

Zoning Hearing Board  
Lower Saucon Township  
Town Hall  
May 18, 2015

## **MINUTES**

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

### **Roll Call**

Present at the meeting were Vice Chairman Lachlan Peeke, Secretary Keith Easley, and Board Member Austin Kunsman. Chairman Jason Banonis and Board Member Jay Lazar were absent. The Solicitor, George A. Heitzman, was present.

### **Minutes**

The Board had before it for approval the minutes of the meeting of March 16, 2015. Mr. Easley moved to accept the minutes as submitted. The motion was seconded by Mr. Peeke and passed by a vote of 3 to 0.

### **Bills**

The Board had before it for approval a bill from the Morning Call for advertising the meeting of March 16, 2015, the Court Reporter's bill for attendance at the meeting of March 16, 2015, and the Solicitor's invoice for the month of March, 2015. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Kunsman and passed by a vote of 3 to 0.

### **Variance Appeal of Regina Du and Kun Lam - Variance 05-15**

Chris Garges, the Zoning Officer, was sworn and testified that this Applicant had appeared before the Board in 2014 and obtained relief from the

same two ordinance sections, §180-34B as to frontage and §180-34C as to impervious cover.

The revised proposal creates a slightly smaller Lot A which due to existing conditions creates a higher proposed impervious coverage ratio. The proposed minimum lot width of Lot B does increase from 50' to 60', but still does not comply with the required 150'. Applicant would like to subdivide the parcel which is located in an R40 zoning district into two lots, one containing the existing dwelling, barn, and driveway, and a new lot which would contain a single family dwelling.

The proposed lot would not meet the minimum lot frontage (150' required, 60' provided). The lot with the existing home would exceed the allowable lot coverage. (25% maximum, 97.2% provided on Lot A) The existing dwelling is within the required right of way and does not meet the required front yard setback. The lot is approximately 12.3 acres in size. The two lot sizes would be (gross) 1.2 acres & (gross) 11.1 acres. This property was the subject of zoning enforcement during the previous ownership. The previous owner operated a pallet business (commercial) without obtaining a permit. That use ceased in response to the Township enforcement.

The hearing was properly posted and advertised, and Township Council voted to support the application.

Attorney Eric Schock appeared on behalf of Applicant. Attorney Schock told the board that the reason for reappearing with a slight modification of what had been previously approved was that his clients discovered that if one of the parcels was a minimum of 11 acres it could be put into Act 319 and preserve as an agricultural use. In order to achieve this it was necessary to make a few changes. The major change being that the impervious cover was 17.5% rather than 17%. After Attorney Schock made his statement his client Regina Du, having been placed under oath, said she adopted what he had said as her

testimony.

Attorney Schock then called Terry DeGroot the engineer who prepared the plans and he identified Applicant's Exhibit A-1 as the Site Capacity Sketch and Applicant's Exhibit A-2 as the Site Capacity Layout. He noted that 8.8 of the 12.3 acres are resource protected, which makes the impervious cover figure seem much higher than it truly is. He identified Lot A as the smaller of the two lots, which is being changed from 1.5 acres to 1.2 acres. Lot B is the larger lot which can now be put into Act 319.

In response to a question from Board Member Kunsman, he agreed that basically what had been done was to move a lot line. Mr. DeGroot noted that there is now a 60 foot frontage rather than a 50 feet frontage, which is moving in the direction of becoming more conforming. He noted that the impervious cover in the area of the barn is a high figure, again because of the amount of resource protected area.

He testified that this new plan represented the minimum relief that would achieve the ability to put one lot into Act 319 and also to use a minimum area to construct the driveway.

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

Mr. Easley then moved, seconded by Mr. Kunsman, to grant the requested variances and the motion passed by a vote of 3 to 0.

#### **Variance Appeal of Erik Grau - Variance 06-15**

Chris Garges, having been previously sworn, testified that Applicant would like to construct an inground pool and associated accessory uses, on land located in an R40 zoning district, which will encroach into the required rear yard setback. The lot is approximately 1.15 acres in size. The property contains a

single family dwelling, an attached garage, and a driveway. The parcel is irregularly shaped in that it has a very large amount of road frontage as well as a large amount of rear yard in comparison to one small side yard. It is in essence a three sided property, having a side yard line, a rear yard line, and a curving road frontage line forming the third side of the property. As constructed, the dwelling is placed as close to the front yard setback as possible in an effort to create a larger rear yard.

The existing coverage is approximately 4,468 ft<sup>2</sup> (13.9%). The maximum allowable coverage is 8,030 ft<sup>2</sup> (25%). The Applicant is proposing to construct an inground pool and associated accessory uses which will encroach approximately 20' into the rear yard setback. The Ordinance in §180-35C requires a 40' rear yard setback. Applicant will need approximately 20' of relief from the required setback of 40'.

The property was properly advertised and posted and Township Council took no action in the matter.

Mr. Grau was sworn and testified that the property is a slice of pizza. If the road did not curve around the property the way it does, he would then have another side to the property. Because of the curve he does not.

Board Member Kunsman asked Mr Garges what development this property was in and was told it was Saddle Ridge. Mr. Grau noted that his proposed plan is consistent with the neighborhood. He will have a minimum of 20 feet setback which is the normal side yard setback. An adjacent neighbor has a pool situated similarly to Mr. Grau's proposed plan.

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

Mr. Easley moved, seconded by Mr. Kunsman, to grant the requested variance and the motion passed by a vote of 3 to 0.

**Old Business**

The Solicitor told the Board that the Tidd appeal was still pending before the Commonwealth Court and had been since the en banc argument in March.

**New Business**

There was no new business.

**Adjournment**

There being no further business before the Board, Mr. Kunsman moved, seconded by Mr. Easley, to adjourn the meeting. The motion passed by a vote of 3 to 0 and the meeting adjourned at 7:20 p.m.

Respectfully submitted,

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George A. Heitzman  
Solicitor