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October 7, 2008

Mr. Anthony Basile  
1231 Oakside Drive  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board -  
Anthony Basile**

Dear Mr. Basile:

Enclosed herewith please find a true and correct copy of the Findings of Fact and Conclusions of Law of the Hanover Township Zoning Hearing Board concerning your application dated August 26, 2008.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/bn  
Enclosure

cc: Yvonne D. Schoenly, Zoning Administrator

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : Anthony Basile  
Dated : August 26, 2008  
Property : 1231 Oakside Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 25, 2008, and rendering its oral decision denying the requested variances, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in an R1-S – Residential Suburban District.
2. The property is owned by Anthony Basile and known as 1231 Oakside Drive.
3. A document entitled, "Survey Plan of 1231 Oakside Drive, Lot 4, Alexander Park", Option A (Preferred), with a date of August 12, 2008 accompanied the application. An Option B Plan also accompanied the application.
4. Appearing at the hearing in addition to the owner, Anthony Basile, was the Architect, John Lee, Jr. of Lee Architectural Associates.
5. Mr. Lee testified that in his opinion the lot has a unique configuration because part of it fronts on a cul-de-sac.
6. He also indicated the house was set back further from the street than the other houses in the area.
7. The setback lines are depicted on the plan. In addition, there is a 25 ft. tree protection easement in the back of the lot as depicted on the plan.
8. The existing home as it now sits on the lot slightly encroaches into the required rear yard setback of 40 feet.
9. The aforesaid plan Option A depicts the proposed new 12'x16' pavilion with roof over concrete slab, as well as the existing structures.
10. The applicant indicated that he desired to be able to build within the required rear yard lot line in order to create a hardscape area that was further away from the existing pool. In his opinion, the existing hardscape areas are too close to the pool, thereby creating a safety problem.

11. Mr. Basile indicated he purchased the property in 1995 and had nothing to do with the construction of the home or its placement on the lot.

12. Mr. Lee also indicated that there was a slope in the back of the lot, making it more difficult to use the area as just a yard area.

13. According to the architect, the entire new hardscape area will be within the required rear yard. In addition, the lot coverage will go from 42.8% to 51.8%.

14. Sect. 185-14.C.(3) and Sect. 185-14.G. prohibit structures from being located within the required yards.

15. Sect. 185-26.F.(2) provides for a rear yard of 40 ft. in an R1-S District.

16. Sect. 185-26.F.(2) provides for a maximum lot coverage of 33% in an R1-S District.

17. In the present case, all of the new proposed structures will be located within the required rear yard, and therefore a variance from the above sections is necessary.

18. In the present case the lot coverage is already 42.8%, exceeding the maximum lot coverage of 33%. With the proposed improvements the lot coverage will go to 51.8%, thereby requiring a variance.

19. The applicant argues that because the lot has somewhat different than a straight rectangular configuration that this condition is unique and creates a hardship. The applicant also argues that the position of the home on the lot causes a unique hardship entitling him to a variance.

20. With respect to the configuration of the lot, it is noted that the house itself is configured in a manner to accommodate the difference, and that the portion of the house that projects furthest towards the front of the lot coincides with the areas of the lot where the setback is the furthest toward the front street.

21. As to the position of the home on the lot, while the applicant may not have decided on this location, he purchased the home obviously with knowledge as to where it was located on the lot, and knew or should have known that it was up against the rear yard setback.

22. Finally, the applicant's argument that that proposed variance is necessitated by safety concerns is very much weakened by the fact that he has owned the house for some 13 years without seeking relief prior to this time.

23. Most importantly, the applicant is already utilizing a considerable amount of area within the required rear yard for accessory purposes, and already has improvements which exceed the maximum lot coverage provisions of the ordinance.

24. The Board believes the applicant has failed to demonstrate that this additional hardscape area is necessary in order to make a reasonable use of the property. The Board therefore finds that the applicant has failed to prove that he is entitled to the rather significant and substantial variances from the ordinance which he requests.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby denies the requested variance from the maximum coverage provisions and rear yard provisions of the ordinance.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: October 7, 2008

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THOMAS L. WALTERS

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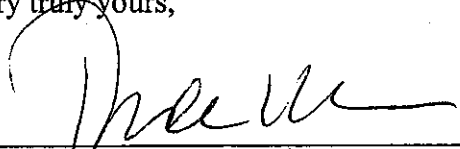
Dennis M. McCarthy, Esquire  
Davison & McCarthy, P.C.  
2015 Hamilton Street, Suite 105  
Allentown, PA 18104

**Re: Hanover Township Zoning Hearing Board –  
PNC Bank (10 Stoke Park Road)**

Dear Attorney McCarthy:

Enclosed herewith please find a true and correct copy of the Findings of Fact and Conclusions of Law of the Hanover Township Zoning Hearing Board that I am sending to you as attorney for the petitioner in the above matter.

Very truly yours,

  
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Theodore R. Lewis, Esquire

TRL/bn  
Enclosure

cc: Yvonne D. Schoenly, Zoning Administrator

**HANOVER TOWNSHIP ZONING HEARING BOARD**  
**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : PNC Bank  
Dated : August 25, 2008  
Property : 10 Stoke Park Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, September 25, 2008, and rendering its oral decision granting the requested variance from the buffer requirements subject to certain conditions as hereinafter set forth, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at the northwest corner of Bath Pike and Stoke Park Road in an LBD – Limited Business District.
2. The property is owned by George C. Scoggin and currently leased to PNC Bank, National Association, the applicant.
3. The applicant was represented at the hearing by Attorney Dennis M. McCarthy.
4. Testifying at the hearing was Robert F. Yuro, Professional Engineer from the firm of Kenderian Zilinski Associates, Consulting Engineers.
5. Mr. Yuro indicated that customers of the bank are having difficulties in making left-hand turns from the various lanes after proceeding through the ATM and teller machines, and that in fact some of the cars were bumping up against the existing curb.
6. Mr. Yuro indicated that there was an attempt to solve this problem by cutting back on the concrete areas around the ATM and teller machines, but that this was not entirely successful.
7. Therefore, PNC now proposes that there be a bump out area of macadam which at its maximum would be located only 5 ft. from the property line. Since Sect. 185.37.F.(6)(b) of the ordinance requires a 10 ft. buffer strip between commercial and residential uses, a variance is necessary in order to permit this proposed construction.
8. The applicant indicated that it presented its plans to the Supervisors and received waivers from the Subdivision and Land Development Ordinance conditioned upon the Zoning Board granting the necessary variance.
9. Mr. Yuro also testified that it is PNC's intention to increase the screening in this area to offset the decreased buffer by placing an approximately 90 ft. fence, 6 ft. high, from the light standard to the end of the paved area on the east side of the property. In addition,

PNC intends to plant 28 arborvitae at an approximate height of 6 to 7 ft. in that area which will be in addition to the existing evergreen trees that are now there.

10. Nancy Grube, the neighbor most affected by this was present at the hearing and testified that she is satisfied with these conditions. She agreed that the overall effect of the proposed construction will actually be to provide more effective screening of the commercial use than presently exists with the 10 ft. buffer.

11. The Board believes, therefore, that the applicant has demonstrated a need for relief from the strict enforcement of the ordinance as it relates to the buffer requirements, and at the same time has demonstrated with its proposed construction that it will satisfy, by screening with trees and the fence, the intent of the buffer requirements.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the requested variance from the 10 ft. buffer requirement subject to the condition that the fence and trees as set forth on the site plan and landscaping plan be installed.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: October 7, 2008