



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

Manouel Changalis, Chairman
Daniel Cortright, Vice Chairman
Michael Gaul, Board Member
Robert Stocklas, Alternate

Zoning Hearing Board Minutes December 18, 2018

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Also in attendance: Board Member Daniel Cortright; Alternate, Robert Stocklas; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator. Board Member Michael Gaul was not present.

MINUTES

Approval of the November 27, 2018 minutes was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried unanimously.

HEARINGS

ZA2018-06, Brian Wirth

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Brian and Julie Wirth

Brian Wirth provided exhibits for the Board.

Exhibit A-1: Photographs of the garage where he proposes to work.

Exhibit A-2: Photograph depicting the neighborhood.

Exhibit A-3: Photograph showing the adjoining farm to the north.

Exhibit A-4: A business card showing that his proposed business would be by appointment only.

Brian stated his proposed business would be to do brakes and possibly oil changes by appointment only. Oil changes will not be primary business. This is because he does not have a lot of room in his garage. To control noise, Brian is proposing to enclose his air compressor or purchase a battery impact gun. If he does an oil change, he would recycle the oil with a vendor.

Brian would only work on cars or pick-up trucks. His garage is only 8 feet tall and can only work on the vehicles that would fit in the garage.

Brian advised that he has purchased an insurance policy, obtained an EIN number, etc. – everything he needs to legitimately operate the business.

Advertisement of his business would be by distribution of his business cards and word of mouth.

Brian estimated he could work on 2-3 cars per day. He must be finished before he reports to his primary full-time job.

Alfred Pierce, Esq. appeared before the Board, representing Joseph Negrao, 3555 Manor Road, Bethlehem Township, who owns the house across the street.

Mr. Pierce inquired about the size of Mr. Wirth's driveway, how many cars could be parked in the driveway and the square footage of the house. Mr. Pierce inquired about tools he would be using to do his work.

Brian stated there will not be anything visible to the neighbors. All work will be within the garage including the financial transaction.

Regarding safety, Mr. Wirth has a deadbolt on his garage door to keep children out of the garage. Customers will not be staying. His children will be at school while he works.

Mr. Wirth does not intend to keep cars overnight because the work is intended to be quick and easy brake replacement.

Mr. Wirth is before the Board for Special Exception approval for the home occupation; however, he is also requesting a variance since his garage will face the houses across the street.

Manny Changalis asked Joseph Negrao his thoughts on the proposed use. Mr. Negrao stated he has been in the real estate business 55 years and believes a use of this character is detrimental to the neighborhood.

Lori Seese shared the proof of posting which depicts the dwelling and the driveway.

The question was asked about where customers will wait while Mr. Wirth is working on their car. Mr. Wirth stated that customers can wait in his living room or foyer in the house. They may also drop their car and come back when the work is complete.

Mr. Wirth does not intend to display a sign.

Mr. Changalis requested a 5-minute break in the testimony.

April Cordts requested a brief Executive Session from 7:25 – 7:38 p.m.

Mr. Pierce presented his arguments opposing the application, citing the uses permitted and not permitted as a home occupation. Mr. Pierce stated he does not believe the application meets the criteria for a special exception and a variance and stated the reasons in support of his argument.

In rebuttal, Brian Wirth stated that his is a one-income home and with the income he will be able to properly maintain his property.

The motion to close testimony was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried.

Manny Changalis stated that there are several issues which are problematic with the application: specifically, the use of the home, the lack of restroom, and insufficient evidence showing that Mr. Wirth has met the criteria for a variance. Mr. Changalis stated that he cannot rightfully see that they can approve his application.

The motion to deny the application based upon the lack of legal standing was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried unanimously.

There were no comments under Courtesy of the Floor.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,



Lori B. Seese
Planning & Zoning Administrator

/lbs

**** Note: These minutes are only a brief summation of the actual hearing. All Zoning Hearing Board hearings are officially transcribed by a professional stenographer. Should any parties wish to view these transcripts, please contact the Zoning Officer. If an official copy has not been requested, the requestor must pay for the transcript.***