

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : 90 Highland, LLC
Application dated : June 21, 2021
Property : 90 Highland Avenue and 3685 Adler Place

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, July 29, 2021, on the petition of 90 Highland, LLC, and after approving the petitioner's requested relief, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is a consolidated lot for zoning purposes consisting of Tax Parcel M16-15-10X-0214 owned by 90 Highland, LLC, and having a post office address of 90 Highland Avenue and Tax Parcel M16-15-10P-0214 owned by Stiegler Wells, LLC, and having a post office address of 3865 Adler Place.

2. The consolidated lot is entirely located within the PIBD – Planned Industrial/Business Park District.

3. The Petitioner was represented at the hearing by Eric J. Schock, Esquire, who introduced in the course of the hearing two exhibits as follows:

A-1 Being a plan entitled Preliminary 1 Record Land Development Plans for Jaindl Land Company, Sheet Title: Concept Plan A, with a date of November 13, 2020 and no revision dates

A-2 Photo of another building with a similar type porte-cochere structure.

4. Testifying on behalf of the petitioner was Jeffrey Beavan, Professional Engineer for Bohler Engineering, who drew the plans marked Exhibit A-1 and Marc Breidenbach, Administrator, Facilities and Construction Department, of Lehigh Valley Health Network, the proposed tenant of the medical office building.

5. The 90 Highland Avenue property was the subject of a prior zoning hearing and decision of the Board dated October 20, 2020.

6. At that hearing, the applicant proposed a convenience retail/food store with gasoline service requiring several variances and interpretations from the Board. It also proposed on the same 90 Highland Avenue lot to tear down a portion of the existing office building, retain the branch bank building and associated parking lots and driveways and to construct a 25,000 square foot two-story medical office building. The Board granted the requested relief pursuant to that application.

7. The 3865 Adler Place lot has an existing two-story office building located on it. The owners had received prior approval for the construction of a proposed one-story office building on the lot which the present applicant intends to build. Both the existing structure and the proposed structure are shown on Exhibit A-1.

8. The convenience store use, as well as the retail bank use, remain essentially the same from the prior application. The medical office building, however, is changed to a proposed three-story building with a total of 40,000 square feet.

9. The applicant has not asked for any relief from the ordinance except for the construction of a porte-cochere as depicted on the map. This structure would provide sheltering over the sidewalk area and one lane of travel for cars at this spot.

10. The adjacent property to the north is a commercial district and Section 185-35(F)(4) of the zoning ordinance prohibits any structure in the PIBD District from being located within 100 feet to the boundary line of any other district. The proposed office building will not be in violation of this provision, but the porte-cochere will be. It will be located approximately 93 feet from the boundary line and, therefore, requires a variance from this provision.

11. Mr. Beavan testified as to the dimensional requirements and to the fact that in the C-1 Zoning District to the north, medical offices could be located much closer to the boundary line and so that in his opinion, the proposed deviation was minor and served no particular zoning purpose in the present case.


12. Mr. Breidenbach testified as to the purposes of the porte-cochere and why Lehigh Valley Hospital believes it is an important architectural element of their proposed medical office buildings.

13. Also testifying at the hearing was Prasad Chalikonda, who indicated that he was not opposed to the application, but he did wish to have some access to and from this lot. This was not an issue before the Board but David Jaindl, a principal of 90 Highland, LLC, indicated that he would see what could be done through the planning process with respect to Mr. Chalikonda's request.

14. The Board agrees that the deviation from the 100 foot setback requirement in the zoning ordinance as it applies to the present case is a minor one and will not be detrimental.

WHEREFORE, the Hanover Township Zoning Hearing Board adopts the above Findings of Fact and Conclusions of Law and grants the required variance from the 100 foot setback provision of the ordinance.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Barbara L. Baldo, Esquire,
Chairperson

Dated: August 4, 2021