

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

May 2, 2016

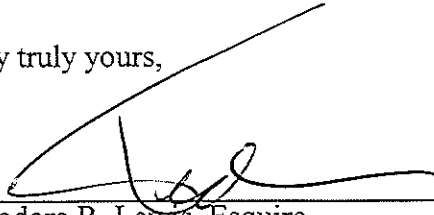
Yvonne D. Kutz, Zoning Officer
Hanover Township Municipal Bldg.
3630 Jacksonville Road
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –
Brian E. and Gina M. Kutz**

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
Enclosure

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Brian E. and Gina M. Kutz
Application Dated : March 17, 2016
Property : 4408 Tracey Lane

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, April 14, 2016, and rendering its oral decision granting the requested variance from the fence provisions of the ordinance, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is known as 4408 Tracey Lane and is located in an R1-S – Residential Suburban District. The applicants are Brian E. and Gina M. Kutz, the owners of the property.

2. Brian E. Kutz testified that he and his wife intend to construct a solid fence in the rear of the property in accordance with the application and the drawing entitled Site Plan Exhibit EXH-1 and the Plot Plan on the back of the Building Permit Application.

3. The Zoning Officer testified that the proposed fence is in conformance with all of the provisions of the ordinance concerning fences, with the exception that the definition of fence as set forth in Sect. 185-12 of the ordinance requires that a fence must permit clear vision around and through the completed installation.

4. Mr. Kutz stated that he desired to have a solid enclosure to act as a better sound barrier because of the great volume of traffic that exists at the intersection of the rear of his property on Jacksonville Road and Crawford Drive.

5. He also noted that the neighboring property to the west has a solid fence located on his property.

6. The Board has in the past attempted to determine exactly what kind of space is needed before the public purpose of having a clear vision through the complete installation was satisfied.

7. The Board is therefore of the opinion that at least in a situation where the traffic is particularly heavy and there is a need for a sound barrier coupled with the vagueness of the definition set forth in the ordinance, a hardship is created.

8. Moreover, the Board does not believe that the construction of the fence in the present case will be detrimental to the public welfare.

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

April 15, 2016

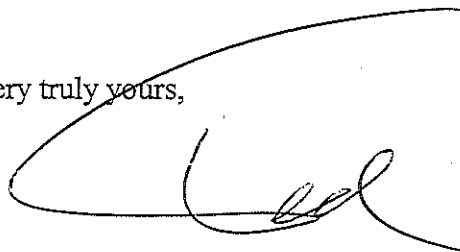
Erich J. Schock, Esquire
Fitzpatrick Lentz & Bubba, P.C.
4001 Schoolhouse Lane
P.O. Box 219
Center Valley, PA 18034-0219

Re: **Hanover Township Zoning Hearing Board – Ridgeback Hospitality Group**

Dear Erich:

Please be advised that the Board acted on your request for a continuance in regards to the application of Ridgeback Hospitality Group and rescheduled the hearing for 7:20 on May 26th. Should there be no further amendments or changes to the application, there will be no further notice with regards to this hearing and it will be necessary that your clients be prepared to proceed at that time. If the application is going to be amended, please see that documentation is submitted to the zoning officer with a copy to me on or before May 2nd in order that the matter can still be advertised so as to keep the May 26th hearing date.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/pcc

cc: Yvonne D. Kutz, Zoning Officer