

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Rosalia Randazzo and Joseph Jurkivo
Application Dated : January 24, 2020
Property : 5340 Stenton Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, February 27, 2020, and rendering its oral decision granting the variance from the front yard requirements on the Stenton Drive side of the property, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 5340 Stenton Drive, in an R1-S – Single Family Residential Suburban District.

2. The property is owned by the applicants who were represented at the hearing by Attorney Mickey K. Thompson. A site plan had been attached to the petition as Exhibit 1 and Attorney Thompson indicated that a revised site plan with the filing date of February 13, 2020 should be substituted therefore and considered by the Zoning Hearing Board.

3. In addition to the other exhibits attached to the application, Attorney Thompson introduced Exhibit 4, being a Google map view of the property from Stenton Drive and Exhibit 5 being a Google map aerial view of the neighborhood.

4. The property is located at the corner of Monocacy Drive and Stenton Drive. While the street address of the property is Stenton Drive, according to the testimony, the home itself faces Monocacy Drive. The applicants propose to place a fence as depicted on substituted Exhibit 1.

5. Section 185-14 F provides that fences may not be placed within the required front yard. Section 185-14 A(4) indicates that where a lot is located at the intersection of two streets the applicable front yard setback shall be applicable for both streets. Thus, both Monocacy Drive and Stenton Drive impose a front yard requirement on the applicants.

6. The required front yard for this property is thirty-five (35) feet from the property line, and the applicants desire to place this fence only two (2) feet from the Stenton Drive side of the property, for a variance of thirty-three (33) feet from the requirement of the ordinance.

7. The applicants note that there are trees and other shrubbery located along the Stenton Drive side of the property, and the proposed fence would be behind that shrubbery so that, according to the applicants, it would not be readily noticeable.

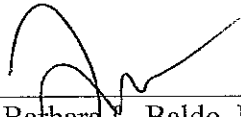
8. If the applicants were required to adhere to the full thirty-five (35) feet, it would greatly reduce the area of their back yard that could be enclosed in a fence. The applicants also cited some drainage problems in this area which, in the opinion of the applicants, could be better addressed if this area was inside the fence.

9. It is noted that none of the neighbors in the area came forth to indicate they were opposed to the placement of the fence or that they were opposed to this application.

10. It is noted that the shrubbery and the fence itself will be located within required drainage areas and rights-of-way. The Zoning Hearing Board wishes to make it clear that by granting any variance from the zoning provisions is not indicating its approval of construction of the fence within that area. The applicants understand that said approval and any conditions thereof must be received from the Township in order to construct the fence.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the variance from the zoning ordinance to locate the proposed fence on the Stenton Drive side of the property three (3) feet from the property line.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Barbara L. Baldo, Esquire,
Chairperson

Dated: 3-19-2020

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Robert and Pamela Wotring
Application Dated : January 24, 2020
Property : 48 Lynnwood Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, February 27, 2020, and rendering its oral decision granting the variance from the front yard requirements of the ordinance for the construction of a fence, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 48 Lynnwood Drive, in an R1-S – Single Family Residential Suburban District.

2. The property is owned by the applicants, Robert and Pamela Wotring. In addition to the maps and drawings accompanying the application, the applicants presented at the hearing Exhibit A, a photograph showing the front of the property.

3. The applicants testified from the sketch of the property prepared by Thomas D. Strong Associates, LLC, professional land surveyors, which shows the location of the home on the lot, the two (2) intersecting streets, Lynnwood Drive and Jolan Drive, and the proposed location of the fence.

4. The front yard requirement in this district is twenty-five (25) feet. Section 185-14(a)(4) provides that where a lot is located at the intersection of two streets, the front yard requirement shall be applicable for both streets. Section 185-14(F) provides that fences may not be located in the required front yards but can be located in the side or rear yards up to three (3) feet from the lot line.

5. The applicants propose a fence located three (3) feet from the property line on all sides. Their proposed fence does not however go in front of the house itself.

6. The applicants indicate that they desire this much area because they have dogs and they need more space than the severely restricted space that they would have if the setback requirements for a front yard were applied on the two sides of the property facing Jolan Drive and Lynnwood Drive.

7. It is clear to the Zoning Hearing Board that the lot in question is unique in that it is not just a corner lot but a lot that is actually somewhat like a triangle rounded off and therefore the application of setback requirements impact this lot in a unique way creating a hardship.

8. The Zoning Hearing Board believes that the proposed location of the fence in the present case will not be detrimental to the public welfare.