

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Petition of : Scott & Melissa Garcsar  
Application Dated : March 21, 2022  
Property : 3250 Harmor Lane

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, April 28, 2022, 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 at 3250 Harmor Lane in a R1-S Residential Suburban District.

2. The petitioners, Scott and Melissa Garcsar, are the owners of the property and desire to construct a walkway and deck requiring a variance from the rear yard setback provisions, the maximum lot coverage provisions and those provisions regulating the dimensions and the location of patios and decks.

3. Accompanying the application was a plan received by the Township on March 31, 2022 and testified to at the hearing by the applicants.

4. This plan shows the new patio area, the possible extent of the roof on the patio, and the proposed setback from the side yard.

5. The required rear yard setback is 35 feet, and the applicant proposes 25 feet.

6. The maximum lot coverage, as permitted under the ordinance is 33%, whereas the applicants desires 37.29%.

7. In addition to these provisions, the ordinance also has specific regulations dealing with patios. Section 185-25C(5)(a) provides in relevant part:

[2] A patio shall be permitted to extend into the required rear yard but no closer than 30 feet to a rear lot line.

[3] The maximum surface area of the portion of a patio that extends into the required rear yard shall be 150 square feet.

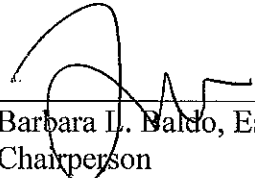
[4] A patio that extends into the required rear yard must be uncovered and open to the sky, except retractable awnings shall be permitted to extend a maximum 10 feet into the rear yard setback ...

[7] Patios and walkways are considered part of lot coverage. Lot coverage shall not exceed the maximum coverage permitted in the respective zoning district.

8. The Zoning Board concluded after hearing the testimony that the proposed variances would not be detrimental to the public welfare, and therefore approved the same subject to the condition that the roof on the new patio area shall not extend beyond the 14 feet from the main building area.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants the required variances for the construction of the walkway and patio area, subject to the condition that the roof not extend beyond 14 feet from the main building area.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Barbara L. Baldo, Esquire,  
Chairperson

Dated: May 27, 2022

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Petition of:                 :     Richard T. Kingston, Jr. & (Mary) Leslie  
   :     Kingston  
Application Dated         :     February 3, 2022  
Property                     :     1930 Rosewood Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on March 17, 2022, and continued to Thursday, April 28, 2022, and after 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 at 1930 Rosewood Drive in a R1-S Residential Suburban District. It is identified by the Assessor's Office as Tax Parcel N6NW4-15-2J-3. It is also Lot 3 on a certain subdivision plan of the Dewire Estates dated June 10, 2002.

2. The applicants were represented at the second hearing by Attorney Mark D. Eastburn, who presented Applicants' Exhibits 1 through 7.

3. In 2005, the applicants along with Alice R. Dewire presented an application to the Zoning Hearing Board dated May 26, 2005. Following a hearing on June 23, 2005, the Zoning Hearing Board issued its written decision dated July 29, 2005. Applicants' Exhibit 3 presented to the Board at the present hearing, consists of a copy of the 2005 decision which is hereafter referred to as the Dewire Decision.

4. During the course of the Dewire hearing, the Dewire Estates Subdivision Plan consisting of 14 lots was made a part of the record, as well as a landscape plan for the Dewire Estates.

5. The Zoning Hearing Board granted the variances requested in the Dewire application subject to the condition that the "average preservation of woodlands per lot when considering all 14 lots shall not be less than 35%".

6. Numerous applications have been made to the Board concerning this subdivision as follows: Lots 10 and 11 (Dewire), Lot 4 (Kresge and Tsihlis), later revised by (Fazil), Lot 14 (Brong), Lot 5 (Hillpot) and Lot 9 (Stuter).

7. In many of those applications, the Zoning Hearing Board granted approval for woodland preservation on that lot of less than 35%.

8. In the present case, the applicants presented photos of the existing trees on the lot. Drew Nyman, their landscape engineer, testified that in his opinion, the existing growth on the lot is not worthy of preservation. On the other hand, the applicants have presented a tree planting plan, which according to the testimony will result in approximately 41% of the lot containing woodlands.

9. It is also noted in this regard that the Dewire Decision stated in Finding of Fact No. 11 that there was a probability that the requested relief on Lot 3 may be 0% of woodland preservation.

10. In the opinion of the Zoning Hearing Board therefore, the proposed development of Lot 3 is in compliance with the woodland preservation sections of the ordinance as modified by the Dewire Decision.

11. The applicant also requested relief from the maximum lot coverage provisions of the Zoning Ordinance. Due to the presence of the woodlands, the maximum lot coverage in this subdivision is reduced from the normal 35% to 22%. In the present case, the applicant desires to build structures which will result in 36% coverage.

12. In that regard, both the contractor and Mrs. Kingston testified that the size of this home would be in keeping with the size of other homes in the neighborhood and would therefore not be out of character.

13. The Zoning Board therefore believes that the grant of a variance from this provision of the ordinance is justified.

14. During the course of the hearing, it was determined that the proposed covered patio as set forth in Exhibit 7 would be in violation of the rear yard provisions of the ordinance if it remained a covered patio.

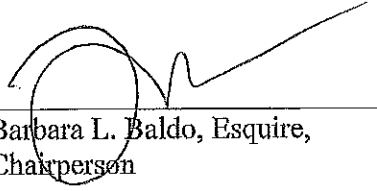
15. The applicants thereupon requested to amend the application to indicate that the patio will be uncovered and not covered, and that therefore no variance from the rear yard provisions is required.

WHEREFORE, the Hanover Township Zoning Hearing Board finds that the proposed application is in compliance with the Dewire Decision as it relates to woodland preservation provisions

of the ordinance and hereby grants the variance from the maximum lot coverage provisions of the ordinance to permit the construction of the dwelling as set forth in the exhibits submitted at the time of the hearing, subject to the amendment of the application as set forth above.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By: \_\_\_\_\_

  
Barbara L. Baldo, Esquire,  
Chairperson

Dated: June 3, 2022