

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of	:	Robert Hillpot, Jr. & Tracy Hillpot
Application Dated	:	May 30, 2017
Property	:	1960 Rosewood Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, June 22, 2017, and rendering its oral decision granting the variances as hereinafter set forth, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 1960 Rosewood Drive, in an R1-S – Single Family Residential Suburban District.
2. The petition was brought by Robert and Tracy Hillpot, Jr. the owners of the premises. The petition was accompanied by a Site Plan prepared by Badolato Design, LLC, issued June 1, 2017, and marked D.9 which according to Mr. Hillpot depicts the existing trees on the lot.
3. The petition was also accompanied by a Site Plan drawn by Badolato Design, LLC issued June 1, 2017, and marked D.10, which according to Mr. Hillpot depicts the proposed home and the trees that would be on the premises after construction.
4. Finally, the petition was accompanied by a copy of Mr. and Mrs. Hillpot's deed dated May 24, 2017 which was marked Exhibit A-6 at the hearing. This deed is subject to certain restrictions recorded in Book 2007-1, Page 79757. A copy of those restrictions were submitted to the Board at the hearing and marked Exhibit A-7.
5. During the hearing the petitioners presented pictures marked A-1 through A-5 depicting the existing trees on the lot.
6. The petitioner, Robert Hillpot, testified that the subject lot area is 20,319 sq. ft., and that with the proposed construction there would be a resulting impervious coverage of 5,916 sq. ft. or 29% of the lot.
7. Pursuant to Sect. 185-26F.(2), the maximum impervious coverage of the lot would normally be 33%, but because of the woodland ordinance regulations of Sect. 185-22.F.(2), the maximum impervious coverage is 22%. According to Mr. Hillpot 22% of this lot would equal 4,470 sq. ft. Thus the proposed impervious coverage will be 1,446 ft. more than the maximum permitted under this provision of the ordinance and would require a variance.
8. Mr. Hillpot stated that the existing woodland tree canopy is now 13,106 sq. ft. or 65% of the property. He stated that with the trees he intends to cut down and those he intends to replace the resulting woodland tree canopy would be 8,222 sq. ft. or 41% of the property.
9. He indicated that he would be adding four large deciduous trees and nine medium deciduous trees. He stated, therefore, that his calculations with respect to woodland tree canopy are consistent with Sect. 185-22.G.(2) of the ordinance.

10. Mr. Hillpot also testified that the deed restrictions referred to require that a one-story house be a minimum of 2,800 sq. ft., plus a 3-car attached garage. He stated that this made it more difficult for them to comply with the impervious coverage provisions of the ordinance.

11. In addition to these requirements, the Board had previously granted a variance to the developer of the lot in the Dewire decision of the Board. The decision requires that the developer shall have an average woodlands preservation of 35% when considering all 14 lots.

12. Mr. Hillpot testified that most of the lots in the subdivision are still vacant and covered in woods. He also noted that the present application would have 41% woodland coverage in excess therefore of the 35% average percentage.

13. The Board is aware, however, that in the recent application of Cara Kresge and John Tsihlis, Jr. there were only two trees on that particular lot and the Board granted approval to simply replace those two trees upon construction of the house, so that this lot would be significantly under 35%. This would require that the remaining lots all be more than 35% to maintain the 35% average set forth in the Dewire decision.

14. As shown by the pictures, many of the trees on the subject lot could be characterized as scrub trees for which replacement rather than preservation might be considered more in keeping with the intentions of these provisions of the zoning ordinance.

15. The Board believes that in the present case the petitioner has demonstrated a regard for the woodland provisions and the impervious coverage provisions consistent with the spirit and intent of these provisions of the ordinance.

16. The Board is aware that because of the restrictions with respect to minimum size of the homes on these lots, some of which are smaller and others which are larger than the subject lot, that compliance with the strict provisions of the impervious coverage and woodland provisions will be difficult.

17. The Board believes that in the present case the grant of the variances is appropriate. However, as to the remaining lots the Board will have to deal with each of them on a case-by-case basis, considering such factors as whether the spirit and intent of the woodland provisions of the ordinance is being kept and the extent to which woodlands are being removed without new trees replacing them.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the variances from any of the restrictions with respect to the preservation of woodlands as might be determined from the Dewire decision previously issued by the Board, and further grants a variance that allows the impervious coverage on this lot to be 29% rather than 22%, subject to the condition that the petitioners replace the trees with other suitable trees as proposed on their plan.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____

Barbara L. Baldo, Esquire,
Chairperson.

Dated: August 2, 2017