Zoning Hearing Board
Lower Saucon Township
Town Hall
August 25, 2014

MINUTES

The meeting was called to order at 7:10 p.m. by Chairman Jason Banonis. The slight delay was occasioned by a malfunction in the stenographic equipment.

Roll Call

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

Minutes

The Board had before it for approval the minutes of the meeting of June 16, 2014. Mr. Kunsman moved to accept the minutes as submitted. The motion was seconded by Mr. Easley 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 June 16, 2014, the Court Reporter's bill for attendance at the meeting of June 16, 2014, and the Solicitor's invoice for the month of June, 2014. Mr. Kunsman moved to pay the bills as submitted. The motion was seconded by Mr. Easley and passed by a vote of 3 to 0.

Variance Appeal of Gregory & Sally Case - Variance 6-14

Chairman Banonis announced that he previously had some dealings with Mr. Case in Mr. Case's capacity as a realtor. However, no transactions were actually consummated, and the Chairman said he did not believe that his former association with Mr. Case would have any bearing on this matter. No objection was raised and the Chairman continued to hear this matter.

Chris Garges, the Zoning Officer, was sworn and testified that Applicant is currently going through the minor subdivision process to create two lots from the three existing lots located in an R80 zoning district. The property is currently owned by David and Toni Adams, and Applicant is planning to purchase one of the new lots that will be created by the minor subdivision. The first parcel, Lot 1, is the parent tract which contains a driveway, dwelling, and associated features. The second parcel, Lot 2, will be conforming in all respects. Lot 1 will decrease in size which will increase the current nonconformity with respect to lot coverage. The parcel is encumbered by FEMA floodplain and a pond/pond buffer which are 100% protected and decrease the effective lot size. The existing parcel is approximately 7.8 acres in size (gross). The proposed Lot 1 is approximately 6.25 acres (gross). No new impervious coverage or development is proposed on Lot 1. The existing coverage is 23.5%, the proposed coverage is 30%. Applicant will need approximately 10 % of relief from the maximum allowable coverage of 20% permitted in an R80 zoning district by §180–28C.

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

Attorney Erich J. Schock appeared representing Applicant. Attorney Schock introduced Matt Chartrand as a representative of Bohler Engineering, the entity that had prepared the minor subdivision plan. Mr. Chartrand stated that the summary given by the Zoning Officer was correct.

Attorney Schock was then invited by the Board to make an offer of proof as to the expected testimony of his witnesses and he proceeded to do so.

Applicant's Exhibit 1 is a development plan which shows four lots, three of which are being combined into a resulting two lots. One lot will be unaffected and will remain as shown on the plan. Applicant's Exhibit 2 is the subdivision plan showing the new lot boundaries.

Attorney Schock noted that the sole purpose of the lot revision is to allow a driveway serving the Adams' home to be used by Applicant for the other lot without the necessity of an easement.

The variance is required because the exclusion of natural features, which are excluded from lot calculations, leaves only 2.7 acres. The natural features include floodplains, riparian buffers, steep slopes, and other water features. If the gross lot area were used the coverage would only be 8.7%, and Lot 1 would have a total coverage of only 10% without the area of the natural features being excluded.

Any other attempt to configure the lot could result in the necessity of destroying a bridge which has existed for some period of time. There is actually no adverse impact upon the neighborhood which will be caused by this lot line change.

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

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

<u>Variance Appeal of Monogram Custom Pools - Variance 7-14</u>

Chris Garges, having previously been sworn, testified that Applicant would like to construct a 1,071ft.^{2} in-ground pool and patio which will encroach into the required rear yard setback. The lot is located in an R20 zoning district and is approximately 0.31 acres (13,484 ft.^{2}) in size. The property contains a single family dwelling, attached garage, deck/patio, shed, above-ground pool, and driveway. This parcel is unique in that it is more than 6,500 ft.^{2} smaller than the

minimum lot size for the R20 zoning district.

Applicant is proposing to remove the existing pool and patio and construct a new in-ground pool and patio. Applicant's original proposal was to increase the impervious coverage by 553 ft.^{2}. As a result of the meeting before Township Council, this increase will be limited to 453 ft.^{2}. The original proposal was 270 ft.^{2} over the permitted impervious coverage, whereas the reduced proposal will only be 170 ft.^{2} feet over the impervious coverage limit. The existing lot coverage is 23% and the proposed lot coverage will now be 26% .

Applicant is also proposing to construct the pool in a location which will encroach approximately 17' into the rear yard setback (40' required).

In summary then, Applicant will need approximately 17' of relief from the required rear setback of 40' required by §180-41C, and approximately 1% of relief from the maximum allowable impervious cover of 25% allowed by §180–40C.

The appeal was properly advertised and posted, and Township Council made a recommendation to reduce the extent of the requested relief which Applicant accepted.

Tony Cacioli was sworn and testified that he appeared as a representative of Monogram Custom Pools. He stated that as a result of the meeting before Township Council the application had been revised to make the impervious coverage as small as possible, and the impervious coverage would now be limited to170 ft.^{2} over that which is permitted.

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

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

<u>Variance Appeal of John & Heather Miller - Variance 8-14</u>

Chris Garges, having previously been sworn, testified that Applicant would like to construct a 32' x 40' detached garage which will encroach into the required

side yard setback. The lot is located in an RA zoning district and is approximately 1.83 acres in size. The property contains a single family dwelling, above-ground pool, and driveway. Applicant is proposing to construct a detached garage which will not meet the 40' side yard setback required by §180–23B. As a result of the appearance before Township Council, Applicant modified the initial request and is now proposing a 16' setback as shown on the revised plan marked by Mr. Garges as Applicant's Exhibit 1. The existing lot coverage is well under the maximum allowable coverage of 20%. Applicant will need approximately 24' feet of relief from the required side setback of 40'.

The appeal was properly advertised and posted, and the suggestions made by Township Council have been adopted by Applicant.

Mr. Miller stated that the summary given by Mr. Garges was correct.

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

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

Variance Appeal of Christopher & Stacey Blowars - Variance 9-14

Chris Garges, having previously been sworn, testified that Applicant would like to construct a 22' x 28' detached accessory structure which will encroach into the required side yard setback. The lot is located in an R40 zoning district and is approximately 0.68 acres in size and irregularly shaped. The property contains a single family dwelling, two smaller accessory structures, and a driveway. Applicant is proposing to construct a detached accessory structure in the location of a foundation from a previous structure. The proposed structure would be larger but would not encroach any further than the existing foundation. The proposed accessory structure will not meet the required 30' side yard setback. Applicant is proposing a 15' setback (which is the same setback as the existing foundation). The existing lot coverage is well under the maximum allowable coverage of 25%.

Applicant will need approximately 15' of relief from the side setback of 30' required by §180-35B.

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

Mr. Blowars told the Board that he had nothing to add to the summary provided by Mr. Garges.

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

Mr. Kunsman moved, seconded by Mr. Easley, to grant the requested variance, and the motion passed by a vote of 3 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. Banonis moved, seconded by Mr. Kunsman , to adjourn the meeting. The motion passed by a vote of 3 to 0 and the meeting adjourned at 7:40 p.m.

Respectfully submitted,

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George A. Heitczman
Solicitor

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