

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : Ellen M. Kraft & Vincent F. Brugger
Application dated : August 23, 2019
Property : 1225 Oakwood Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 26, 2019, and rendering its oral decision granting the requested variance, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is located at 1225 Oakwood Drive in an RS-1 – Suburban Residential District.
2. The applicants Ellen M. Kraft and Vincent F. Brugger are purchasers under an agreement of sale.
3. There presently exists on said property a single-family home with attached garage.
4. The applicants desire to construct a detached two-car garage 24 feet by 32 feet and require a variance from the setback provisions of the ordinance at the proposed location.
5. Attached to the application is a map showing the proposed location of the garage.
6. Ellen Kraft testified on behalf of the application and presented various pictures of the rear of the property and explained the difficulty of locating the garage on the lot.
7. She indicated that the lot goes from one street to another so that pursuant to the Hanover Township Zoning Ordinance, two front yard setbacks are required. In addition as is shown on the map, the lot is bounded in the rear by a cul-de-sac, presenting challenges with respect to adhering to the setback.
8. She also explained that the existing sanitary sewer line has its own setback requirement as far as construction. Finally, she also indicated that there was an inground pool on a portion of the lot and they did not feel they could construct a garage in that area.
9. Finally she indicated that without the setback variances, the garage, in her opinion, would be located too close to the house. In addition, there would be greater impervious surface because of the need for a longer driveway.

10. Numerous neighbors testified against the proposed variance, in particular, neighbors living on either side of this lot.

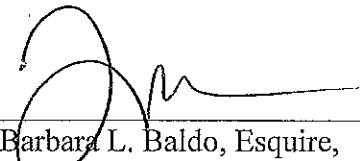
11. They were concerned with the removal of snow. They also believe that the construction of an additional garage would decrease their property values.

12. The Board notes that the only variance required for the construction of this detached garage is for a setback. The construction of an additional detached garage, even though there is already an existing attached garage, is permitted under the ordinance. In addition, although there was some concern by neighbors as to the height of the garage, the height is in compliance with the ordinance.

13. The Board after review of the testimony and the exhibits believe that the applicants have shown a hardship in locating the garage in strict conformity with the ordinance and that the grant of the variance will not be detrimental and therefore, approve the same.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants approval of the proposed detached garage as per the plan accompanying the application.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Barbara L. Baldo, Esquire,
Chairperson

Dated: Nov. 5, 2019

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : Hindu Temple Society
Application received : May 23, 2019
Property : 4200 Airport Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 26, 2019, and rendering its oral decision granting the requested variances hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is located on Pennsylvania Route 987 (Airport Road), in an Aircraft Flightpath Highway Business District – AHBD.
2. There presently exists on said lot a temple for the Hindu Temple Society, a Sunday School and storage building and parking areas.
3. At the time of the construction of said worship building, the subject property was in an R1-U District and was not part of the AFD District. Therefore, the worship building was a permitted use at that time.
4. In 1985, the property was re-zoned as part of an R1 - Suburban Residential District and subsequent thereto became located in an AFD District, which rezoning caused the worship building to be a non-confirming use.
5. The Temple made a prior application for the expansion of their non-confirming use by an addition of an area for the priest and his family to reside. This addition was approved by the Zoning Hearing Board by grant of a variance communicated by letter from the former Solicitor of the Hanover Township Zoning Hearing Board dated July 2, 1990 to the then attorney for the Hindu Temple Society.
6. Thereafter, on May 2, 1991, the Hindu Temple Society made an application to further expand the parking area resulting in a total lot coverage for the subject premises of 38%.
7. The Temple at that time also requested the Zoning Hearing Board to interpret the prior July 2, 1990 decision, and to determine the applicable side yards for the subject premises.
8. The Zoning Hearing Board in its written decision dated July 12, 1991, determined that the proposed side yards based on the application at that time were 30 ft.

9. The Zoning Hearing Board also found that the Temple had already reached the 25% limit of the expansion of a non-conforming use, and therefore refused to grant the necessary variances to exceed that limit.

10. By application dated October 1, 2003, the Temple again came before the Zoning Hearing Board requesting a further expansion of its use.

11. The Zoning Hearing Board conducted hearings thereon on October 23, 2003 and December 4, 2003.

12. At the time of those hearings, the Temple had recently acquired an additional parcel of land being 2.691 acres and has consolidated the two tracts. The application at that time was for the expansion of the entrance area by 712.5 sq. ft., an expansion of the worship area by 2400 sq. ft., and an expansion of the school area by 3,489 sq. ft., for a total additional square footage of 6,601.50 sq. ft.

13. Based on the testimony that was presented in 2003, the Zoning Hearing Board found that the Temple had adequately demonstrated a hardship justifying relief from a 25% limitation of the expansion of a non-conforming use as well as the parking provisions and other provisions of the ordinance necessary for the proposed construction.

14. The Zoning Hearing Board at that time believed that the following conditions were necessary and needed to be attached to the grant of that variance in order to assure that the variances granted were not detrimental to the public welfare. Those conditions were as follows:

- a. That the Temple be prohibited from any further expansion of its use;
- b. That the Temple provide additional buffering on the North and south borders of their property; and
- c. That the Temple maintain the additional land purchased by them as open space, except to the extent that the Zoning Officer determines that additional parking is necessary for this use.

15. The Temple now appears before the Zoning Hearing Board and again asked for further expansion of its use and variances associated with that expansion.

16. William Malkames, Esquire represented the Temple and presented the following exhibits during the hearing:

Exhibit A-1 – Attorney Malkames’ letter to Ed Schlaner dated May 3, 2019.

Exhibit A-2 - Sketch Plan entitled Land Development Plan Prepared for Hindu Temple Society with a date of March 9, 2016, and a last revision date of March 27, 2019.

Exhibit A-3 - Enlargement Plan entitled Land Development Plan Prepared for Hindu Temple Society with a date of March 28, 2019, and no revision.

17. Mr. Schuler, the engineer, went through the variances requested, which also were outlined in the application to the Zoning Board.

18. With the agreement of the counsel for the applicant, the Zoning Hearing Board made their two prior decisions part of the record as follows:

Exhibit Z-1 – Decision dated January 13, 2004, based on the hearings of October 23, 2003 and December 4, 2003.

Exhibit Z-2 – Decision dated June 12, 1991, based on the hearing of May 23, 1991.

19. Considerable testimony was given by the applicant's witnesses as to the expansion of the number of worshippers at the Temple since the 2003 hearings and therefore, the need for additional space to accommodate them.


20. No one appeared to raise any objections to the requested variances.

21. The Zoning Hearing Board believes that the Temple again has presented sufficient evidence to justify the grant of the variance for the expansion as well as the dimensional variances requested.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants approval of the proposed expansion as per the plan submitted at the hearing.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: Nov. 5, 2019