

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : Isaac and Samantha Camoni Hof
Application dated : July 16, 2021
Property : 4502 Virginia Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 2, 2021, on the petition of Isaac Hof and Samantha Camoni Hof, and after approving the petitioners' requested variance 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 4502 Virginia Drive and is located in an R1-S – Residential Suburban Zoning District.

2. Located on the property is a single-family detached dwelling. The petitioners' request is to replace the existing patio with a new roofed patio.

3. The Petitioners were represented at the hearing by Attorney Thomas Schlegel, who offered Exhibits A-1 through A-11 in support of petitioners' request as follows:

A-1 Sketch plan entitled "Hof Residence prepared by Chestnuthill Landscape Contractors, Inc.", having a date of July 7, 2021 and no revision date.

A-2 Video

A-3 Video taken on September 1st during the storm from the remnants of Hurricane Ida.

A-4 Photographs consisting of 6 pages submarked 1 through 6; 1 through 5 showing rainwater runoff from the property and 6 showing damage to the existing patio and deck material.

A-5 Google map with locations 1 through 5 marked thereon in relationship to the subject property

A-6 Email received from Abe and Margaret Georges of 4501 Susan Drive indicating they do not object to the proposed application

A-7 Email from Tim and Lisa Lynch of 4510 Virginia Drive indicating that they do not object to the proposed application.

A-8 Photograph of similar roofed structure at 4713 Kathi Drive

A-9 Photograph of similar proposed roofed structure at 4427 Virginia Drive

A-10 Photograph of similar proposed roofed structure at 4387 Lorraine Drive

A-11 Copy of Decision of Zoning Hearing Board granting a variance for a roofed patio dated July 20, 2021.

4. Patios and decks are permitted in the R1-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. Subsection [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, no portion of the applicants' patio will extend closer than 30 feet to the rear line so a variance from this section is not necessary.

7. Subsection [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 R1-S zone is 40 feet. The portion of the patio extending into the required rear yard is 235 square feet. Therefore a variance from this section is necessary.

8. Subsection [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 instead propose that the entire patio be covered and not open to the sky. Therefore a variance from this section is required.

9. Subsection [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. According to the testimony, the applicants' plan would not exceed the maximum coverage permitted in this district.

10. Isaac Hof was the sole witness on behalf of the petitioners. He indicated that shortly after purchasing the property, they recognized that they had a considerable problem with respect to storm water runoff and believe that the roof over the patio would solve that problem.

11. His pictures purport to indicate the conditions with respect to runoff and the effect on the existing patio.

12. He indicated that the proposed patio is only slightly larger than the existing patio.

13. The applicant also indicated that he believed that in this case, he does need to have screening on the one side and, therefore, proposes a wall as is depicted on Exhibit A-1.

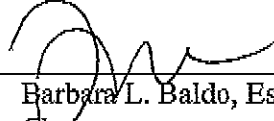
14. The Board, after review of the testimony and the evidence, believes that the grant of the necessary variances for the roofed patio will not be detrimental.

15. With respect to conditions, the Board noted that in the Domitrovits case which was attached as Exhibit A-11, the Board imposed a condition that the roofed structure remain open on all sides. It is noted, however, that in the present case, the property is on a corner lot whereas in the Domitrovits case it was not.

WHEREFORE, the Hanover Township Zoning Hearing Board by a 2 to 1 vote adopts the above Findings of Fact and Conclusions of Law and grants the required variances for the construction of the roofed patio subject to the condition that the roofed structure remain open on all sides and that it not be enclosed, with the exception of the wall as depicted on Exhibit A-1.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: _____

9-7-2021

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : Petra Holdings, LLC
Application dated : August 6, 2021
Property : 2720 Jacksonville Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 2, 2021, on the petition of Petra Holdings, LLC, and rendering its decision granting the requested relief subject to the conditions as hereinafter set forth, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is owned by Cinder Properties, LLC, and is located in an R1-S Residential District.
2. The applicant, Petra Holdings, LLC, was represented by Julie Wagner Burkart, Esquire.
3. Attorney Burkart introduced during the course of the hearing eight exhibits as follows:
 - A-1 Prior Decision of the Zoning Hearing Board dated February 2, 2015.
 - A-2 Plan entitled Site Analysis Map Cinder Properties, LLC, by Keystone Consulting Engineers, dated February 20, 2020, with no revision dates.
 - A-3 Picture of existing main sign on the premises. .
 - A-4 Aerial picture of property.
 - A-5 Two pictures as identified
 - A-6 Three more pictures as identified
 - A-7 Two pictures as identified
 - A-8 One picture as identified

4. Testifying on behalf of the application was John Gross, who described himself as the controlling member of the applicant. Also testifying was Larry Shoemaker, who is managing member of Cedar Properties, LLC, the owner of the premises.

5. Mr. Shoemaker indicated that he testified at the last hearing before the Board in December of 2014 and has been running his plumbing business on the subject property. He indicated that there are approximately 27 to 28 parking spaces available. According to the Zoning Officer, that's considerably more than would be required for the proposed use.

6. John Gross testified that the 2 users of the property would be Better Homes and Gardens Cassidon Realty and Cassidon Property Management. He indicated that the real estate agency would have approximately 4 employees and the property management company would also have approximately 4 employees.

7. He indicated that typical hours of operation would be 9:00 AM to 5:00 PM during the week. There would be some weekend hours from time to time. There would not be any trucks coming to the premises.

8. The history of the use of this property is set forth in the prior Decision of the Board which was marked Exhibit "A-1". Mr. Gross indicated that there would be no changes or expansion of the building footprint and the parking spaces would remain the same.

9. Mr. Gross indicated that the lighting on the premises would remain the same. He would be replacing the message on the sign to reflect the new uses now on the property, however, the sign would remain unilluminated.

10. As was found by the Zoning Hearing Board at the prior hearing, the commercial uses of this property are non-conforming.

11. The Hanover Township Zoning Ordinance does not have any provisions for changing from one kind of non-conforming use to another non-conforming use.

12. However, at the last hearing, the Board concluded that the proposed use as described therein was of the same kind and category of use as the prior use as a garden center and, therefore, did not present a change in use.

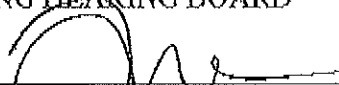
13. Based on the testimony at the present hearing, the Board again believes that the present use is of the same kind and category of prior uses and does not represent a change in use.

WHEREFORE, the Hanover Township Zoning Hearing Board approves the use of the premises as described subject to the following conditions all of which were agreed to by the applicant.

1. There will be no illumination on the main sign
2. There will be no outside storage
3. There will be no increase in the outlines of the existing buildings and all parking would be on-site and not on any public roads

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: _____

9-7-2021