



**MEMORANDUM**

<b>TO:</b>	Zoning Hearing Board Members
<b>FROM:</b>	Laura Harrier, Zoning Officer
<b>DATE:</b>	March 25, 2024
<b>SUBJECT:</b>	ZHB-2023-10 / Allison Gallardo and Benjamin Witmer 2133 Loring Drive Hearing Date March 27, 2024
<b>COPIES:</b>	ZHB, T. Dinkelacker, Twp Staff, Applicant

The following information is being provided regarding Zoning Application ZHB-2023-10 originally received on October 13, 2023. Due to case load, a Waiver of Time was received on November 01, 2023, to not hold the hearing within the 60 days from the original date.

The first hearing was held on January 04, 2024. It was determined during the hearing that a continuance would be necessary in order to revise construction documents and alter the relief required. A Waiver of Time was received at the hearing to continue to February 28, 2024.

Due to additional time being needed to complete the construction documents, another Waiver of Time was received on February 02, 2024, to extend the hearing to March 27, 2024.

**PROPOSAL**

The original proposal was for Allison Gallardo and Benjamin Witmer (“Applicant”), to add a *detached* garage with a 2<sup>nd</sup> story to the side yard of their parcel located at 2133 Loring Drive. The proposal has been revised to add the garage as an *addition* to the existing home.

**APPLICATION COMPLETENESS REVIEW**

The submission included the following documentation:

- Revised Zoning Appeal Application pages 1 through 11 dated January 19, 2024.
- Lehigh County Property Assessment Record
- A copy of the Deed
- J. McRell Design LLC Construction Drawings, three (3) sheets
- Revised Bascom & Sieger, Inc. Supplemental Statement/Narrative dated February 10, 2024.

## **BACKGROUND INFORMATION**

A Zoning Appeal Application was received on October 13, 2023, for a variance from the height of an accessory detached garage. A conversation took place between the Zoning Officer and Rob Paligian of Bascom & Sieger to determine the relief necessary and the ZO determined a variance would be required to exceed the maximum height of 20 feet for a detached garage.

A hearing took place on January 4<sup>th</sup> where other options were discussed. The applicant decided to revisit the project in regard to other options discussed and requested a continuance.

The Applicant decided that they would add the garage to the existing home as an “*addition*” rather than a “*detached accessory structure*”. An addition allows for a maximum dwelling height of 40 feet; the proposed garage would fall under these criteria rather than the accessory structure criteria. By proposing the addition, it removes the request for a height variance for an accessory structure; however, the side yard setback of 25 feet cannot be met for the principal use and the new relief of dimensional relief from the side yard is requested as shown in the revised construction drawings.

## **ZONING OFFICERS COMMENTS**

No additional comments that are not already mentioned in the background information.

## **VARIANCES 350-16**

The Board may grant a variance provided the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable Use of the property;
- (3) That such unnecessary hardship has not been created by the appellant;
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate Use or development of adjacent property, nor be detrimental to the public welfare;
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue;

(6) The variance shall not authorize a Use that is not permitted in the Zoning Ordinance, and which could more properly be considered a rezoning to be heard by the South Whitehall Township Board of Commissioners.

## **APPLICABLE DEFINITIONS**

### **ADDITION TO BUILDING**

An increase to the exterior dimensions of a building.

### **GARAGE**

A structure or portion thereof maintained for the storage and parking of vehicles operated by customers, employees, and visitors of the principal building(s) and in which no business or other use is carried on and no services rendered to the general public.

### **PRIMARY BUILDING/PRIMARY USE**

A use permitted by right provided said use is shown as a primary use in the Zoning District Schedule for the district in which the use is located and the use is in conformance with all other provisions of this chapter. No more than one primary use shall be permitted on a lot, unless otherwise specified herein, such as but not limited to § 350-31.

### **PRINCIPAL BUILDING/PRINCIPAL USE**

The predominant use of a lot, whether a primary use, special exception, conditional use, or nonconforming use.

### **SETBACK**

A setback denotes the minimum distance between a use, building or structure, and a lot line, boundary, natural feature or right-of-way line. The name of the setback or other accompanying words shall identify the particular lot line, boundary, feature, or right-of-way line involved.

## **CLOSING**

Based on the revised construction documents and site information provided, it is of the Zoning Officer's opinion the proposal meets all criteria of the Ordinance with exception to the side yard setback where 25 feet is required, and the proposed finished side yard setback would be 13.4 feet. Thus, requiring a dimensional variance of 11.6 feet for a finished side yard setback at the closest point of the corner of the proposed garage addition to the northern property line.

Laura Harrier  
Zoning Officer, Community Development