

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
DECEMBER 19, 2023**

The Chairman called the Meeting to order at 7:01 pm. The Chairman and Members Burda, Jany, and Reichard were present. The Chairman led the Pledge Of Allegiance. The Solicitor read the Fair Housing Statement.

DOCKET # 2071 – St. Elizabeth Catholic Church – 618 Fullerton Avenue, Whitehall, PA 18052. **Location: 618 Fullerton Avenue, Whitehall, PA 18052, PIN 640810044636-2**, the subject property is located in the R-5A High Density Residential without Apartments Zoning District. Applicant is requesting a favorable interpretation of section 27-165(G) of the Zoning Ordinance that its proposed sign is exempt from section 27-165(B) through (F) of the Zoning Ordinance as providing public service information. In the alternative, Appellant is requesting Variances from sections 27-165(B), (C), and (D) of the Zoning Ordinance to place a LED electronic display sign which appears to be less than 30 feet from street rights-of-way, less than 250 feet from residences, less than 400 feet from a Residential Zoning District, and which is not a permitted use in the R-5A High Density Residential Without Apartments Zoning District.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners.

The Applicant appeared through Ken Snyder and Father Stan Moczyglowski. An updated information packet was marked as Applicant Exhibit A. The proposed location for the sign on the new plan was plus or minus five feet (5'). There is a temporary sign that has been there as long as Ken Snyder could remember. The Applicant's November 20, 2023 letter was marked as Applicant Exhibit B. Father Moczyglowski testified that the proposed sign would include information as to services and the types of community activities always open to the public that would be displayed. There will be no advertising displayed. The location of the proposed sign will probably be eight feet (8') from Fullerton Avenue and ten feet (10') from Pershing Boulevard. The proposed sign will have 32 square feet of signage on each side, will be dimmable and can be adjusted, and will cost in excess of \$50,000.00.

There were no Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

The Applicant's Exhibits were admitted into the Record. The Record was closed.

Motion by Lou Jany to deny the request for a favorable interpretation; second by Roger Reichard. Motion passed 4 – 0. Motion by Lou Jany to grant the requested Variances; second by Steve Burda. Motion passed 4 – 0.

DOCKET # 2074 – George Mallouhi and Miray Sankari – 1219 Davies Drive, Whitehall, PA 18052. **Location: 1215 Davies Drive, Whitehall, PA 18052, PIN 549863454751-1**, the subject property is located in the R-4 Medium Density Residential Zoning District. Applicants are requesting Variances to sections 27-18, 27-29, and 27-84(D) of the Zoning Ordinance to allow a concrete patio constructed in the front yard area without a Permit, and ordered to be removed as a condition of Building Permit #866-22.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. He testified as to Township Exhibit 1, the July 7, 2023 Enforcement Notice, Township Exhibit 2, the Applicants' site diagram included with their Building Permit application, and Township Exhibit 3, the Applicants' Building Permit.

The Applicants appeared with their Daughter, Tatyana Mallouhi. They testified that they moved to Whitehall Township in 2017, that their house was cold in the front, and that water pooled in the front yard in front of the house. Three (3) photographs of the concrete preparation work before pouring were marked as Applicant Exhibits 1 through 3.

There were no Objectors or Supporters.

All Exhibits were admitted into the Record. The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Lou Jany to grant the requested Variances for set backs subject to inspection by KeyCodes Inspection Agency; second by Roger Reichard. Motion passed 4 – 0.

DOCKET # 2075 – Lehigh Carbon Property Management, LLC – 1716 West Lizard Creek Road, Lehighton, PA 18235.
Location: 3318 Seventh Street, Whitehall, PA 18052, PIN 549838249679-1, the subject property is located in the C-2 Regional/Community Commercial Zoning District. This is an Appeal from an Enforcement Notice. Applicants are requesting Variances to sections 27-18, 27-20, 27-80(E)(3) and 27-148 of the Zoning Ordinance to allow installation of a prefabricated pet wash building with a wall sign, less than twenty feet (20') from an existing building, without a Building Permit, Electric Permit, and Sign Permit.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. The July 7, 2022 Enforcement Notice was marked as Township Exhibit 1.

The Appellant/Applicant appeared through its Principals, Jonathan and Shelby Amary. They described the prefabricated pet wash building, the concrete slab with accessible ramp and railing, electricity, HVAC, and plumbing, and that it is not connected to the pre-existing car wash bay. A portion of the location of the pet wash building was previously impervious, and a portion was mulched. The Applicant stated it would include requests for the pet wash building with its anticipated future Permit application to add another new building (car wash bays).

There were no Objectors or Supporters.

All Exhibits were admitted into the Record. The Record was closed.

The Zoning Hearing Board held an Executive Session.

The Zoning and Code Enforcement Officer testified that the car wash use was a permitted use.

The Zoning Hearing Board held an Executive Session.

Motion by Steve Burda to approve the Appellants' Appeal; second by Lou Jany. Motion passed 4 – 0. Motion by Steve Burda to deny the requested Variances pending the Appellants' new Permit application; second by Lou Jany. Motion passed 4 – 0.

Motion by Roger Reichard to approve the November 21, 2023 Minutes; second by Lou Jany. Motion passed 4 – 0.

Meeting adjourned at 8:45 pm.