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GEORGE F. COFFIN  
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GEORGE F. COFFIN, JR.  
1928-1986

NAZARETH OFFICE:  
BY APPOINTMENT ONLY  
LIBERTY AND CENTER STREETS  
NAZARETH, PA. 18064

June 30, 2008


Mr. and Mrs. Joseph Unangst  
4543 Smith Drive  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board -  
Joseph Charles Unangst & Valeria Lynn Unangst**

Dear Mr. and Mrs. Unangst:

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 March 18, 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:           :       Application of Joseph Charles Unangst  
                  :       and Valerie Lynn Unangst  
Dated         :       March 18, 2008  
Property      :       4543 Smith Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, May 22, 2008, and rendering its oral decision granting the requested variance in part, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 4543 Smith Drive in an R1-S – Suburban Residential District.
2. The property is owned by the applicants, Joseph and Valerie Unangst.
3. Attached to the application was a tax map of the neighboring properties in the district, a site plan showing the proposed addition, pictures of the site, and a computer simulation picture of the proposed addition at the proposed location.
4. The requested addition is 16' x 16' and will encroach into the rear yard by 7 feet.
5. Sect. 185-14.C.(3) and Sect. 185-14.G. prohibit structures from being located within the required yards. Sect. 185-26.F.(2) provides for a rear yard of 40 feet in an R1-S district. Therefore, the applicant in order to construct this addition requires a variance from these provisions.
6. One of the requirements for the grant of a variance is that the Board grant only the minimum relief necessary under the ordinance. The Board believes that a reasonable addition can be constructed without as great an encroachment into the rear yard.
7. The Board believes that a 16' x 14' addition which would only encroach into the rear yard by 5 feet is the minimum relief necessary.

WHEREFORE, the Hanover Township Zoning Hearing Board denies the requested variance for the construction of an addition 16' x 16', but grants a variance to construct an addition 16' x 14' for an encroachment in the rear yard of 5 feet.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: June 30, 2008

THEODORE R. LEWIS  
THOMAS L. WALTERS

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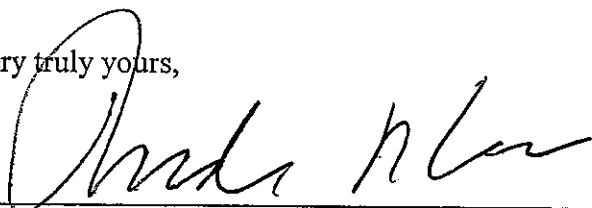
Chon Lam & Catsy Yuen Lam  
5301 Stenton Drive  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board -  
Chon Lam & Catsy Yuen Lam**

Dear Mr. and Mrs. Lam:

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 March 24, 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:                 :       Application of Chon Lam  
                       :       and Catsy Yuen Lam  
Dated             :       March 24, 2008  
Property         :       5301 Stenton Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, May 22, 2008, and rendering its oral decision granting the requested variance from the rear yard provisions in part, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 5301 Stenton Drive in an R1-S – Residential Suburban District.
2. The property is owned by the applicants, Chon Lam and Catsy Yuen Lam.
3. The applicants are proposing a 24' x 66' patio deck which will require a variance from the rear yard provisions of the ordinance.
4. The applicant submitted various drawings showing the outline of the proposed patio or deck, as well as pictures of the property and a site plan which shows the setbacks.
5. It was agreed that the dimensions that were handwritten by the applicant on the plans were not correct, and that the proposed deck would encroach into the rear yard by 15 feet.
6. Sect. 185-14.C.(3) and Sect. 185-14.G. prohibit structures from being located within the required yards. Sect. 185-26.F.(2) provides for a rear yard of 40 feet in an R1-S district. Therefore, the applicant in order to construct the deck requires a variance from these provisions.
7. One of the requirements for the grant of a variance is that the Board grant the minimum relief necessary under the ordinance. The Board believes that the overall encroachment of 15 feet into the rear yard is too great.
8. The applicant at the hearing proposed an amendment to make the deck 66' x 20', reducing the encroachment to 11 feet into the rear yard.
9. The Board believes, however, that this is still more than is necessary for the construction of a deck.

10. Moreover, the Board does not believe that an encroachment in the rear yard is necessary over the entire width of the deck.

11. The Board finds that an encroachment of 5 feet for a width of 44 feet is the minimum relief necessary under the ordinance. The balance of the deck must be constructed in accordance with setback and any other requirements of the ordinance.

WHEREFORE, the Hanover Township Zoning Hearing Board denies the request for the construction of a deck 66' x 24' encroaching in the rear yard by 15 feet, and instead grants a variance for the deck encroaching into the rear yard by 5 feet for a width not to exceed 44 feet.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: June 30, 2008

THEODORE R. LEWIS  
THOMAS L. WALTERS

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June 30, 2008

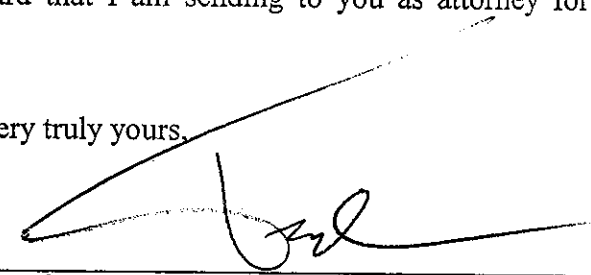
Constantine M. Vasiliadis, Esquire  
74 W. Broad Street, Ste. 170  
Bethlehem, PA 18018

**Re: Hanover Township Zoning Hearing Board –  
Michael J. and Margaret M. DeAngelo**

  
Dear Attorney Vasiliadis:

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 petitioners in the above matter.

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:           :       Application of Michael J.  
                  :       and Margaret M. DeAngelo  
Dated         :       April 22, 2008  
Property     :       6898 Gwenmawr Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, May 22, 2008, and rendering its oral decision denying the requested variance from the rear yard provisions of the ordinance by a 2-1 vote, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 6898 Gwenmawr Road in an R1-S – Residential Suburban District.
2. The property is owned by the applicants, Michael and Margaret DeAngelo.
3. The applicants were represented at the hearing by Attorney Constantine M. Vasiliadis.
4. Attached to the application is a site plan showing the proposed layout of the patio on the lot. Almost the entire area of the proposed patio will encroach into the required rear yard.
5. The applicant also submitted pictures of the rear yard and side yard, as well as the pool constructed by the neighbor in the neighboring property to the north, which pictures were marked Exhibits 1 through 3.
6. Mr. DeAngelo testified that he purchased the property in May of 2007 from DeLuca Homes, the developer.
7. He indicated that in the process of purchasing the home he looked at other homes in Hanover Township and saw that a patio similar to what he is proposing was constructed. He therefore assumed that there would be no problem with constructing a patio on the subject premises.
8. He did not inquire from the Zoning Officer prior to purchasing the property as to whether such a proposed patio would be permitted under the ordinance.
9. Mr. DeAngelo indicated that he chose a patio width of 16 ft. because in his opinion that is a typical width, and further provides adequate area for outdoor entertaining. He stated that in his opinion his yard is otherwise unusable.

10. He also stated that the home was already built by DeLuca and he had nothing to do with how the home was built or how it was located on the lot.

11. Sect. 185-14.C.(3) and Sect. 185-14.G. prohibit structures from being located within the required yards. Sect. 185-26.F.(2) provides for a rear yard of 40 ft. in an R1-S district, therefore the applicant in order to construct this deck requires a variance from these provisions.

12. In order to obtain a variance the applicants must demonstrate that they meet the applicable requirements as set forth in the Municipalities Planning Code, and Sect. 185-52 of the ordinance.

13. The applicants must therefore show that there are unique and unusual physical circumstances with respect to the lot which causes a hardship if the ordinance is strictly enforced.

14. It is the opinion of a majority of the Board that the applicants have failed to demonstrate any such conditions.

15. While it is clear that the applicants' home which they purchased already takes up the building envelope so that the construction of a patio is impossible without encroaching into the required rear yard, the applicants have not shown why this is simply not the normal application of the setback requirements as it applies to the lot in question.

16. In addition, the Board should not grant a variance from any hardship that has been self imposed. In this case while the applicants indicate that they did a visual check throughout the Township as to the type of structures, they did not follow the prudence of requesting information from the Zoning Officer as to whether on their particular lot this type of structure would be a problem. Moreover, a review of the site plan which is of record would have indicated that the home fills the building envelope.

17. Finally, this is not a more typical situation where the applicants desire that there be a minor encroachment in the rear yard in order to have a deck or patio or addition of a size sufficient for the particular structure in question. In the present case, the applicants are unable to construct the patio without being almost 100 percent within the required rear yard. Thus, the granting of the relief to the applicants would be tantamount to ignoring the provisions of the ordinance without sufficient legal justification for doing so.

WHEREFORE, the Hanover Township Zoning Hearing Board by a 2-1 vote denies the variance from the rear yard provisions for the construction of the patio as set forth in the application.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: Paul A. Balla  
Paul A. Balla, Chairman

Dated: June 30, 2008



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

**NOTICE IS HEREBY GIVEN**, that the Hanover Township Zoning Hearing Board of Northampton County, Pennsylvania, will hold hearings on Thursday, May 22, 2008, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Hanover Township, Pennsylvania:

**At 7:00 P.M.** on the Petition of Joseph and Valerie Unangst on property owned by them at 4543 Smith Drive, in an R1-S - Residential Suburban District. The applicant proposes to construct a 16' x 16' addition to the rear of his residence and requires a variance from the rear yard setback provisions of the ordinance.

**At 7:15 P.M.** on the Petition of Chon Lam and Catsy Yuen Lam on property owned by them at 5301 Stenton Drive, in an R1-S - Residential Suburban District. The applicant proposes to add approximately a 24' x 66' patio deck and requires a variance from the rear yard provisions of the ordinance.

**At 7:30 P.M.** on the Petition of Michael and Margaret DeAngelo on property owned by them at 6898 Gwenmawr Road, in an R1-S - Residential Suburban District. The applicant proposes to construct a patio and pathway and requires a variance from the rear yard provisions of the ordinance.

All those wishing to be heard concerning said petitions should be present at the time and place of the hearings.

Theodore R. Lewis, Solicitor  
ZONING HEARING BOARD OF  
HANOVER TOWNSHIP