

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of	:	Eastupland Associates III
	:	& Cetro Corporation III
Application Dated	:	February 23, 2018
Property	:	Tax Parcel M6-15-11C

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, April 26, 2018, and rendering its oral decision granting the variances set forth below, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in an LBD – Limited Business District.
2. The applicants, Eastupland Associates III and Cetro Corporation III, are the owners of the property.
3. The applicant was represented at the hearing by Attorney David M. Backenstoe.
4. Testifying on behalf of the application were Richard E. Thulin, President of Cetro Corporation III and Michael V. Minervini, Professional Engineer from Liberty Engineering.
5. Attorney Backenstoe introduced at the hearing the following exhibit:
 - A1 Deed dated February 6, 2003 from Eastupland Associates and Cetro Corporation to Eastupland Associates III and Cetro Corporation III, recorded in Deed Book 2003-1, Page 055039
 - A-2 Site Plan entitled, “Zoning Exhibit Best Western” dated November 21, 2017;
 - A-3 Three pictures of the gazebo on the property.

6. The witnesses testified that the same principals are the owners of the two-story hotel known as the Best Western, adjacent to the subject lot.

7. The applicant has already placed the gazebo on the subject lot believing that a permit for this structure was not required. However subsequently they were advised that zoning relief was necessary.

8. The witnesses testified that the gazebo is for the purposes of having wedding ceremonies on the property. They indicated that there has been generally 5-6 weddings per year. The gazebo does not have any concrete footers.

9. No food or alcohol is served at the gazebo.

10. Exhibit A2 shows the location of the gazebo in relationship to the two-story hotel and the subject lot.

11. Sect. 185-31E(3) provides for the minimum yard requirement of 50 ft. in the front and 50 ft. on the side.

12. The applicant has located the structure only 5.36 ft. from the front and 24.69 ft. from the side, and therefore requests variances from these provisions of the ordinance.

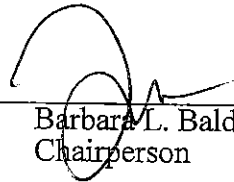
13. The use of a lot which is not a principal use but an accessory use for an adjoining lot is not listed as one the permitted uses under Sect. 185-31E.

14. In addition an accessory use is defined in Sect. 185-12 of the ordinance as a use conducted on the same lot as a principal use to which it is related. Therefore, a variance to permit this accessory use which is to serve the principal use on the adjoining lot is required.

15. The Board believes that the proposed accessory use and structure is of a minimal nature, so that the grant of the variances to permit the continuation of this structure will not be detrimental to the public welfare and is appropriate.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and grants the variances as set forth above.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Barbara L. Baldo, Esquire,
Chairperson

Dated: May 21, 2018

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of	:	Tom Skeans
Application Dated	:	March 12, 2018
Property	:	Tax Parcel M5SE1-6-2

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, April 26, 2018, and rendering its oral decision granting variances from the front and rear setbacks 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 is located in an R1-S – Suburban Residential District.
2. The applicant, Tom Skeans, is the owner of the property and the sole witness for the application.
3. The applicant presented a Site Plan entitled, “Zoning Variance Application, Jolan Drive Vacant Lot”, dated 3-12-18.
4. Exhibit A-1 is not an engineering drawing but is, according to the applicant, drawn to scale.
5. From the testimony of the applicant and the Zoning Officer, it was determined that the lot in question is part of a subdivision called Village View Gardens with a plan dated in July of 1958. A reduced version of that plan was marked Exhibit Z-1 and made a part of the record. The applicant’s lot is Lot 47 on that plan.
6. There appears to be a 25 ft. setback from the front on that plan and no rear yard setback.
7. The setbacks under the ordinance are 35 ft. for the front yard, approximately 15 ft. for each of the side yards, and 40 ft. for the rear yard.
8. In the upper left-hand corner of Exhibit A-1 the applicant has indicated through dash lines the resultant building area which clearly would not be large enough to construct a single family home if those setbacks were applied to this lot.

9. According to the testimony the lot is 149 ft. wide and 85 ft. deep.

10. The applicant's request is to construct a single family home with setbacks of 25 ft. for the front yard, 20 ft. for the rear yard. No request is made for a variance as to the side yards.

11. It was noted by the Zoning Officer that the property is subject to an easement to the Bethlehem Authority, having an approximate width of 25 ft.

12. The recorded easement is dated February 23, 2004, and recorded in Book 2004-1, Page 99639. A copy of this easement was marked Exhibit Z-2 at the hearing.

13. Mr. Skeans stated that he is currently paying taxes on the lot and yet he cannot use it for any purpose because of the setbacks, and therefore he believes he has a hardship justifying the grant of a variance for the construction of a single family home.

14. Numerous neighbors testified that the general neighborhood consists primarily of brick ranchers. They expressed concerns that this proposed home be compatible with the types of homes that are already in the development.

15. In addition, many of them were concerned that since this property had been used by the private water company the construction on this lot might reveal the existence of underground pipes or might cause excessive water runoff from this lot.

16. It was also a concern by some of the neighbors that this property may be converted at some time in the future to a group home.

17. The Board recognizes many of the concerns in regards to construction on the lot are not within the within the power and scope of the Board but would have to be addressed at the time of the proposed construction by such things as a grading plan and complying with the building code.

18. As to the possible conversion to another use, it would be within the rights of anyone who owns property there to apply and request whatever is permitted under the ordinance or if not permitted to request variances. The Board cannot deny a current variance based on what possibly might be applied for in the future.

19. The Board is sensitive to the fact however that this is a well established existing neighborhood with a particular housing type, and therefore believes that the grant of variances in this case requires a condition in order for it not to be detrimental to the public welfare that the single family home be limited to one story.