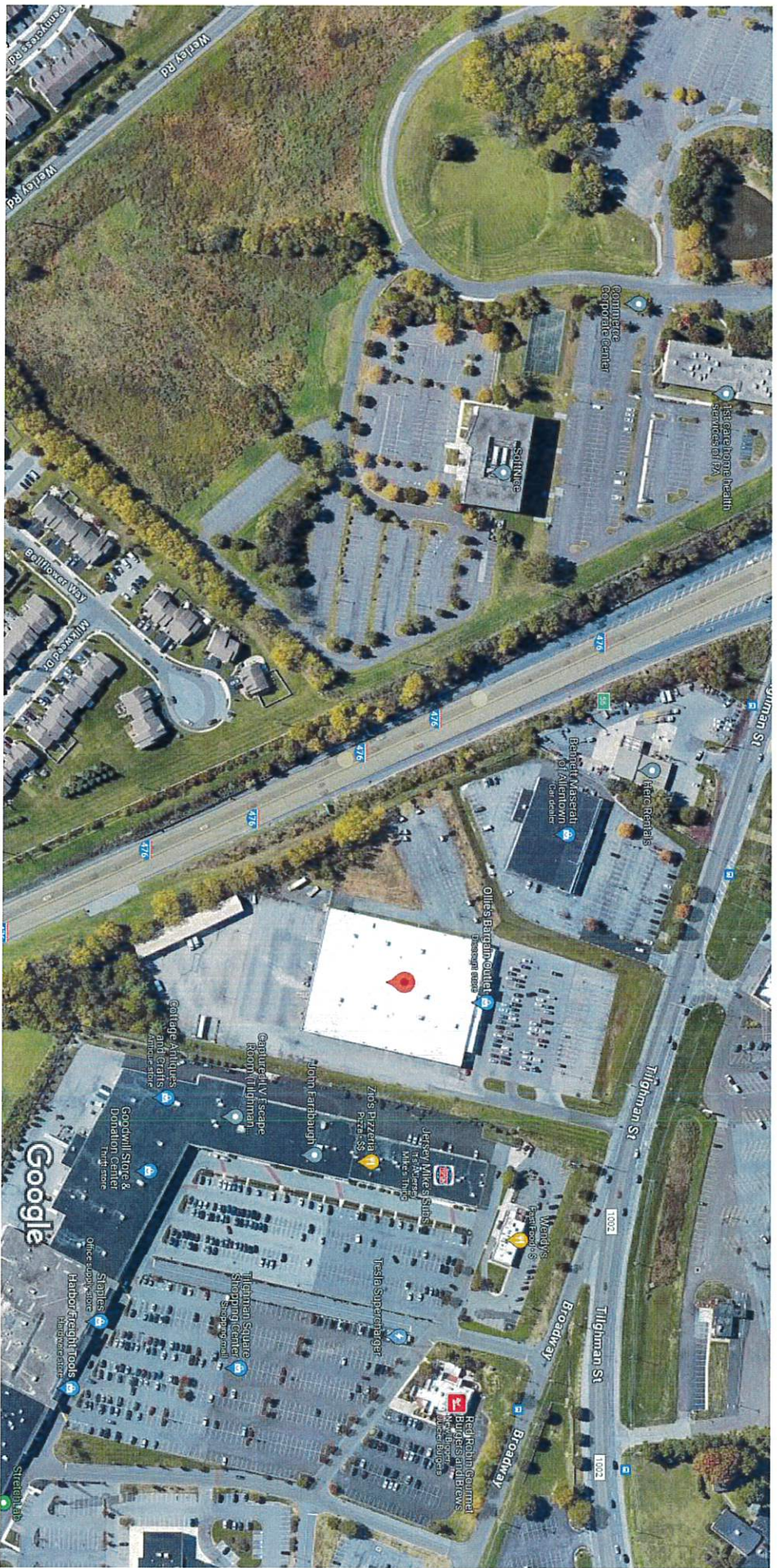
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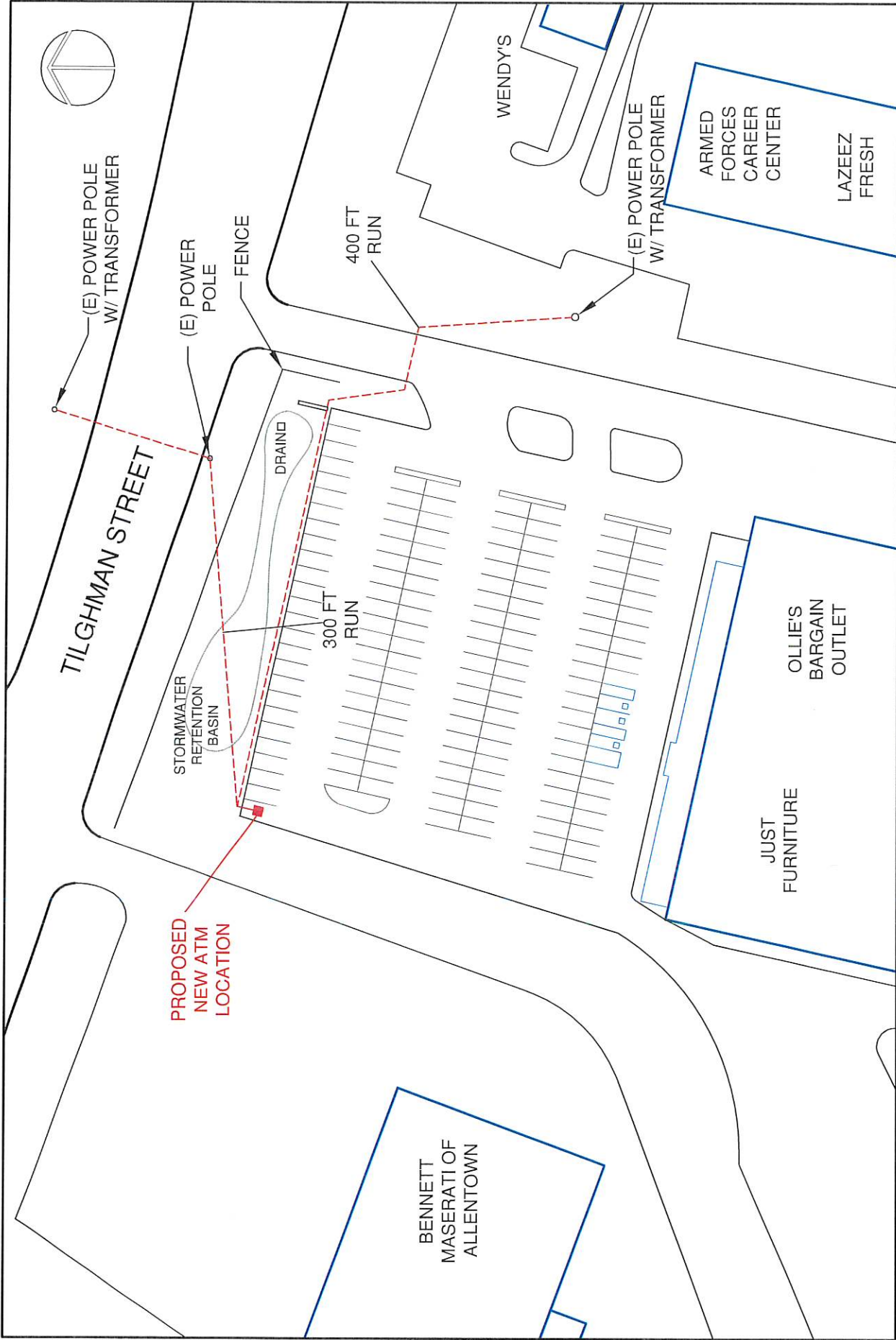
(Printed Name)

610-377-7700

(Date of Submission)

(Telephone Number)





**PROPOSED
NEW ATM
LOCATION**

	DRAWN BY: A. WALLIHAN		TILGHMAN STREET 4750 TILGHMAN STREET ALLENTOWN, PA 18104		ATM ID: T9268	PROPOSED WU KSK	SCALE: 1" = 80'-0"
	TITLE: SITE PLAN		REVISED:	DATE: 10/19/2023	PAGE: 1 OF 7		



SCALE: 1" = 80'-0"
 DATE: 10/19/2023
 PAGE: 2 OF 7

PROPOSED
 WU KSK
 REVISED:

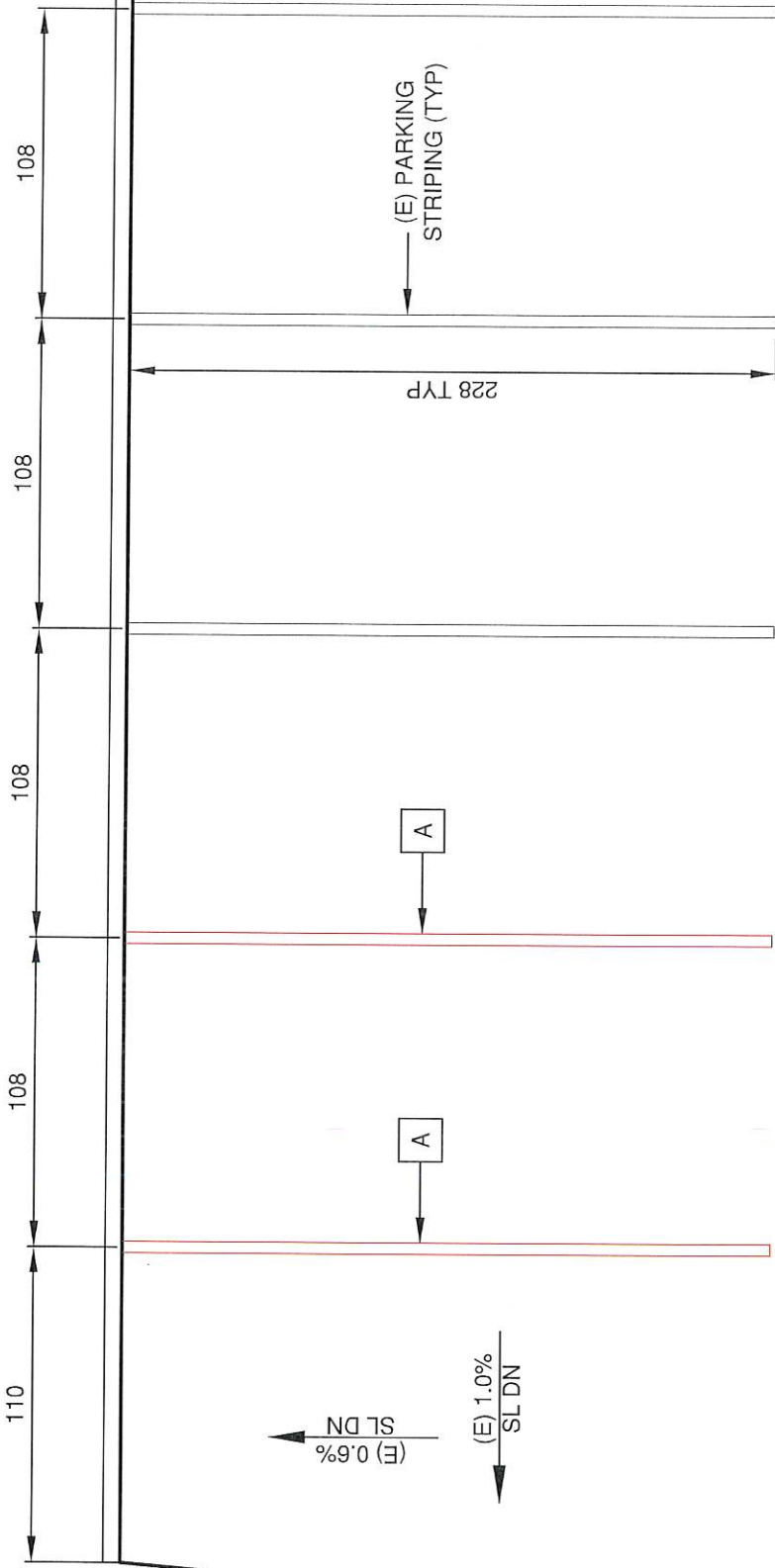
ATM ID: T9268
 TITLE: AERIAL VIEW

TILGHMAN
 STREET
 4750 TILGHMAN STREET
 ALLENTOWN, PA 18104



DRAWN BY: A. WALLIHAN





SITE ISSUES:

- WALL THICKNESS: N/A
- FLOOR DIFFERENCE: NONE
- ADA ISSUES: NONE

SCOPE OF WORK:

A. REMOVE PARKING STRIPING.



Cennox

DRAWN BY:
A. WALLIHAN



TILGHMAN STREET
4750 TILGHMAN STREET
ALLENTOWN, PA 18104

ATM ID:

T9268

TITLE:
EXISTING FLOOR PLAN

PROPOSED

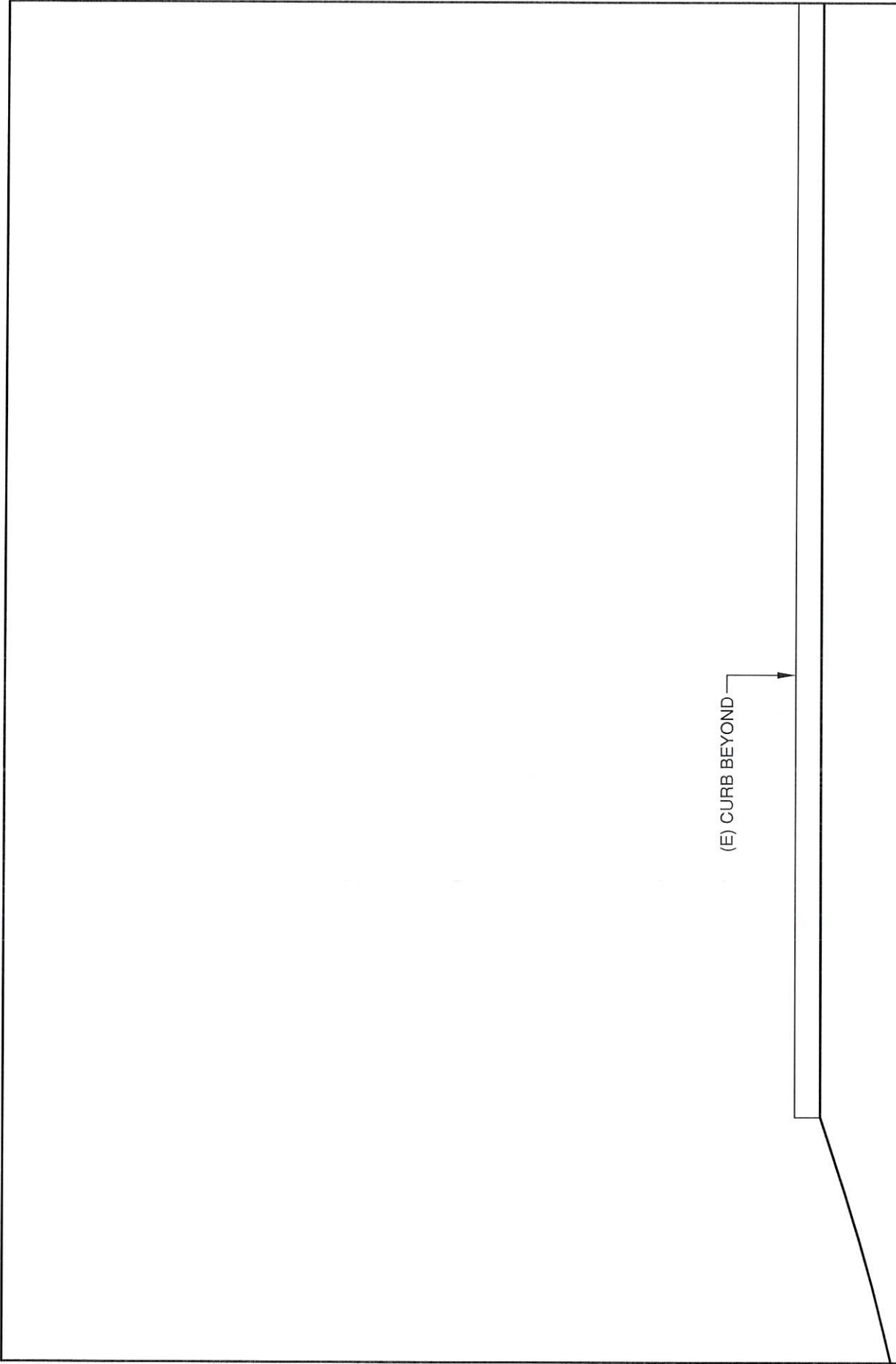
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REVISED:

SCALE:
3/8" = 1'-0"

DATE:
10/19/2023

PAGE:
3 OF 7



(E) CURB BEYOND →



Cennox

DRAWN BY:
A. WALLIHAN



TILGHMAN STREET
4750 TILGHMAN STREET
ALLENTOWN, PA 18104

ATM ID:

T9268

TITLE:
EXISTING ELEVATION

PROPOSED

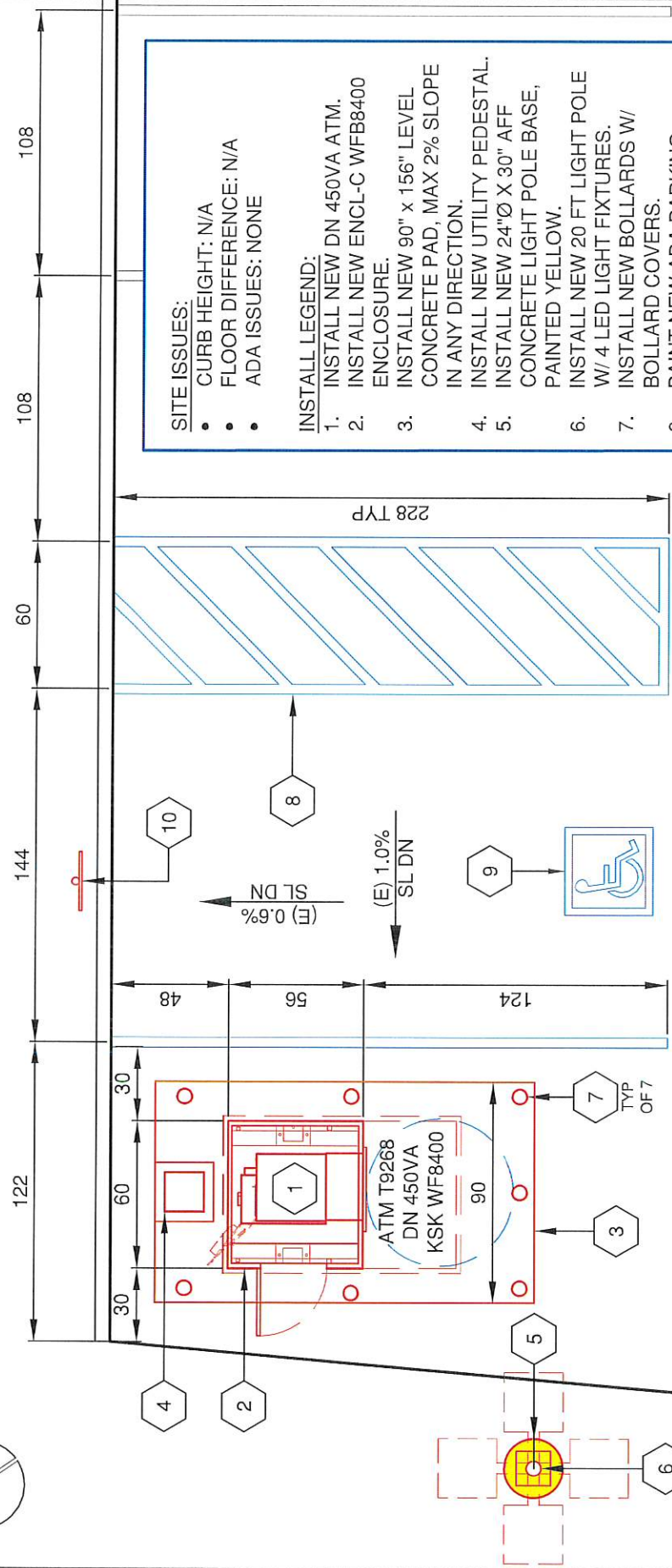
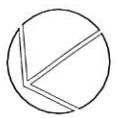
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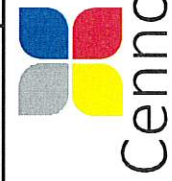
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DATE: 10/19/2023

PAGE: 4 OF 7



- SITE ISSUES:**
- CURB HEIGHT: N/A
 - FLOOR DIFFERENCE: N/A
 - ADA ISSUES: NONE
- INSTALL LEGEND:**
1. INSTALL NEW DN 450VA ATM.
 2. INSTALL NEW ENCL-C WFB8400 ENCLOSURE.
 3. INSTALL NEW 90" x 156" LEVEL CONCRETE PAD, MAX 2% SLOPE IN ANY DIRECTION.
 4. INSTALL NEW UTILITY PEDESTAL.
 5. INSTALL NEW 24"Ø X 30" AFF CONCRETE LIGHT POLE BASE, PAINTED YELLOW.
 6. INSTALL NEW 20 FT LIGHT POLE W/ 4 LED LIGHT FIXTURES.
 7. INSTALL NEW BOLLARDS W/ BOLLARD COVERS.
 8. PAINT NEW ADA PARKING STRIPING LOADING ZONE
 9. PAINT NEW ADA PARKING STALL ACCESSIBILITY SYMBOL PER CODE REQ.
 10. INSTALL NEW ADA PARKING SIGNAGE, PER CITY REQS.



DRAWN BY:
A. WALLIHAN



TILGHMAN STREET
4750 TILGHMAN STREET
ALLENTOWN, PA 18104

ATM ID:
T9268
TITLE:
PROPOSED FLOOR PLAN

PROPOSED
WU KSK
REVISED:

SCALE: 3/8" = 1'-0"
DATE: 10/19/2023
PAGE: 5 OF 7



6

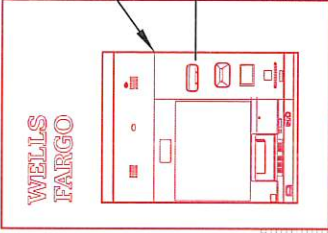
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ATM T9268
DN 450VA
KSK WF8400

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C/D

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6

6

(E) CURB BEYOND

7 TYP
OF 7

10



Cennox

DRAWN BY:
A. WALLIHAN



**TILGHMAN
STREET**
4750 TILGHMAN STREET
ALLENTOWN, PA 18104

ATM ID:

T9268

TITLE:
PROPOSED ELEVATION

REVISED:

PROPOSED
WU KSK

SCALE:
3/8" = 1'-0"

DATE:
10/19/2023

PAGE:
6 OF 7



ATM T9268
 DN 450VA
 KSK WF8400

	DRAWN BY: A. WALLIHAN		TILGHMAN STREET 4750 TILGHMAN STREET ALLENTOWN, PA 18104		ATM ID: T9268	PROPOSED WU KSK	SCALE: NTS
			PHOTO ELEVATION	REVISED:	DATE: 10/19/2023	PAGE: 7 OF 7	

