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April 11, 2013

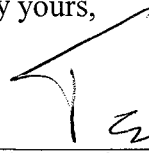
Yvonne D. Kutz, Zoning Officer
Hanover Township Municipal Bldg.
3630 Jacksonville Road
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –
747 Broad Street Management Corp.
& David and Lisa Balash**

Dear Yvonne:

Enclosed herewith find copy of Findings of Fact and Conclusions of Law in the above matters, along with a copy of the cover letters enclosing the same.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/bn
Enclosures

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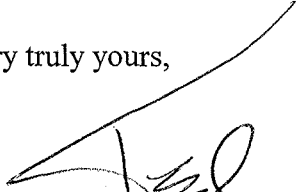
Joseph J. Piperato, III, Esquire
2005 City Line Road, Suite 106
Bethlehem, PA 18017

**Re: *Hanover Township Zoning Hearing Board –
747 Broad Street Management Corp.***

Dear Joe:

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,



Theodore R. Lewis, Esquire

TRL/bn
Enclosure

cc: Yvonne D. Kutz, Zoning Officer

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re: Application of : 747 Broad Street
 : Management Corp.
Application Dated : January 8, 2013
Property : 3350 Schoenersville Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, March 28, 2013, and rendering its oral decision granting the variances as outlined below, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 3350 Schoenersville Road in a PORR – Planned Office Research and Residential - District.

2. The applicant 747 Broad Street Management Corp. is the owner of the property.

3. The applicant was represented at the hearing by Attorney Joseph J. Piperato. During the course of the hearing he called as his witnesses Keith Lawler, Senior Engineer for Keystone Consulting Engineers, Inc., and Ken Palumbo, Realtor.

4. Attorney Piperato also introduced the following exhibits during the course of the hearing:

A-1 Assessment information and map (2 pages);

A-2 Affidavit by Peter Zhang, President of 747 Broad Street Management Corp. authorizing realtor, Ken Palumbo and attorney Joseph Piperato,

III, Esquire to represent the interest of the corporation at the time of the hearing;

A-3 Site Plan entitled "Schoenersville Plaza Identification Sign" drawn by Keystone Consulting Engineers dated January 4, 2013 with a last revision date of March 8, 2013;

A-4 Diagram of proposed sign;

A-5 Pictures of other free-standing signs in the area (3) pages;

A-6 Picture of premises looking south;

A-7 Picture looking north;

A-8 Picture looking south on the west side of Schoenersville Road;

A-9 Multi list information for the subject property (3 pages).

5. Also appearing at the hearing were Attorney Leo DeVito on behalf of the Township voicing objection to the relief being requested, as well as Brien Kocher of the Township Engineer's Office.

6. According to the testimony the property is subject to numerous utility easements and other requirements which greatly restrict the area in which the sign can be located.

7. Mr. Lawler indicated that the white area on Exhibit A-3 was the area left over after considering these factors.

8. The subject property consists of a strip mall which is located in its interior, and is difficult to see from the road. In addition, without adequate signage it is difficult to inform motorists in a timely fashion that if they are to patronize any of these businesses that they need to make the turn into the access driveway.

9. Mr. Palumbo testified that he has been the agent involved with attempting to find tenants for this property for a long time and has met with a great deal of difficulty. He stated that many of the proposed tenants indicated that they felt that there was not sufficient exposure to the road.

10. Mr. Palumbo further testified that it was necessary in order to attract tenants to reduce the rents below what would otherwise be the fair rental value because of the lack of visibility for this property. In spite of that he even had a tenant choose to locate at a higher rental across Schoenersville Road where there was more visibility. Based on his experience, therefore, Mr. Palumbo believes that signage is particularly important for the economic success of this strip mall.

11. Sect. 185-14.(C)(3) prohibits a structure from being located within the setback lines. The proposed sign is to be located with a setback of only 10 ft. rather than the required 50 ft. and, therefore, a variance from this section is required.

12. The testimony was to the effect that if the 50 ft. restriction were applied to the present lot, the sign would be virtually worthless in both informing motorists as to who the occupants of the strip mall were, and in addition to providing them with an opportunity to turn in a timely fashion to access the strip mall.

13. Sect. 185-19.(B)(4)(d), provides that the top of any sign shall be no more than 14 feet above street grade. The applicant initially proposed a sign 21.5 ft. above street grade but amended its application to propose a sign that will be 17.2 ft. above grade. Therefore, a variance from this section is also required.

14. According to the testimony the spot where the proposed sign is to be located has a 5 ft. high berm. It is believed that the overall height of the sign is necessary in order for it to be seen, particularly in light of trees and vegetation in that area.

15. Sect. 185-19.(D)(3)(d) provides that an identification sign in an employment district shall not be in excess of 50 sq. ft. The initial application proposed a sign that would

be a total, considering both sides of the sign, of 236 sq. ft. The applicant amended its application to propose a sign that is 156 sq. ft. considering both sides. Therefore, a variance from this section is required.

16. The applicant presented pictures of other signs that are in the general area, including the Wawa sign which is very close to the proposed sign. All of these signs exceed the maximum square footage pursuant to the ordinance. Moreover, the signs shown were advertising one or two businesses, whereas in the present case the proposed sign is for purposes of identifying six businesses.

17. The Board believes that the testimony is adequate to show that the subject premises is a unique lot and the application of the normal sign provisions impose on it a hardship. The Board also believes that the grant of the relief as requested by the applicant is the minimum relief necessary to alleviate that hardship and will not be detrimental to the public welfare or impair the development of neighboring properties.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law in support of its decision to grant the variance for the proposed sign at the location and height, and with the dimensions as indicated in the exhibits presented to the Board.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: April 11, 2013

THEODORE R. LEWIS
THOMAS L. WALTERS

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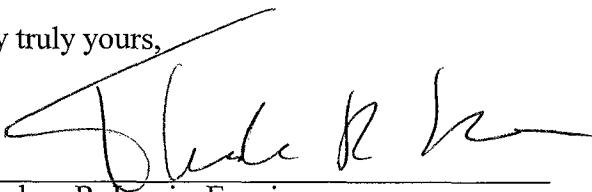
Mr. and Mrs. David Balash
1199 Yorkshire Road
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –
David and Lisa Balash**

Dear Mr. and Mrs. Balash:

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 February 28, 2013.

Very truly yours,


Theodore R. Lewis, Esquire

TRL/bn
Enclosure

cc: Yvonne D. Kutz, Zoning Officer

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re Application of	:	David & Lisa Balash
Application Dated	:	February 28, 2013
Property	:	1199 Yorkshire Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, March 28, 2013, and rendering its oral decision denying the requested variance from the rear setback provisions of the ordinance, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 1199 Yorkshire Road, in an R1-S – Residential Suburban District.
2. The property is owned by the petitioners, David and Lisa Balash.
3. Appearing at the hearing were Mr. and Mrs. Balash.
4. They indicated that the purpose of their proposed construction was to make room for their mother/mother-in-law who is 80 years old. They had presented a diagram with their application wherein the proposed addition was depicted.
5. The lot is subject to a 40 ft. rear yard setback as per Sect. 185-26.(F)(2). Therefore, virtually the entire proposed structure would be encroaching into the required setback.

6. The property was the subject of a grant of a variance to the applicants' predecessors-in-title, Robert and Mary Jennings. The Board in June of 1979 granted a variance to construct a patio within the required rear yard.

7. The applicants in addition to indicating their personal needs also stated that the lot was smaller than most of the lots in the area.

8. The reasons stated by the applicant for the grant of a variance are not based on the physical features of the property other than that the lot is smaller than many of the lots in the area.

9. However, the smallness of the lot is certainly something that was or should have been known to the applicants at the time they purchased the property from the Jennings. Indeed if they had investigated its history they would have known that the existing patio was only there by virtue of a variance. Thus the smallness of the lot in the present case cannot be used as a basis for a hardship.

10. While the former Hanover Township Zoning Board believed it was appropriate to grant a variance in order to enable the owners of this property to construct an accessory patio, the present application is a request to expand the principal structure within the required yard. Many owners, for a host of reasons, may wish to build an addition on to their house but are constrained by the setback requirements of the ordinance. There is nothing about the impact of the setback restrictions as applied to this lot that it is any way different than as they apply to other lots in the Township. Therefore, in the opinion of the Board, the primary and most important component for granting a variance, hardship, as recognized under zoning law, is not present in this case.

11. While the Board is sympathetic to personal reasons for the desired addition, those purposes, however admirable, do not confer upon the Zoning Board additional powers to grant a variance when the provisions of the Zoning Ordinance and Municipalities Planning Code are not met.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law in support of its decision denying the above variance.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: April 11, 2013