Zoning Hearing Board
Lower Saucon Township
Town Hall
April 16, 2012

MINUTES

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

Roll Call

Present at the meeting were Vice Chairman Ted Griggs, Secretary Keith Easley, and Board Members Lachlan Peeke and Austin Kunsman. Chairman Jason Banonis was absent. The Solicitor, George A. Heitczman, was also present.

Minutes

The Board had before it for approval the corrected minutes of the meeting of March 19, 2012, the initial draft having had an error in transposing the names of the Board members who had voted for and against the motion. Mr. Kunsman moved to accept the corrected minutes as submitted. The motion was seconded by Mr. Peeke 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 March 19, 2012, the Court Reporter's bill for attendance at the meeting of March 19, 2012, and the Solicitor's invoice for the month of March, 2012. Mr. Peeke moved to pay the bills as submitted. The motion was seconded by Mr. Kunsman, and passed by a vote of 4 to 0.

Variance Appeal of Michael & Tracy Kiefer - Variance 03-11

Attorney Monahan requested the Zoning Officer to place the matter on the list for the May hearing in order to allow ongoing discussions directed toward a resolution acceptable by all parties. Mr. Peeke noted that this matter has been pending for a considerable period of time. It was agreed that the Solicitor would send a letter to the Zoning Officer requesting that any further request for a continuance be brought before the Board for a vote.

Variance Appeal of David & Maureen LaBarre - Variance 02-12

Chris Garges, the Zoning Officer, was absent and so the Solicitor read his summary into the record. Applicant would like to construct a pole building on his property located in an R40 zoning district which will encroach into the required side yard setback. Applicant is removing two existing structures which are located as close as 3' to the property line and proposes to install a single, new, larger structure which will also be located 3' from the property line. The lot is approximately 0.56 acres in size. The property contains a single family dwelling, a detached garage, and a pool. The existing coverage is 5,640 ft^2 or 23.3%. The proposed structure will not be permitted to exceed the maximum allowable coverage of 6,059 ft^2 or 25%. The permitted net new coverage is 419 ft^2. The parcel is irregularly shaped and under-sized when compared to current zoning regulations. Applicant will need approximately 27' of relief from the side yard setback of 30' required by §180-35B.

Mr. LaBarre was sworn and testified that what he wishes to build is a pole building measuring 16' high by 20' wide by 30'. This would leave only a 3 foot side yard setback. The existing garage and shed, which are currently within 3 feet of the property line, would be torn down and replaced.

Cheryl Kemmerer and Carl Kemmerer were sworn and testified that they are neighbors of Mr. LaBarre. They do not wish to see him denied the right to construct the pole building, however they are concerned with the fact that it

would only be 3 feet from their property in view of snow falling off the Kemmerer roof onto their shrubbery as well as considerations of the height of the proposed building. Although in most construction a height of 25' is permitted Mr. LaBarre stated he did not intend to go higher than 16'. Mr. LaBarre stated he would be willing to restrict the width of the building to 16', thereby increasing the setback to 7' but that he preferred his original proposal.

Mr. LaBarre and the Kemmerers then had some discussion about possible alternatives and the Board suggested that Mr. LaBarre might wish to request a continuance and return to the next meeting after he had a chance to discuss the matter in detail with Mr. and Mrs. Kemmerer. Mr. LaBarre and Mr. and Mrs. Kemmerer were informed that if no agreement between them was reached each would have the opportunity to present their evidence to the board at the May meeting.

Mr. LaBarre then requested a continuance. Mr. Peeke moved, seconded by Mr. Kunsman, to grant a continuance to the next meeting. The motion passed by a vote of 4 to 0.

Variance Appeal of Clair & Elaine Headman - Variance 04-12

The Solicitor read Mr. Garges's summary into the record. Applicant would like to construct a detached garage on his property located in an R40 zoning district which will encroach into the side yard setback required by §180-35B. Applicant would like to use the existing driveway to access the proposed garage. The lot is approximately 3.4 acres in size. The property contains a single family dwelling. The lot is irregularly shaped in that it is narrow in width and long in depth. The existing coverage is minimal with regard to maximum allowable lot coverage, and the proposed garage will easily comply with the zoning regulations. Applicant will need approximately 10' of relief from the required side yard setback of 30'.

Mr. Headman stated that he agreed with the statement that had been

prepared by Mr. Garges. He stated that his property has a slope which dictates the placement of the proposed garage and that he wanted to use the existing driveway so as to not increase the impervious lot coverage. In response to a question from the Board he stated that he discussed the matter with his neighbor who supported his variance request.

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

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

Old Business

There was no old business before the Board.

New Business

There was no new business before the Board.

Adjournment

There being no further business before the Board, Mr. Peeke moved, seconded by Mr. Kunsman, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 7:20 p.m.

Respectfully submitted,

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George A. Heitczman
Solicitor

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