

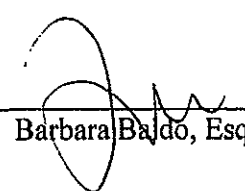
HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

DECISION

Application of : Stephen Mohan
Application Received : June 20, 2023
Property : 4451 Susan Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 28, 2023, hereby grants a variance to permit the proposed fence to be partially located within the required front yard, as per the plans submitted and attached to the application.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____
Barbara Baldo, Esquire, Chairperson

Dated: October 19, 2023

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of: : Mania Zeidan
Application Dated : August 14, 2023
Property : 1220 Illicks Mill Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 28, 2023, granting Petitioner's requested variance from the Sign Ordinance, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is identified as 1220 Illicks Mill Road and is located in a R1-S residential suburban zoning district. The property is owned by the Applicant, Mania Zeidan and her husband, Bassam Hanna.
2. Testifying along with the applicant was her son, Bahjat Hanna, who also lives at the premises.
3. The applicant intends to have a wall sign, six feet by three feet, located on the premises as per the picture attached to the application.
4. The Applicant requests this sign because she is conducting a home occupation in her residence.
5. The regulations regarding a home occupation are set forth in §185-25 F. (5).
6. These regulations limit the size of a sign for home occupation to two square feet in total area. Therefore, the Applicant is seeking a variance from this Section.
7. The Applicant included with her application examples of signs in the general neighborhood of her property. She and her son indicated that they did not believe that the sign would be detrimental to public welfare or out of character with the neighborhood.
8. In that regard, it is noted that the Applicant's property is located near the edge of the residential district and close to the commercial district and to Schoenersville Road. As such, the

Board believes that the proposed the sign is not out of character with the neighborhood and under these circumstances will not be detrimental.

WHEREFORE, the Zoning Hearing Board grants the variance for the sign as proposed.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 

Barbara L. Baldo, Esquire,
Chairperson

Dated: October 19, 2023

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of: : Avtar Singh
Application Dated : August 21, 2023
Property : 5639 Grace Avenue

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, September 28, 2023, and interpreting the Ordinance so as to permit the Applicant's proposed shed, hereby makes the following Findings of Fact and Conclusion of Law in support thereof:

1. The subject property is identified as 5639 Grace Avenue and is located in an R1-U residential urban district.
2. Testifying on behalf of the application was the owner Avtar Singh.
3. He indicated that he desired to place a shed on the property having the dimensions of twelve feet by ten feet, as depicted on the drawing attached to the application.
4. He further testified that the shed would not be located within the required rear yard of the property nor would it be located within the required side yard of the property.
5. Mr. Singh then testified as to the reasons why he believed he needed an outdoor shed and noted in that regard that his lot is considerably larger than most of the lots in his general neighborhood.
6. Also testifying at the hearing and in favor of the Applicant's request was Richard and Amy McGarr, who reside at 5627 Grace Avenue and Thomas Shelby, who resides at 5601 Grace Avenue. The witnesses are generally familiar with the neighborhood and believe that the proposed shed would not be detrimental. The witnesses stated that they are generally familiar with the neighborhood and believe that the proposed shed would not be detrimental.
7. In general, a shed would meet the definition of an accessory building as set forth in §185-12 of the Ordinance being "a subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use and located on the same lot.

8. Therefore, the Board believes that a shed is a customary accessory use and that it would normally be permitted in this district except to the extent that any regulation prohibits it.

9. In that regard, the Board needs to take into consideration §185-25 H, which provides as follows: "Accessory buildings and structures for townhouses and single family attached dwelling units. No accessory building types or structures shall be permitted for townhouses and/or single-family attached dwelling units in any residential zoning district except in accordance with the specific provisions of this chapter and the approved site plan and/or subdivision and land development plan, if any."

10. An approved site plan or subdivision land development plan would not normally show the location of accessory structures, particularly those that may be proposed by owners after the original subdivision plan. In the absence of there being a site plan or subdivision land plan that specifically says no such accessory structures shall be permitted, the Board believes that this Section does not prohibit a shed in this district.

11. The Board also needs to take into consideration Section 185-26B providing for accessory uses in an R1-S and R1-U districts which include in subsection b(3) thereof "other customary accessory uses found in a single-family detached home residential areas as approved by the Zoning Administrator". It is noted that sheds are customarily found in a single family detached home residential area.

12. Finally, the Board needs to take into consideration §185-26C(3), which has the following language, "except for townhouses and single family attached dwelling units located in any residential zoning district, a detached outdoor storage shed may be located in a required side or rear yard provided that the following requirements are met: . . . "

13. It has been suggested that this Section acts as a prohibition of sheds for townhouses and single-family attached dwelling units. However, the language as closely read is not a prohibition but a permission for such storage shed in other than townhouse and single-family attached dwelling units to be located within the required side or rear yard.

14. In the present case, the Applicant is not purporting to locate the shed within the required side or rear yard so it is not asking for the permission as set forth in subsection c(3).

15. Therefore, the Board does not find that any of the provisions of the Zoning Ordinance specifically prohibit sheds in this district.

16. It should be noted that even if the Board did not interpret the Ordinance as indicated above, it believes that the facts of this particular case justify a variance from any suggested provisions that would prohibit the shed. The Applicant in this case is at the end of the row and has a much larger area of land and clearly can readily accommodate the proposed shed.

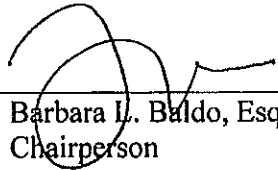
17. With the larger lot go the greater need for maintenance tools such as mowers and the like to maintain the lot. In addition, of course, the Applicant's neighbors testified that they believe the proposed structure was in keeping with the neighborhood and would not be detrimental.

18. It is also noted that no one in the neighborhood came to testify their disapproval of the proposed shed.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby interprets the Ordinance so as to permit the particular shed in this case for the applicant and in the alternative grants a variance from any provision which might otherwise prohibit this shed.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: November 7, 2023