

Zoning Hearing Board
Lower Saucon Township
Town Hall
March 17, 2014

MINUTES

The meeting was called to order at 7:00 p.m. by Vice Chairman Lachlan Peeke.

Roll Call

Present at the meeting were Chairman Jason Banonis who arrived just as the meeting was called to order and who presided over the meeting, Vice Chairman Lachlan Peeke, Secretary Keith Easley and Board Member Jay Lazar. Board Member Austin Kunsman was absent. The Solicitor, George A. Heitzman, was present.

Minutes

The Board had before it for approval the minutes of the meeting of February 17, 2014. Mr. Peeke moved to accept the minutes as submitted. The motion was seconded by Mr. Easley and passed by a vote of 4 to 0.

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of February 17, 2014, the Court Reporter's bill for attendance at the meeting of February 17, 2014, and the Solicitor's invoice for the month of February, 2014. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Peeke and passed by a vote of 4 to 0.

Variance Appeal of Alberto Cardona & Amparo Diaz De Cardona - Variance 13-13

Chris Garges, the Zoning Officer, was sworn and testified that Applicant owns a lot located in an R20 zoning district. The lot is approximately 22,053 ft² in size. The property has a recently constructed single family dwelling and attached garage. Applicant would like to construct approximately a 684 ft² patio on the lot which will exceed the impervious coverage allowed by the Ordinance.

The existing coverage is 5,307 ft² (24.06%). The proposed coverage is 5,991 ft² (27.2%). The maximum allowable coverage in accordance with §180-40C in an R20 zoning district is 5,513 ft² (25%). The proposed 684 ft² patio will exceed the allowable coverage by 478 ft² or 2.2%, and thus requires a variance from the allowable coverage requirement.

Mr. Garges told the Board that there has been no prior variances granted for this property, the Appeal was properly posted and advertised, and Township Council had taken no action.

The Solicitor questioned Mr. Garges who noted that Applicant had considerably scaled down the initial request so as to get as close as possible to compliance with the Ordinance. In fact, one of the two variances originally requested was no longer required.

Applicant had nothing to add to Mr. Garges's presentation, and there was no one in the audience who wished to be heard concerning the matter.

Mr. Easley moved, seconded by Mr. Banonis, to grant the requested variance and the motion passed by a vote of 4 to 0.

Variance Appeal of John Masiado - Variance Appeal 01-14

Chris Garges, having been previously sworn, testified that Applicant would like to construct an addition to the dwelling which will encroach into the required side yard setback. The lot is approximately 0.689 acres in size and is located in

an R40 zoning district. The property contains a single family dwelling, detached garage, in-ground swimming pool, and driveway. The existing coverage is approximately 7,200 ft² (24%). The proposed coverage is approximately 7,280 ft² (24.2%). The maximum allowable coverage is 7,503 (25%).

Applicant is proposing to construct an addition which will primarily cover the existing patio with the exception of a 4' x 20' area which will encroach approximately 4' into the required side yard setback. The side yard setback required by §180-35B is 30' in an R40 zoning district. Applicant will need approximately 4' of relief from the required setback of 30'.

Mr. Garges told the Board that there have been no prior variances granted for this property, the Appeal was properly posted and advertised, and Township Council had taken no action.

Mr. Masiado and was sworn and told the Board that his mother is moving in with him and he needs to create a bit more space. He said the addition will primarily cover an area that has been a sunken patio, so there will be no impervious cover problem. He wishes to have a partial second floor and that's why he needs the extra 4' because otherwise the second floor room would be very small.

In response to a question from Mr. Peeke, Chris Garges told the Board that the existing garage is now nonconforming, and the proposed addition will not encroach any further than the existing garage, in fact it will encroach to a lesser degree.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Peeke moved to grant the variance as requested. The motion was seconded by Mr. Banonis and passed by a vote of 4 to 0.

Old Business

The Solicitor reported that the Green Gables appeal is now before the Commonwealth Court, and the docketing sheet indicates that the parties are discussing the possibility of settling the case upon payment of Appellant's costs. It is anticipated that the case will settle and the appeal will be withdrawn, however that has not as yet been accomplished.

New Business

It was announced that due to the Easter holiday falling on April 21, 2014, this year, the next meeting of the Board will be held on April 28, 2014.

Adjournment

There being no further business before the Board, Mr. Banonis moved, seconded by Mr. Peeke, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 7:15 p.m.

Respectfully submitted,

George A. Heitzman
Solicitor