

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

QUAKER VALLEY SCHOOL DISTRICT,

Appellant,

vs.

LEET TOWNSHIP ZONING HEARING BOARD,

Appellee.

CIVIL ACTION

SA-22-000186

PETITION TO INTERVENE

Filed on Behalf of Petitioners William Jasper and Michelle Antonelli.

Counsel of Record for these parties:


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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.


Louis A. DePaul, Esq.
PA ID No. 93823

DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

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BOARDS,

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PETITION TO INTERVENE

Petitioners William Jasper and Michelle Antonelli, pursuant to Pennsylvania Rule of Civil Procedure 2327 *et seq.*, hereby file this Petition to Intervene in the above referenced land use appeal.

1. On March 28, 2022, Appellee the Leet Township Zoning Hearing Board (“ZHB”) denied Appellant Quaker Valley School District’s (the “School District”) application for approval of a special exception to construct a public school on a 108-acre plot of land in Leet Township (the “Property”) because the School District’s application failed to meet the requirements for a special exception use under Leet Township Ordinance 2019-02 and Pennsylvania law.

2. The ZHB’s denial of the School District’s application marked the culmination of a year-long process involving multiple public hearings, expert testimony, and significant briefing by the School District and numerous Objectors, including the Petitioners.

3. Petitioners were parties to the underlying action before the ZHB as Objectors, where they testified at public hearings and made arguments in opposition to the School District's application.¹

4. Petitioners' own property that was the subject of the Application and will be affected by the appeal to be decided by this Court.²

5. Petitioner William Jasper is the owner of property located at 24 Winding Road, Leetsdale, PA 15056. Mr. Jasper's property is located within 300 feet of the exterior limits of the Property, and he therefore has a substantial, direct, and immediate interest in the present appeal.

6. Petitioner Michelle Antonelli is the owner of property located at 139 Kenney Drive, Sewickley, PA 15143. Ms. Antonelli's property is located within 300 feet of the exterior limits of the Property, and she therefore has a substantial, direct, and immediate interest in the present appeal.

7. As nearby property owners and parties to the underlying process before the ZHB regarding the Application, each of the Petitioners has a substantial interest in the subject matter of this appeal and submits that they should be permitted to intervene pursuant to Pennsylvania Rule of Civil Procedure 2327, which provides that a party *shall* be permitted to intervene where, *inter alia*: (4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action. See 231 Pa. Code § 2327.

¹ The School District filed an Application for Approval of Special Exception with the ZHB on March 24, 2021, requesting approval to use the Property as the new location for the Quaker Valley High School (the "Application"). The Application is part of the underlying record in this matter.

² When submitting their Application to the ZHB, the School District was required to provide a list of the names and mailing addresses of all of the owners of property within 300 feet of the exterior limits of the Property. The names and addresses of both Petitioners were among those listed on the fourth page of the Application.

8. Petitioners should therefore be permitted to intervene as the relief requested by the School District in the present appeal would directly, substantially, and materially affect, among other things, Petitioners' use and enjoyment of their property and the value of their property.

9. As intervenors, Petitioners would espouse the arguments made to the ZHB regarding why the requested the School District's request for a special exemption does not meet the requirements of Leet Township Ordinance 2019-02 and Pennsylvania law.

10. Petitioners contend that the ZHB's denial of the Application should be upheld because the record evidence illustrates, *inter alia*, that:

- the proposed use is dangerous, injurious, and noxious to property and persons within Leet Township;
- the proposed location is not more suitable than other properties in Leet Township;
- the proposed location is objectively not suitable;
- the proposed use is not beneficial to the public at the proposed location; and
- the proposed use would not produce a harmonious relationship with adjacent buildings and properties.³

11. The record also plainly demonstrates that the School District's proposed use of the Property would adversely and detrimentally affect the health, safety, and welfare of the community, in further violation of the Ordinance.⁴

³ Leet Township Ordinance No. 2019-02 provides a detailed set of procedures for approval of uses by special exception. Part 6, § 1.2(A) states that the ZHB "shall not approve an application for a use by special exception unless and until" applicants provide a written application which satisfies a set of 13 requirements, including those bulleted above.

⁴ In addition to the set of 13 requirements that Appellants failed to meet, § 1.2(D) of the Ordinance adds that the applicant must persuade the ZHB "that the proposed use will not offend [the] general public interest, such as the health, safety and welfare of the neighborhood."

12. Petitioners' interests are not adequately represented by any other party to the action.

13. Petitioners' intervention will contribute to the fair and impartial administration of justice.

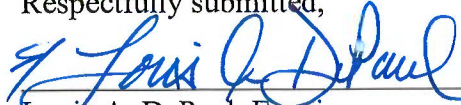
14. Petitioners' intervention will not delay and/or prejudice the adjudication of the rights of the original parties. To date, there has not been a briefing schedule ordered or a status conference held.

15. Thus, in accordance with Pennsylvania Rule of Civil Procedure 2327 *et seq.* and for the reasons set forth in this Petition, William Jasper and Michelle Antonelli respectfully request that the Court enter the attached order permitting them to intervene in this matter.

WHEREFORE, Petitioners respectfully request that this Honorable Court enter an Order allowing permitting Petitioners' intervention in these proceedings and granting such other relief as the Court deems to be just and appropriate.

Dated April 25, 2022

Respectfully submitted,



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Attorneys for Petitioners

VERIFICATION

I, William B. Jasper, verify that the facts set forth in this Petition to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904, relating to unsworn falsification to authorities.



William B. Jasper

VERIFICATION

I, Michele Antonelli, verify that the facts set forth in this Petition to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904, relating to unsworn falsification to authorities.


Michele Antonelli

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

QUAKER VALLEY SCHOOL DISTRICT,

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Appellee.

ORDER OF COURT

AND NOW, this _____ day of _____, 2022, upon consideration of the Petition to Intervene filed by William Jasper and Michelle Antonelli, it is hereby ORDERED, ADJUDGED and DECREED that said Petition is GRANTED and said Petitioners are hereby made parties to this action as Intervenors.

_____ J.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within **PETITION TO INTERVENE** was served upon the following individuals via First Class mail, this 25th day of April 2022.

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By:


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