

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Application of : Christopher Fechter  
Application Dated : August 18, 2022  
Property : 1215 Alyssa Place

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, December 8, 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 1215 Alyssa Place in an R1-S Residential Suburban District, being Lot No. 8 on a certain subdivision plan of the Dewire Estates dated June 10, 2002.
2. The applicant was represented at the hearing by Attorney Joseph Piperato.
3. In 2005, Alice R. Dewire, et al, 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.
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), Lot 9 (Stuter), Lot 3 (Kingston) and Lot 2 (Psitos).
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 applicant indicated that the trees occupy approximately 57.91% of the lot. He represents that after the construction, the lot will have 38.03% tree coverage which includes the adding of 8 additional new trees. According to the testimony the new trees will have a greater canopy than the existing trees.

9. In the opinion of the Zoning Hearing Board therefore, the proposed development of Lot No. 8 is in compliance with the woodland preservation sections of the ordinance as modified by the Dewire Decision.

10. 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 33% lot coverage. In that regard, the applicant indicated that the configuration of the home requires a longer driveway than would be typical and at the same time, the size of the home is typical of the size of homes in this subdivision.

11. Also appearing at the hearing was Attorney Anthony Giovannini, Jr. of the Township Solicitor's office, expressing some concerns with regards to this application.

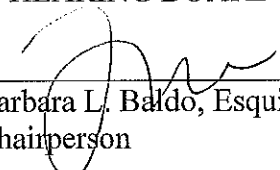
12. In addition, Teresa Stuter, one of the owners of 1225 Alyssa Place, being Lot 9 of the Dewire Subdivision, expressed concerns concerning the construction.

13. The Zoning Hearing Board believes that the grant of a variance with respect to the coverage will be compatible with the size of other homes in the neighborhood and, therefore, would not be out of character nor detrimental to the public welfare. However, based on the concerns of the Township and the adjacent lot owner, the Board believes that a condition assuring the proper storm water runoff is necessary for the grant of the variances as set forth below.

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 a dwelling and other structures on the premises of up to 33% lot coverage subject to the condition that the applicant receive the approval of the township engineer for Hanover Township of the proposed storm water management for this lot.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

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

  
Barbara L. Baldo, Esquire,  
Chairperson

Dated: January 27, 2023

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Application of : Edgar F. & Frances J. Johnson  
Application Dated : October 6, 2022  
Property : 1439 Roselawn Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, December 8, 2022, and after rendering its oral decision granting the requested variance subject to the condition as hereinafter set forth, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:


1. The subject property is located at 1439 Roselawn Drive in an R1-S Single-Family Residential Suburban District.
2. The applicants were represented at the hearing by Attorney Paul Harak.
3. Accompanying the application was a site plan by Waldraff Land Surveying dated August of 2022 with a last revision date of October 7, 2022, entitled "Site Plan Showing Impervious Lot Cover and Boundary Retracement Survey".
4. In addition, at the hearing the zoning officer, Yvonne Kutz, as well as the zoning code enforcement officer, Tracy Luisser, testified. They presented a picture depicting a roofed structure on the existing concrete patio which was introduced into the record and marked Exhibit Z-1.
5. The zoning officer also testified that she received a letter from Karen Wisser at 1438 Westgate Drive, which, with the consent of the applicants' attorney, was read into the record. A copy of this letter was marked Exhibit Z-2.
6. Pursuant to Section 185.26F(2) of the ordinance, the maximum lot coverage for this district is 33%. The site plan calculations show an overall coverage of 46.6%. Therefore, a variance from this section is required.
7. The ordinance also provides for a minimum rear yard of 40 feet in this district. Section 185.25C(5)(a) [1] through [7] regulates the location of patios in an R1-S Zoning District. It provides that patios can extend into the required rear yard but not closer than 30 feet to the rear lot line. The present patio extends beyond the 30 feet by an approximately an additional 2 feet. Therefore, a variance from this section is required.

8. In addition, patios that extend into any required rear yard must be uncovered and open to the sky. At present as Exhibit Z-1 depicts there was at the time of the taking of this picture, a roof structure located on the patio. Therefore, a variance from this section is also required.

9. The applicant testified that the structures in question, with the exception of the roof structures over the covered patio have been there for a considerable length of time. The Board believes that the existing structures subject to the condition as hereinafter set fort will not be detrimental provided that there are no additional structures added and provided further that the conditions hereinafter set forth be met.

WHEREFORE, the Hanover Township Zoning Hearing Board denies the variance to cover any portion of the patio. It grants the variance from the minimum lot coverage and from the placement of the patio beyond the 30 feet to permit the patio as it now exists subject to the conditions that there shall be no further extension of these structures and that the supporting columns and walls and/or tent curtains shall be removed, leaving the patio completely free from any semblance of walls.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Barbara L. Baldo, Esquire,  
Chairperson

Dated: January 27, 2023

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Application of : Rosalia Randazzo  
Application Dated : October 6, 2022  
Property : 5340 Stenton Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, December 8, 2022, and after rendering its oral decision granting the variances as hereinafter set forth, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is located at 5340 Stenton Drive in an R1-S Single-Family Residential Suburban District.
2. Attorney Joseph Piperato appeared on behalf of the applicant.
3. Submitted along with the application was a site plan prepared by Joe Jurkivo dated September 26, 2022, designated drawing number "S-1".
4. Attorney Piperato introduced during the course of the hearing the following exhibits:
  - A-1 Copy of permit #20-0027 consisting of 8 pages together with letter dated January 24, 2020, from Ahmed Mohamed and letter dated January 24, 2020, from Dominic Pellegrino and building permit application for the fence dated December 11, 2019, consisting of 4 pages.
  - A-2 Consisting of pictures, aerial depictions and assessment map for a total of 7 pages
  - A-3 Letter dated November 2, 2022, of Ahmed Mohamed
  - A-4 Letter dated November 5, 2022, from Dominic Pellegrino
5. The existing and proposed coverage on the lot is as depicted on drawing S-1. It exceeds the maximum coverage permitted in this zone of 33% and therefore, a variance from this section is required.
6. The rear lot requirement pursuant to the ordinance is 40 feet. According to the testimony, a permit was previously issued for a pool that extends into the rear yard but the ordinance does permit pools to be in a portion of the rear yard. Therefore, the pool construction did not require a variance.
7. The adding on of the additional deck area connecting the pool as well as extending beyond the pool and including a gazebo-like structure is subject to the provision of Section

185.25C(5)(a) [1] through [7]. These provisions do allow rear patios to extend into the rear yard up to 30 feet. In the present case, the extension will be approximately 14 feet from the rear yard. In addition, patios are not permitted to be covered and are required to be open to the sky.

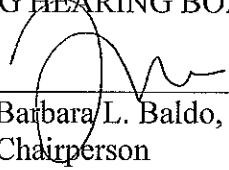
8. As was pointed out by Attorney Piperato, the subject lot being on the corner is subject to two front yard requirements and, therefore, a good deal of the lot's accessory structures cannot be placed within those areas making the construction of typical accessory structures without a variance very difficult and in the opinion of the Board constituting a hardship.

9. It is noted that there were no objectors to the application and that in addition there were two letters of people within the area as well as testimony of a person in the general neighborhood all supporting the proposed construction.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants the variances from the maximum lot coverage and the patio provisions to permit the patio as the same is depicted on Exhibit S-1.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

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

  
Barbara L. Baldo, Esquire,  
Chairperson

Dated: January 27, 2023

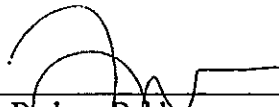
**HANOVER TOWNSHIP ZONING HEARING BOARD**  
**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**DECISION**

Application of : L Wellness LLC  
Application Received : October 8, 2022  
Property : 81 Highland Avenue, Suite 240

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, December 8, 2022, and noting no opposition to the proposed petition and further believing that the location of this particular use on the lot in question and the area in question will not be detrimental hereby grants variances from the provision of the ordinance to permit such use.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Barbara Bajdo,  
Chairperson

Dated: January 19, 2023