

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Schoenersville Site LLC
Application Dated : February 21, 2021
Property : 2201 Schoenersville Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, March 25, 2021, on the Petition of Schoenersville Site LLC, and after approving the Petitioner's requested relief, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property has an address of 2201 Schoenersville Road with a tax parcel identification number of M6-15-10-0214. It is located within the PIBD-Planned Industrial/Business Park District.

2. The Petitioner was represented at the hearing by Blake Marles, Esquire. During the course of the hearing, he presented 4 exhibits, as follows:

- A Deed of the subject property to the applicant.
- B. Rendering depicting what facility might look like on the lot.
- C. Existing Conditions Plan.
- D. Proposed Conditions Plan.

3. Testifying on behalf of the Petitioner was Joseph Bennett, Managing Member of the LLC, and Deanna L. Schmoyer of D&D Engineering.

4. Mr. Bennett testified that the building and structures on this lot are very old. He believes the original building probably was in existence prior to any zoning in Hanover Township. The uses of these buildings and structures included what was known as the Schoenersville Hotel and more recently Gregory's Pub. The property is presently vacant.

5. Mr. Bennett stated he purchased the property in 2019 as is set forth in Exhibit A. This exhibit is the deed, but the copy submitted at the hearing was unsigned. It was admitted by the board

under the condition that the applicant supply a true and correct copy of the signed deed, which the applicant through his attorney has since done.

6. Mr. Bennett indicated that the present application is to convert the building into a medical office use. He testified that the property would require extensive renovation to use again as restaurant. He stated that he believed the proposed use justifies the considerable investment that needs to be made to make a viable use of the property. In that regard the board notes that a restaurant is not a permitted use as the property is now zoned while a medical office is a permitted use.

7. A rendering of the site as converted to a medical office for St. Luke's Hospital was introduced as Exhibit B to illustrate what the property may look like after the conversion.

8. Deanna Schmoyer next testified. She stated she has been a licensed engineer for at least 24 years and that she is the author of the plans submitted as exhibits C & D.

9. She stated that Exhibit C depicts the lot and structures as they presently exist. Ms. Schmoyer stated the numbers on the plan show where in her opinion there is existing nonconformance with the zoning ordinance. She testified that Exhibit D depicts the proposed structures on the lot. This plan has a schedule in the upper left corner indicating what in her opinion are the provisions of the ordinance that require relief.

10. Sec 185.14 A (2) sets forth the general standard that the required lot or yard for an existing building or structure shall not be diminished below the minimum set forth in the ordinance. As it relates to the existing structures or buildings there is no diminishment. New structures are proposed, and they do encroach into the required yards as set forth hereinafter.

11. Sec 185.14 B (1) deals with the required sight triangle which is depicted on both the Existing and Proposed Condition Plans. This is a nonconforming condition which is not being changed by the proposed application and therefore may continue without the need for a variance.

12. Sec 185.14 C (3) sets forth the general requirement that no buildings or structures are permitted within the setbacks. The applicant acknowledges that buildings or structures are proposed in the setbacks in areas where they previously did not exist. However, the applicant argues that overall, it is reducing the total square footage of the buildings or structures within the setbacks. The board does not believe that this reduction means the applicant is entitled to these buildings and structures as part of

the nonconforming rights associated with the existing building and structures on the lot. On the other hand, the board does believe that the overall reduction is a factor for consideration as to whether to grant a variance from this section of the ordinance.

13. Sec 185.14 G deals with yards rather than setbacks but the overall analysis is the same as the preceding paragraph.

14. Sec 185.33 C (4) provides that access points shall not be less than 200 feet from an intersection. According to the testimony there presently exists two access points, one is 104 feet and the other is 185 feet from the intersection. The applicant proposes to eliminate the 104 feet access point, increase the 185 feet access point to 190 feet, and create a new access point on Old Airport Road at 143 feet. The applicant argues again that the overall effect is to have two access points, each being less nonconforming than what presently exists. The board does not agree that this analysis brings the applicant within its existing non-conforming rights. A new access point is being created that is not in compliance and for this reason alone a variance from this section of the ordinance is required. Once again, the board does believe the overall effect of the access points on the lot in comparison to what now exists is a factor to be considered as to whether to grant variances from this section.

15. Sec 185.38 I (2) provides for a minimum lot area of 5 acres, a minimum lot width of 275 feet and an impervious coverage of 50%. The last use of the premises was as a restaurant which is not a permitted use in the district. The applicant proposes to convert this use to a permitted use of medical offices. This use does not have a higher lot size requirement or lot area requirements than other permissible uses in this district. All uses in this district require the same dimensions as set forth above. As to impervious coverage the applicant's proposed construction will actually reduce the percentage of impervious coverage. Therefore, the applicant is not increasing the degree of nonconformity by this conversion and no variance is required from this section of the ordinance.

16. Sec 185.38 J sets forth the required yards in this district. Since some areas which are presently not in violation are proposed for structures or parking, the board believes the same analysis as set forth above applies and variances are required.


17. Sec 185.41 B (1) regulates nonconforming uses. The applicant is not proposing to continue the nonconforming use but instead to change that use to a conforming use of a medical office. Therefore, the board does not believe this section is applicable.

18. Sec 185.41 C (1) regulates nonconforming structures and therefore is applicable. There is a 25% limitation on the increase in size of nonconforming structures. The proposed structures clearly exceed this limitation and therefore a variance from this section is required. In that regard there was some confusion as to the use of the second story of the existing building which of course if counted would increase the degree of the variance even further (not to mention the possible parking requirements). A clarification was requested, and it was stated definitively that the second floor of the existing building was not going to be used. It is on this representation that the request for the variances is being weighed.

19. The Board after taking into consideration the testimony of the Applicant's witnesses and the exhibits, believes that the variances are justified and will not be detrimental to the public welfare. It therefore grants the relief as requested by the Applicant in order to convert use of the premises to a medical office pursuant to the plans as submitted in Exhibit C and D at the hearing.

WHEREFORE, Hanover Township Zoning Hearing Board adopts the above Findings of Fact and Conclusions of Law and grants all the required variances.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Brian Dillman,
Acting Chairperson

Dated: 5/5/21