

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

February 24, 2017

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

**Re: Hanover Township Zoning Hearing Board
Kresge/Tsihlis**

Dear Yvonne:

Enclosed herewith find a copy of Decision in the above matter, along with a copy of the cover letter enclosing the same.

Very truly yours,


Theodore R. Lewis, Esquire

TRL/pcc
Enclosure

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

February 24, 2017

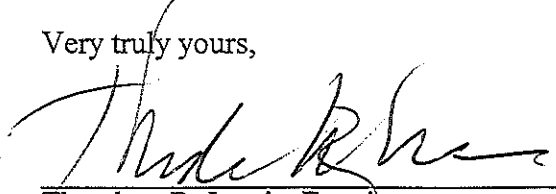
Cara Kresge
John Tsihlis, Jr.
1940 Rosewood Drive
Bethlehem, PA 18017

Re: Hanover Township Zoning - Kresge/Tsihlis

Dear Ms. Kresge & Mr. Tsihlis:

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 concerning your application dated February 24, 2017.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/pcc
Enclosure

cc: Yvonne Kutz

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Cara Kresge and John Tsihlis, Jr.
Application Dated : November 15, 2016
Property : 1940 Rosewood Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, January 26, 2017, and rendering its oral decision granting variances as hereinafter set forth, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject premises is located at 1940 Rosewood Drive, in an R1-S – Single Family Residential Suburban District.

2. The petition was brought by Cara Kresge and John Tsihlis, Jr., the owners of the premises.

3. Also testifying on behalf of the application was their surveyor, Reynold E. Petre of Ott Consulting, Inc. and a neighbor, Theodore Rewak.

4. The testimony of the witnesses indicated that the applicants desire to not be subject to a prior decision of the Zoning Board that the lots in the subdivision must have an average preservation of woodlands of not less than 35%, and in addition the applicants desire not to be restricted by the reduced maximum coverage provisions of the ordinance as it relates to woodlands.

5. In that regard, the permitted permissible building coverage would be 33% and the applicants are restricted by virtue of the woodland provisions to 22%.

6. The applicants presented plans showing a proposed coverage of 31.4%.

7. The testimony revealed that at the time of the original preservation of woodland restrictions this particular lot was not heavily wooded. In fact it only had two trees at that time. These trees are depicted on the Preliminary/Final Site Plan of Cara Kresge & John Tsihlis, Jr., dated 11-7-16 and prepared by Reynold E. Petre of Ott Consulting, Inc.

8. The applicants indicated that they certainly would be able to replace those two trees at another location on the lot, but the existing trees would have to be removed in order to make room for the proposed home.

9. After review of the Hanover Township Zoning Board Decision concerning the Dwyer application dated July 29, 2005 and taking into consideration that the lot at that time only had two trees, it is believed that permitting the applicant to build the home and only replace those two trees would be consistent with the intent of the restrictions placed at that time and would not place any

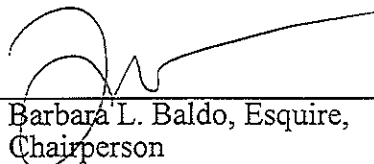
greater burden on any of the rest of the lots with regards to the requirement of an average for all lots of 35%.

10. The Board further believes that under the unique circumstances of this case, that the imposition of the woodlands preservation reduction in maximum building coverage would not serve its intended purpose, and therefore believes that the regular maximum building coverage of 33% is satisfactory.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants a variance from any of the restrictions with respect to preservation of woodlands as might be determined from the Dwyer Decision previously issued by the Board and further grants a variance to allow a building coverage on this lot of 33% rather than the woodland provision of 22%. All of the variances are subject to the condition that the applicant replace the two trees currently existing on the lot with other suitable trees.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: February 24, 2017