

Zoning Hearing Board  
Lower Saucon Township  
Town Hall  
December 16, 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, Vice Chairman Lachlan Peeke, and Board Member Jay Lazar. Secretary Keith Easley 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 September 16, 2013. Mr. Peeke 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 September 16, 2013, the Court Reporter's bill for attendance at the meeting of September 16, 2013, and the Solicitor's invoice for the month of September, 2013. Mr. Peeke 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 John & Katherine Weiland - Variance 11-13**

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

lot is approximately 1.84 acres in size. The property is located at 3270 Greenacres Drive, Bethlehem, PA 18015 and is in an R80 zoning district. The property currently contains an existing dwelling and detached garage. The property is also burdened by two easements, one of which is an access easement which contains a driveway which provides access to an adjoining lot. Applicant is proposing to remove the existing dwelling and detached garage and then construct a new dwelling, attached garage, driveway and patios. The proposed dwelling and garage do not meet the front and rear yard setbacks (50') required by §180-29A and C, and as such require relief. The lot is irregularly shaped in addition to being burdened by two separate easements. Based on the site capacity calculations in §180-95C(2), the proposed coverage is 0.28 acres (21.4%). The maximum allowable coverage is 0.20 acres (20%). Applicant will need approximately 36' of relief from the required front yard setback of 50' and approximately 40' of relief from the required rear yard setback of 50'. Applicant will need approximately 0.08 acres (1.4%) of relief from the maximum allowable coverage of 20% set by §180-28C. Although Applicant lists §180-127.3 and §180-95C(2) in conjunction with the impervious coverage relief request, it is more appropriate to grant relief as a variance from §180-28C.

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

Applicant appeared represented by attorney Catherine Durso of the firm of Fitzpatrick, Lentz & Bubba, P.C..

Board Member Lazar announced that he was a member of the Saucon Valley Country Club and wanted to make that fact known. Attorney Durso said there was no objection to his voting in the matter, and there was no one in the audience who voiced any objection.

Attorney Durso identified Applicant's Exhibits 1 through 4. She identified Applicant's Exhibit 1 as a letter from Saucon Valley Country Club, the owner of

the property, authorizing the presentation of the variance requests. Applicant's Exhibit 2 is a zoning plan of the property. Applicant's Exhibit 3 is a letter dated November 22, 2011, from the Zoning Hearing Board Solicitor to John and Susan Blair notifying them of the approval of a variance that had been granted for their property. Applicant's Exhibit 4 are elevation drawings of the building that it is proposed to construct.

Michael Waldron was sworn and testified that he is employed by Ott Construction Company and had prepared the zoning plan. He testified that the location of the proposed building was determined by a consideration of the view as well as of two easements that burden the property.

Board Member Lazar questioned Attorney Durso as to the relevance of the letter that had been sent to Mr. and Mrs. Blair. She responded that this was to show that a variance had previously been granted to an adjacent property thereby tending to show that the requested relief was in conformance with the neighborhood. She stated it was not offered to serve in any way as having precedential value.

Mr. Waldon discussed the site calculations performed in order to determine the net buildable area which was determined to be 1.02 acres. He testified that 20% of this would be the maximum impervious cover permitted. He noted that based upon his calculations, the maximum impervious cover would be 0.28 acres, whereas the maximum allowable coverage was 0.20.

Mr. Waldon also testified that there would be no adverse effect whatsoever to granting variances. In response to a question from Chairman Banonis he noted that if the easements did not burden the property there would be no difficulty meeting the impervious cover requirement. He further testified that the site of the home could not be shifted without interfering with the easements.

Attorney Durso then stated that Mr. Weiland was there to answer any questions that the Board might have, and there were none.

There were no members of the audience who wished to be heard in the matter.

Mr. Lazar then made a motion to approve the requested variances and the motion was seconded by Mr. Banonis. Mr. Lazar and Mr. Banonis voted in favor of granting the variances and Mr. Peeke announced that he was abstaining from voting as he is an employee of the Saucon Valley Country Club. The motion therefore passed by a vote of 2 to 0.

### **Old Business**

There was no old business before the Board.

### **New Business**

Chairman Banonis noted the presence of a troop of Boy Scouts at the meeting who were there as part of their introduction to local government and civic affairs. The Chairman greeted them and stated that he hoped they found the meeting of interest.

### **Adjournment**

There being no further business before the Board, Mr. Peeke 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,

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George A. Heitzman  
Solicitor