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NAZARETH OFFICE:
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LIBERTY AND CENTER STREETS
NAZARETH, PA. 18064

September 4, 2013

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

**Re: Hanover Township Zoning Hearing Board –
Applications of: Rami Salloum &
George S. Nassif & Paraskeve I. Zumas**

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
Enclosure

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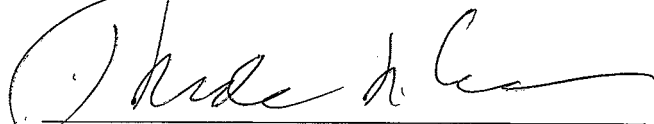
Mr. Rami Salloum
3894 Courtney Street, Suite 105
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –
Rami Salloum**

Dear Mr. Salloum:

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 July 19, 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 : Rami Salloum
Application Dated : July 19, 2013
Property : 3739 Bath Pike

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, August 22, 2013, and rendering its oral decision granting in part the relief requested and deferring the balance of the requested relief unto the Supervisors under the Conditional Use Provisions, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is known as 3739 Bath Pike and is located an LBD – Limited Business District.
2. The applicant is Rami Salloum who desires to have his dental office on the premises.
3. The property is owned by John Yandrisovitz who was not present at the hearing but who provided a letter to the Board, dated August 12, 2013, which was read into the record.
4. Testifying on behalf of the application in addition to the applicant was Keith T. Lawler, P.E., of Keystone Consulting Engineers, Inc. Mr. Lawler testified from the plan entitled Bright Dental Office, dated July 16, 2013, with one revision date of July 22, 2013. This plan was marked Exhibit A-1 at the hearing.
5. The history of the property is that it was last used as a single family home, although it apparently is vacant at the present time.
6. According to Mr. Yandrisovitz' letter and the testimony, the home has been offered for sale for a considerable length of time without success.
7. Mr. Lawler indicated that the applicant following this hearing intends to go to the Supervisors to comply with the conditional use provisions as set forth in the ordinance.
8. Mr. Lawler testified that the applicant's intention was to raze the garage and porch and construct a 24' x 42' addition to the existing structure.
9. The applicant also proposes a sign located and as depicted on Exhibit A-1, as well as accessory parking.

10. Access utilizing the existing driveway going out to 512 would be removed. Instead the property would access to a private street known as Fairview Street in the rear of the property.

11. Rami Salloum stated that in his present office he has four employees consisting of one hygienist, two assistants, and one person at the front desk. He is currently operating with approximately 3200 sq. ft. which he indicates is more space than he needs.

12. The proposed addition would provide him with a total area of 2300 sq. ft. which he indicated would be large enough to have a second dentist on the premises.

13. He testified that on an average he sees one patient per hour.

14. Also testifying were Jaynellen Mannix and her husband, Richard Mannix, of 3730 Fairview Street. They were concerned in part because of the closeness of their home to the lot line.

15. Also testifying was Gerald Sommers of 3739 Fairview Street who expressed concern about the use of Fairview Street since he is on the other side of Fairview Street directly to the rear of the subject premises.

16. The applicant requests relief from Sect. 185-14.E.(2) from the requirement of the setback from the centerline of an arterial street of 100 ft. and Sect. 185-14.C.(3) from the structures being located within the required front yard.

17. The Board determines that variance relief is necessary from these two provisions and believes that given the difficulties of continuing to use the home for residential purposes and the necessity to convert the same to a permitted use in the Limited Business District, that these variances are necessary and not detrimental.

18. The applicant also requests relief from the dimensional requirements of lot size, lot width, and lot coverage, all as set forth in Sect. 185-37.E.(1),(2), & (3), as well as structures within the side yards and front yard as per Sect. 185-37.E. (4a), (4b), and (4c).

19. The Board notes that these sections as they apply to a conditional use under Sect. 185-54.E.(12d) are discretionary with the Board of Supervisors at the time of conditional use approval. Therefore, the Board believes that these dimensional requirements do not require a variance because they are as determined by the Board of Supervisors as per the provisions of the zoning ordinance.

20. On the other hand, the applicant also requires relief from Sect. 185-54.E.(12b) which provides that an existing building cannot be expanded or enlarged. This provision is not discretionary with the Supervisors at the time of the conditional use hearing. Therefore, relief from the enforcement of this provision requires a variance from the zoning ordinance which is within the exclusive jurisdiction of the Zoning Board. The Board believes that the hardship as indicated previously justifies this relief and grants a variance from this provision.

21. Finally, the applicant requests relief from Sect. 185-37.F.(5) requiring that all uses must have a direct access onto a public street. Again this is not within the dimensional discretion as set forth under the conditional use provisions referred to above, and therefore

a variance from this section is necessary. The Board again believes that such a variance is justified in the present case for the reasons already cited.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants the above four variances and defers unto the Supervisors' discretion as to the additional dimensional relief requested, as per Sect. 185-54.E.(12)(d) of the ordinance.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: 

Paul A. Balla, Chairman

Dated: September 4, 2013

THEODORE R. LEWIS
THOMAS L. WALTERS

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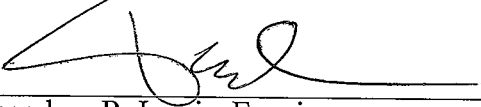
George S. Nassif &
Paraskeve I. Zumas
1202 Foxview Drive
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board -
George S. Nassif & Paraskeve I. Zumas**

Dear George & Paraskeve:

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 July 16, 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 : George S. Nassif &
 : Paraskeve I. Zumas
Application Dated : July 16, 2013
Property : 1202 Foxview Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, August 22, 2013, and rendering its oral decision granting the variance requested, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is known as 1202 Foxview Drive and is located in an R1-S - Residential Suburban Zoning District.

2. The applicants are George S. Nassif and Paraskeve I. Zumas, owners of the property.

3. The applicants desire to construct a fence as depicted in the diagram attached to their application.

4. Sect. 185-14 A.(4) of the Hanover Township Zoning Ordinance provides that where a lot is located at an intersection of two streets, the front yard setback requirements shall be applicable to both streets.

5. The applicants' property in the present case is located at the intersection of Foxview Drive and Ashton Drive. Therefore, the minimum front yard of 35 ft. would be applicable to the subject property on both Foxview Drive and Ashton Drive.

6. Sect. 185-14 F.(1) provides that a fence shall be permitted in a side and rear yard up to three feet from the lot line or right-of-way line whichever is the most restrictive. It prohibits fences from being located in the front yard.

7. The applicants in the present case desire to have their fence 12 ft. from the property line along Ashton Drive. Therefore a variance from these sections is required.

8. The applicants pointed out that their property is more than just a corner lot in that it is also bordered in the rear by Stoke Park Road.

9. They also testified that in their opinion the fence will not be injurious to the neighborhood or detrimental to the public welfare, and that the relief is necessary for the reasonable use of the side yard.

10. Also testifying in favor of the application was Frank Scharkozy, who resides at 1204 Foxview Drive, and Jose Campos of 1112 Foxview Drive.

11. The Board agreed that the lot's features are unique, resulting in a hardship, and that the grant of the variance in the present case would not be detrimental.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the request to construct the fence as per the application and plan submitted.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: 
Paul A. Balla, Chairman

Dated: September 4, 2013