

THEODORE R. LEWIS  
THOMAS L. WALTERS

MAILING ADDRESS:  
P. O. BOX A  
EASTON, PA 18044-2099

LAW OFFICES  
**LEWIS AND WALTERS**

46 SOUTH FOURTH STREET  
EASTON, PENNSYLVANIA 18042-4532

(610) 253-6148  
FAX (610) 253-5885  
EMAIL - lewiswalters@verizon.net

GEORGE F. COFFIN  
1896-1937

GEORGE F. COFFIN, JR.  
1928-1986

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

November 9 2015

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

**Re: Hanover Township Zoning Hearing Board –  
Richard T. Kingston, Jr. & Leslie Kingston**

Dear Yvonne:

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

Very truly yours,



Theodore R. Lewis, Esquire

TRL/bn  
Enclosures

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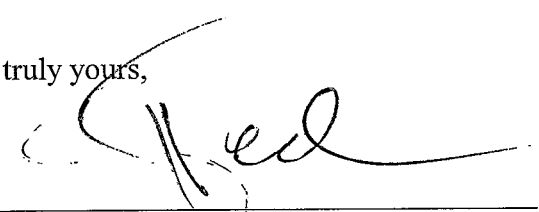
Joseph J. Piperato, III, Esquire  
Benner & Piperato  
2005 City Line Road, Suite 106  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –  
Richard T. Kingston, Jr. & Leslie Kingston**

Dear Attorney Piperato:

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 applicants 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**

Application of	:	Richard T. Kingston, Jr.
	:	& Leslie Kingston
Application Dated	:	August 20, 2015
Property	:	2414 Schoenersville Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Tuesday, October 6, 2015, and rendering its oral decision granting the requested variances for the addition as set forth in the application, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located on Schoenersville Road in an O&I – Office and Institutional District. There presently exists on said property a dental office on the first floor and one two-bedroom apartment unit on the second floor. The present application is for an expansion of the first floor dental office by an additional 108.5 sq. ft.

2. A site plan entitled “Building Addition Site Plan for 2414 Schoenersville Road” prepared by Lehigh Engineering Associates, Inc., and dated August 19, 2015 was submitted as part of the application and was also marked Exhibit A-1 at the hearing.

3. This plan depicts the dimensions of the lot, the existing structure and the proposed addition. The plan also depicts the existing parking layout and driveway leading from the premises to Lane Avenue.

4. The applicants were represented at the hearing by Attorney Joseph J. Piperato, III, who presented during the course of the hearing the following exhibits:

A-1 Site Plan as previously described.

A-2 Cross-Easement Agreement date 10/29/86 for access to Lane Avenue.

A-3 Photo looking Southeast of the rear of the building with the proposed addition area not shown and to the right.

A-4 Photo looking Southeast of the addition area, being a corner of the existing rear of the building.

A-5 Photo of inside of office where some of the files and records are currently being kept.

A-6 Photo of inside of office showing additional area created by 2004 addition.

A-7 Letter of Dr Andy Pagano, dated 09/18/15 indicated no opposition to the present application.

5. Attorney Piperato called as witnesses, the applicant, Dr. Kingston, and Brian Gasda of Lehigh Engineering Associates, Inc.

6. Mr. Gasda testified that he is a Professional Engineer and was responsible for drawing the plans. He detailed the dimensional relief as set forth on the right-hand side of Exhibit A-1.

7. Dr. Kingston testified that the proposed addition would be 1-story. He further indicated that the addition will be used to provide his office manager with more space and to house documents in a more private area of the building consistent with requirements of patient confidentiality.

8. He stated that the room would not be used as an additional patient room.

9. He also testified that he does not intend to change the use of the second floor of the premises as a single two-bedroom apartment unit.

10. There was no opposition to the proposed application either by the Township or any neighbor.

11. As indicated, Exhibit A-7 is a letter from the neighbor to the northwest of the lot who would be most affected by the encroachment into the side yard indicating he has no opposition to the application.

12. Under the current zoning ordinance, a "Professional Practice Office such as law, medicine, architecture, engineering and the like" is a permitted use pursuant to Sect. 185-34(A)(2).

13. Apartment uses are not permitted in an O&I District.

14. The current dimensional requirements for an O&I District are set forth in Sect. 185-34(D).

15. Based on the current ordinance the subject property fails to meet the minimum lot area, minimum lot width, exceeds impervious coverage, and is in violation of the side yard.

16. The off-street parking regulations of the ordinance are set forth in Sect. 185-17. The requirement for a medical office is 0.7 spaces for every 100 sq. ft., and the requirement for apartments is two spaces per dwelling unit. According to Mr. Gasda this results in 15 parking spaces being

required. The applicants have 14 existing spaces and state that there is really no room on the lot to put another parking space. Therefore a variance from the parking requirements is necessary.

17. Sect. 185-41(C) of the ordinance regulates non-conforming building structures. Sub-section 1 thereof states as follows: *"Enlargement. A non-conforming building or structure may be enlarged or increased by an area not to exceed 25% of the area occupied at the effective date of this chapter or subsequent amendments. However, no such enlargement may be made in a required side yard."*

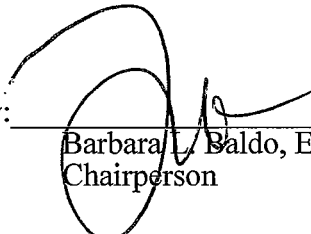
18. The proposed addition according calculations set forth on Exhibit A-1 will not exceed the 25% rule, but will encroach into the side yard and a variance from this provision is therefore necessary.

19. The proposed application shows a very slight increase in impervious coverage. According to Mr. Gasda this is not due to the proposed addition, but as a result of meeting a requirement to lay stone pursuant to a prior addition in 2004.

20. While the Board believes that these technical requirements do require variances, they also are of the opinion that the addition will not in fact increase the demand for parking or significantly expand the intensity of the use of the property as a dental office from that which has presently existed for many years.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants the requested variances.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:  \_\_\_\_\_  
Barbara L. Baldo, Esquire,  
Chairperson

Dated: November 9, 2015