

**HANOVER TOWNSHIP ZONING HEARING BOARD**  
**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Application of:           :       Michael & Danielle Domitrovits  
Application dated       :       May 26, 2021  
Property                 :       4574 Dolores Lane

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, June 24, 2021, on the petition of Michael and Danielle Domitrovits and after granting the petitioners' requested variances subject to the condition as set forth hereinafter, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property has an address of 4574 Dolores Lane and is located in an R1-S Residential Zoning District.

2. Located on the property is a single-family detached dwelling. Petitioners request the construction of a patio consisting of pavers with a portion of it being roofed. The Petitioners offered Exhibits A-1 through A-13 in support of their request as follows:

- A-1 Photo of deck at the time Petitioner purchased the property
- A-2 Additional photo of deck
- A-3 Close-up of the area of the deck
- A-4 Photo of the rear of the home without the deck
- A-5 Another photo of the rear of the home without the deck
- A-6 Another photo of the rear of the home without the deck
- A-7 Plans for Phase I of the proposed patio

A-8 Plans for the proposed patio with roofing in Phase II

A-9 Software depiction of proposed landscaping

A-10 Software depiction of proposed landscaping at a different angle

A-11 Photo of 4387 Lorraine "Drive" where similar roof portion of the patio exists

A-12 Photo of 4427 Virginia Drive

A-13 Another photo of 4427 Virginia Drive

3. Pursuant to the regulations concerning Zoom hearings, correspondence or written communications received prior to the hearing were read into the record as follows:

1. Letter of Tim and Julie Getz dated June 24, 2021

2. Email of Blair Bates dated June 18, 2021

3. Email letter of Edward Delluva of 4314 Kathi Drive dated June 23, 2021

4. Addendum to letter received from Edward Delluva dated June 23, 2021.

4. Patios and decks are permitted in the R-1-S District pursuant to the regulations as set forth in Section 183-25C(5).

5. Since the proposed patio will be installed at grade level, subsection(a) of the aforesaid section is applicable. Subsubsection [2] provides in relevant part that a patio shall be permitted to extend into the required rear yard but not closer than 30 feet to a rear lot line.

6. In the present case, the proposed patio will extend at its greatest point 7 feet beyond the 30 foot restriction or in other words, 23 feet from the rear property line.

7. Subsubsection [3] provides that the maximum surface area of the portion of a patio that extends into any required rear yard shall be 150 square feet. The required rear yard for the present property in the R-1-S zone is 40 feet. The portion of the patio extending into the required rear yard is considerably larger than 150 square feet and therefore, a variance from this section is necessary.

8. Subsubsection [4] provides that, "A patio that extends into any required rear yard must be uncovered and open to the sky, except retractable awnings shall be permitted...". The petitioners are not proposing a retractable awning. They do propose that a portion of the patio which extends into

the required yard will be covered and not open to the sky. Therefore, a variance from this section is required.

9. Subsubsection [7] provides that patios and walkways are to be considered part of the lot coverage and that the lot coverage shall not exceed the maximum coverage permitted in the respective zoning district. The maximum coverage permitted in this district is 33% and according to the testimony, the applicant's plan would result in a lot coverage of 37% or an additional 510 square feet of area.

10. Michael Domitrovits testified and was the sole witness on behalf of the petitioners. He indicated that shortly after purchasing the home in February of 2020, the existing deck in the rear of the home collapsed (Exhibits A-1 through A-3).

11. He stated that that deck was approximately 300 square feet being 12 ½ feet deep and 30 feet long. He further indicated that he did not wish to reconstruct the deck because it covered piping and windows that were close to the house.

12. He therefore, when starting his patio, went out approximately 5 feet to 7 feet away from the house because of those basement windows and pipes and that, of course, resulted in him extending further into the rear yard. He also indicated that he needed to build steps since he didn't have a deck there and that also caused him to move farther away from the house.

13. The Phase I development would be approximately 600 square feet and the Phase II development would be an additional 550 square for a total of 1,150 feet. He noted that he was using pavers which are somewhat less impervious and also stated that he believed there were no existing drainage problems. He indicated that he will be designing the area so that the water would continue to flow towards the existing drainage swale.

14. The Board considered the additional 510 square feet which represents the difference between 33% and 37% coverage and believed that in the absence of any existing drainage problems that this increased coverage would be a minimal amount of additional rainwater as a result of this construction.

15. Edward Delluva testified at the hearing. He stated that he was the owner of the lot immediately behind the proposed development which presumptively would make him most affected by the proposal.

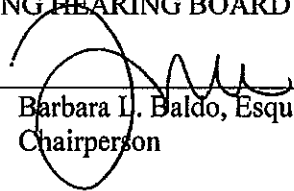
16. Mr. Delluva read into the record his letters and also offered comments. He is opposed to the grant of the variance for the patio because he believed that it was too great a deviation from the requirements of the ordinance. He suggested that the roof structure be 16 feet x 12 feet rather than the proposed 22 feet x 16 feet. He also suggested that the curved area be moved 5 feet back. That particular area, if it were moved back 5 feet would then be within the 30 foot restriction.

17. He indicated he did not have a problem per se with the reverse A frame structure, just as to its size.

18. The Board took into consideration the comments of Mr. Delluva as to his desire to have the application closer to the maximum requirements under the ordinance. However, the Board did not believe that the grant of any of these variances would be detrimental.

WHEREFORE, the Hanover Township Zoning Hearing Board adopts the above Findings of Fact and Conclusions of Law and grants the necessary variance for the construction of the property including Phase II subject to the condition, however, that the roof structure remain open on all sides and that it not be enclosed.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Barbara L. Baldo, Esquire,  
Chairperson

Dated: 07/20/21