

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Vivian & Washington Desouza
Application Dated : December 19, 2022
Property : 4623 Susan Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, January 26, 2023, 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 4623 Susan Drive in an R1-S Residential Suburban District.
2. Testifying on behalf of the application were the applicants, Vivian and Washington Desouza. Also, their daughter read into the record a written statement by Vivian Desouza which was marked Exhibit "A-1".
3. A sketch plan drawn by John J. Hanlon, Surveyor, dated December 3, 2022, entitled "Property Survey Sheet No. S-1" was attached to the application. At the hearing this plan was reintroduced, this time with dimensions set forth in the plan that were not previously set forth. This reintroduced plan was marked as Exhibit "A-2".
4. The zoning officer also testified and introduced into the record photographs of the property taken by the code inspection officer, Tracy Lusser, consisting of seven pictures. These pictures were shown to the applicant, who agreed that they were a fair representation of the back portion of their property, although they stated that the tent-like structure shown on the pictures was temporary. These pictures were marked Exhibit "Z-1".
5. Pursuant to Section 185.26 (F) of the ordinance, the maximum lot coverage for this district is 33% and the minimum rear yard is 40 feet. According to the calculations, the proposed plan would constitute 39% and therefore a variance from the above section would be required.
6. Section 185.25 C (5) (a) [1] through [7] regulates the location of patios in an R1-S zoning district. It provides that the patios can extend into the required rear yard but not closer than 30 feet from the rear lot line. The present patio is 27.5 feet from the rear line and therefore a variance from this section is required.

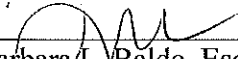
7. These same regulations also limit the area of the patio that extends into the required rear yard to 150 square feet. The area of the proposed patio extending into the required rear yard in the present case is approximately 283.5 square feet. Therefore, a variance from this section is also required.

8. In addition, this section provides that patios that extend into a required rear yard must be uncovered and open to the sky. The present application includes a roofed gazebo. Therefore, a variance from this section is also required. It is noted that the roof or canopy in the present case extends well beyond the support beams.

9. The Board believes that the aforesaid structures, subject to the condition that the covered portion of the patio be no greater than 250 square feet, will not be detrimental to the public welfare and, therefore, grants the aforesaid variances:

WHEREFORE, the Hanover Township Zoning Hearing Board grants the aforesaid required variances subject to the above condition.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Barbara L. Baldo, Esquire,
Chairperson

Dated: March 8, 2023

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : Concentra Health Service, Inc.
Application Dated : December 19, 2022
Property : 90 S. Commerce Way

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, January 26, 2023, on the petition of Concentra Health Services, Inc., and after granting variances for the petitioner's requested signage 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 located at 90 S. Commerce Way in a PIBD Planned Industrial Business District, one of the employment districts set forth in the ordinance.
2. The lot is owned by 90 South Commerce Way, Inc. The applicant is a lessee of a portion of the building on the property.
3. Testifying on behalf of the application was Jonathan Horn, Director of Operations, for the applicant, David Serfass, one of the principals of the owner of the property, 90 South Commerce Way, Inc., and Eric Assenheimer, Project Manager for Jones Signs.
4. The subject application is for the signage concerning the use of a portion of the premises by the applicant, which provides urgent care and occupational health services. Mr. Horn testified that he believes the signage was necessary to provide notice to people coming to their facility for medical services, in particular, urgent care services.
5. Mr. Horn indicated that the facility was intended to be operated Monday through Friday from 8:00 AM to 5:00 PM.
6. Mr. Serfass testified that as the building owner, he was satisfied with the proposed signs, understanding that the other tenants of the building would not necessarily be entitled to similar signage being proposed by Concentra.
7. Mr. Assenheimer went through the sign package which was filed with the application. It consists of nine pages marked Sheet No. 0.0, 0.1, 1.0, 2.0, 4.0, 5.0, 6.0, 7.0 and 8.0. He stated the 0.1 document depicts the proposed location of each of the proposed signs on the property. However, during the course of the hearing the original location of the banner sign was amended to the location shown by an oval drawn on the plan during the hearing.

8. The wall-mounted sign, the dimensions of which are indicated on 1.0, is considerably higher and larger than permitted in the ordinance in the employment district. Mr. Assenheimer indicated that the height of the sign would be 24 feet above grade level where it is proposed.

9. Mr. Assenheimer also testified in regards to the door signs as set forth in 2.0 and 4.0, for the two entryways into the facility.

10. Mr. Assenheimer stated the banner sign is depicted in 5.0. He indicated they would like to have that sign up for a period of 6 weeks while the wall sign on the building is being manufactured. He indicated that at its new location, it would be about 6 feet high. In addition, there will be no "coming soon" banner sign, only a "now open" banner sign.,

11. Mr. Assenheimer also testified as to the directional sign as depicted on 7.0 and explained why it was necessary to direct traffic into the facility.

12. The monument or free-standing sign, the dimensions of which are set forth in 8.0, has an overall dimension as per the calculations of the zoning officer of twenty-nine square feet and therefore is within the size limitation as set forth in the ordinance for such signs. Accordingly, no variance for this sign is necessary. It is also noted that no variance is being granted for the location of this sign since the applicant indicates that it will locate it in accordance with the provisions of the ordinance.

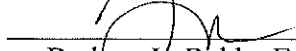
13. Signs in employment districts are extremely restrictive as detailed in Section 185.19 D (3) (a) through (c). It is clear that the purpose of such signs is to provide minimal identification of the facility. The ordinance, however, permits uses for which that limitation would constitute a hardship and consequently, the Board has on numerous occasions in the past, granted variances from these provisions for particular kinds of commercial uses.

14. Recently, in the application for Lehigh Valley Health Network, which also had medical services, which included an "Express Care" facility, the Board believed that it was appropriate to grant variances from these same provisions of the ordinance. Similarly, the Board in this case believes that the applicant has demonstrated that it has a need that the sign ordinance fails to address and that the proposed modifications are reasonable and not detrimental.

15. The Board does believe that the banner sign should not be higher than 6 feet and it should be taken down 6 weeks after it is first erected.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the required variances subject to the provisions as set forth above in order to permit the proposed signage.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Barbara L. Baldo, Esquire,
Chairperson

Dated: March 8, 2023