

Zoning Hearing Board
Lower Saucon Township
Town Hall
September 21, 2015

MINUTES

The meeting was called to order at 7:00 p.m. by Vice Chairman Lachlan Peeke. Mr. Peeke announced that the Variance Appeal 16-15 of Mr. and Mrs. Bracalente would not be heard at this meeting as a continuance had been granted.

Roll Call

Present at the meeting were Vice Chairman Lachlan Peeke, Secretary Keith Easley, and Board Member Jay Lazar. Chairman Jason Banonis 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 August 17, 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 for approval a bill from the Morning Call for advertising the meeting of August 17, 2015, the Court Reporter's bill for attendance at the meeting of August 17, 2015, and the Solicitor's invoice for the month of August, 2015. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Lazar and passed by a vote of 3 to 0.

Variance Appeal of Louis C. Mahlman - Variance 13-15

Chris Garges, the Zoning Officer, was sworn and testified that Applicant would like to convert an existing 880 ft² detached accessory structure located in an R12 zoning district and currently used as a garage into an accessory relative apartment in accordance with §180-137. Applicant would therefore need a variance from §180-137A (2) which indicates that accessory apartments may not be permitted as a separate structure.

Applicant is also proposing to connect the structure to the electric grid via a connection separate from the principal dwelling. This would require a variance from §180-137A(5) which does not permit separate utility systems or connections.

The lot is approximately 0.26 acres in size. The property contains a single family dwelling (which does not meet current setbacks), a detached garage, a driveway and an above-ground pool and deck. The Zoning Ordinance requires a total of 4 all weather off-street parking spaces, which Applicant shall provide. The existing lot coverage is not proposed to change as part of the application before the Board.

Mr. Garges stated that the Board may wish to consider restricting future use of the parcel so that the accessory relative apartment cannot become a rental unit in the future.

Township Council took no action. The appeal was properly advertised and posted.

Mr. Lewis Mahlman was sworn and testified that his son has a growing family and he anticipates that he and his wife would move into the accessory relative apartment. He stated this proposed conversion had been investigated some years ago for a relative of his wife's, but was not able to be accomplished at that time.

Ann Andres, a member of the audience, was sworn and testified that she is an adjoining neighbor. She stated she had no problems with what Applicant

wished to do, but had a concern because of unlicensed vehicles on the property, and wanted some assurance that they would be removed. There was discussion among the Board members during which it was noted that nothing was expressly before the Board concerning parking. Mr. Lazar said that should Mrs. Andres object to the granting of a variance, that might have a bearing on his vote. Mr. Mahlman stated that he had no problem with ensuring that within 90 days all vehicles on the property would be properly inspected and licensed and bear valid registration plates.

Mr. Cary Dobbs was sworn and testified that he lives close to the Mahlman residence. He said that off-street parking was also a concern of his because parking is at a premium in the area. He was assured that Applicant has the requisite parking available for the proposed use.

Mr. Lazar then moved to grant the requested variances from §180-137A (2) and §180-137A(5) to permit the establishment of an accessory relative apartment in what is now a detached garage, subject to the following express conditions: within 90 days of September 21, 2015, all vehicles on the property will be properly inspected and licensed and bear valid registration plates; at all times the individuals living in the accessory relative apartment shall have a parent-child relationship with the individuals living in the principal structure; no rent shall be charged or received for the occupancy of the accessory relative apartment; the variances that have been granted shall expire 10 years from September 21, 2015.

The motion was seconded by Mr. Easley, and passed by a vote of 3 to 0.

Variance Appeal of John & Susan Blair - Variance 15-15

Chris Garges, the Zoning Officer, having previously been sworn testified that Applicant would like to convert an existing single family residential dwelling use in a GB-2 zoning district into a new commercial use which will encroach into

the required side and rear yard setbacks and will not meet the required number of parking spaces. The lot is approximately 14,797 ft² in size and nonconforming with respect to the required lot size of 40,000 ft². The property currently contains a single family dwelling and driveway. The proposed office structure will not meet the required 30' rear and 15' side yard setbacks. Applicant is proposing a 6' setback on one side and a 20' setback in the rear yard. Furthermore, Applicant is proposing two parking spaces that partially extend into the required front yard. Applicant is proposing eight on-lot parking spaces; seven spaces are required. The parcel is bordered on two sides by commercial properties which are owned by Applicant. The parcel is bordered to the South by a residential use and as such Applicant has provided the required 20' buffer. Subsequently, Applicant is unable to meet the required side yard setback to the North. The lot and building coverage are proposed to be in compliance with the zoning regulations.

Applicant will need approximately 9' of relief from the side setback of 15' required by §180-77B. Applicant will need approximately 10' of relief from the rear setback of 30' required by §180-77A. Applicant will need relief from §180-98C(2)(g) to allow a portion of three parking spaces to extend within required yards.

Township Council took no action and the appeal was properly posted and advertised.

Mr. Blair was sworn and testified that he owns the property surrounding this property except for the residential property. He arranged things so as to provide the required buffering on the side of his property that abuts the residential use, which is one reason why he requires relief in other directions. He also said that this property is consistent with surrounding commercial properties.

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

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

Old Business

There was no old business.

New Business

Mr. Garges told the Board that at present it looks as if there will be five applications to be heard next month. One of these is expected to be a special exception for the expansion of the Bethlehem landfill. They are not seeking an increase in the permitted area, but are seeking other modifications which would extend the life of the landfill by another five years at its current rate of usage. The matter is currently being studied by Township experts working with experts of Applicant.

Adjournment

There being no further business before the Board, Mr. Peeke moved, seconded by Mr. Lazar, to adjourn the meeting. The motion passed by a vote of 3 to 0 and the meeting adjourned at 7:45 p.m.

Respectfully submitted,

George A. Heitzman
Solicitor