

Zoning Hearing Board
Lower Saucon Township
Town Hall
August 26, 2013

MINUTES

The meeting was called to order at 7:00 p.m. by Chairman Jason Banonis.

Roll Call

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

Minutes

The Board had before it for approval the minutes of the meeting of July 29, 2013. Mr. Easley moved to accept the minutes as submitted. The motion was seconded by Mr. Banonis 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 July 29, 2013, the Court Reporter's bill for attendance at the meeting of July 29, 2013, and the Solicitor's invoice for the month of July, 2013. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Banonis and passed by a vote of 3 to 0.

Variance Appeal of Mark C. Fox - Variance 08-13

Chris Garges, the Zoning Officer, was sworn and testified that Applicant

would like to construct a 10' x 30' addition to the existing garage on a lot located in an R40 zoning district. The garage was permitted by the Township and constructed in 1995, prior to the adoption of the current riparian buffer and floodplain soil provisions.

The proposed garage addition will be located in the riparian buffer as well as within soils mapped as floodplain soils by the 1960's Northampton County Soil Survey. The lot is approximately 2 acres in size. The property currently contains a single family dwelling and a detached garage. It is bisected by a watercourse and also contains a pond, which restricts Applicant's usable area. The existing coverage is well under the allowable 25% maximum. The proposed addition would increase the lot coverage by approximately 230 ft². The existing structure and the proposed addition are both approximately 25' from the stream bank. The location of the proposed addition was previously disturbed by the garage construction in 1995, and therefore there is a chance that the soil which exists today may not be a floodplain soil.

Applicant will need relief from §180-95B(4)(b) and §180-95B(11)(h) to proceed with the proposed addition.

The hearing was properly posted and advertised.

Township Council took no action in the matter.

In response to a question from Board member Lazar, Mr. Fox, who had been sworn to testify, stated the garage as proposed would be approximately 30' x 52'. He said he plans to store cars he currently owns as well as all of his lawn equipment in the new structure.

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

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

Variance Appeal of Adam C. Case - Variance 09-13

Chris Garges, the Zoning Officer, having previously been sworn, testified that Applicant would like to construct a 10' x 23' addition to the existing dwelling which will encroach into the required front yard setback. The lot is located in an R40 zoning district and is approximately 3.13 acres in size. The property contains a single family dwelling and a detached garage/barn building. The existing coverage is well under the allowable 25% maximum. The proposed addition will encompass an existing concrete porch and increase the lot coverage by a minimal amount, 230 ft². The existing structure is an old farmhouse and as was typical of them, it is located close to the roadway. The proposed addition will not come closer to the roadway than the existing structure. The edge of the proposed porch is located at the approximate legal right-of-way line. Applicant will need approximately 40' of relief from the front yard setback of 40' required by §180-35A.

The hearing was properly posted and advertised.

Township Council took no action in the matter.

Stephen Shields, a member of the audience, was sworn and testified that he lives directly across the street from this property. He stated that he greatly favors the granting of this variance. Mr. Case is making an improvement to the property and restoring an old home that he knows the prior owner, now deceased, would greatly approve. Mr. Shields noted that this is a very small house to which is being added a very minimal addition.

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

Variance Appeal of Cedric V. & Kathleen M. Dettmar - Variance 07-13

Chris Garges, the Zoning Officer, having previously been sworn, testified that Applicant would like to construct a patio, walkway, and storage shed, all of

which will occupy 942 ft². This will exceed the impervious coverage allowed by the Ordinance and will also encroach into the required setback for accessory structures. The lot is located in an R20 zoning district and is approximately 22,639 ft² in size. The property has a recently constructed single family dwelling and attached garage. The existing coverage is 4,876 ft² (21.5%). The proposed coverage is 5,818 ft² (25.7%). The maximum allowable coverage is 25%.

Applicant is proposing to construct a 10'x12' storage shed approximately 5' from the property line. Applicant will need approximately 5' of relief from the setback of 10' required by §180-128C. Applicant will need approximately 158 ft² (0.7%) of relief from the maximum allowable coverage of 25% required by §180-40C.

The hearing was properly posted and advertised.

Township Council took no action in the matter.

Mr. Dettmar was sworn and testified that what he is proposing to do is the initial landscaping after what the builder had supplied. He said he made every attempt to minimize the increase in impervious cover by using paving stones in places where he would prefer concrete walk, and by having no walkway at all in other areas. He stated that their goal was to try to keep the shed as far away from the patio as possible.

Mr. Easley moved, seconded by Mr. Banonis, to grant the requested variances. The motion passed by a vote of 3 to 0.

Old Business

The Solicitor noted that at the last meeting Mr. Lazar had questioned whether the Board's granting of a variance in a particular case served as a precedent requiring it to grant a variance in a similar case. The chairman, Mr. Banonis, had stated that the Board would not be bound in subsequent decisions by its decision in a particular case.

The Solicitor confirmed what Mr. Banonis had said and added that his research had shown that the law in this area was settled and clear, quoting from the case of *Swemley v. Zoning Hearing Board of Windsor Township*, 698 A.2d 160 (Pa.Cmwlt. 1997) in which the Commonwealth Court had said:

“Just because the board has granted a variance to one property-owner, it need not grant a variance to another similarly situated property-owner.”
698 A.2d 160, 163

New Business

There was no new business before the Board.

Adjournment

There being no further business before the Board, Mr. Easley moved, seconded by Mr. Banonis, 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,

George A. Heitzman
Solicitor