



LOWER NAZARETH TOWNSHIP ZONING HEARING BOARD

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Zoning Hearing Board

Manouel Changalis, Chairman
Steven Nordahl, Vice Chairman
Michael Gaul, Board Member
Brian Fenstermaker, Alternate

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes April 26, 2022

Chairman Manny Changalis called the meeting to order at 6:38 p.m. Board Members Mike Gaul and Steven Nordahl; Alternate, Brian Fenstermaker; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

AGENDA

The motion to approve the agenda was moved by Michael Gaul and seconded by Stephen Nordahl.

MINUTES

Motion to approve the March 22, 2022 minutes was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

Chairman Manny Changalis announced the Board held an **EXECUTIVE SESSION** on April 12, 2022.

RENDERING OF DECISIONS

ZA2021-01 – Peoples Property, LLC

Present for the Application: Applicant: Adam Pooler (virtually)

Motions by the Board

Reversal of the determination of the Floodplain Administrator: Motion to deny the request was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 2, Section 2.0, Permits Required: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 2.04, Application Procedures and Requirements: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 4, Section 4.01, Uses Permitted in the Floodplain District: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 4.01F, Use of Yard and Lot Area for Sewage Disposal Systems: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 402.B, Prohibited Uses in the Floodplain District: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 8, Technical Provisions: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

ZA2021-04 – Peoples Property, LLC

Motions by the Board

Favorable interpretation that the property is a lawful pre-existing non-conforming lot pursuant to Article 14, Section 1409.6.2 of the Zoning Ordinance which permits development of the nonconforming lot: Motion to deny was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

or in the alternative, variances from the Lower Nazareth Township Floodplain Ordinance #212-06-14:

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 4, Section 4.01, Uses Permitted in the Floodplain District: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 4.01F, Use of Yards and Lot Area: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 402.B, Prohibited Uses in the Floodplain District: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 8, Technical Provisions: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

ZA2021-05 – Annie Marie, LLC

Motions by the Board

Favorable interpretation that the property is a lawful pre-existing non-conforming lot pursuant to Article 14, Section 1409.6.2 of the Zoning Ordinance which permits development of the nonconforming lot: Motion to deny was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

or in the alternative, variances from the Lower Nazareth Township Floodplain Ordinance #212-06-14:

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 4, Section 4.01, Uses Permitted in the Floodplain District: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 4.01F, Use of Yards and Lot Area: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Section 402.B, Prohibited Uses in the Floodplain District: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Variance from the Lower Nazareth Township Floodplain Ordinance #212-06-14, Article 8, Technical Provisions: Motion to deny the requested variance was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Michael Gaul announced that a written decision will be issued within the next 45 days.

ZA2022-04, J. Kevin Landis

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: J. Kevin Landis, Applicant

Mr. Landis purchased the property at 4464 Steuben Road in 2017. He has been storing equipment in the barn. It was his understanding the former owner had run his contracting business out of the barn for years. Mr. Landis thought he was grandfathered in to the use. He wants to improve the barn. He wants to give it a horse barn look with a wraparound porch. He wants to park a trailer or two in the back of the barn.

In regard to his business he does additions and renovations. He uses the building for leftover material, equipment, etc. and may do minor work. He has no employees. He has subcontractors but no direct employees. A subcontractor may stop on occasion to pick up a tool.

He may occasionally get a delivery; however, most deliveries go to the jobsite.

He has no storage outside in general. Some concrete blocks behind the barn.

In regard to signage, Mr. Landis stated he is not trying to draw people to his property. He meets customers at their location. All operation will be inside.

Mr. Landis would like to add a driveway to pull in to the barn and load material in the future.

Barry Boyer, 311 Hillcrest Avenue: His property abuts this property. Kevin has been a good neighbor. Sometimes he hears him routing and sawing. If it is a lot of routing and sawing would take his word for it that it would not be a lot. Mr. Boyer has heard a minimal a lot of noise.

Steve Nordahl asked Mr. Landis about keeping the doors closed when he used machinery. Mr. Landis stated 99% of his work is on the jobsite. Prep work may be done onsite but would be minimal.

Robert Mease, 4475 Steuben Road: Kevin has been there for 5 years and the most noise he has heard has been his lawn mower. Excellent improvement on the house. The improvement to the barn would be a plus.

Alexis and Ed Gable, 4470 Steuben Road: The barn used as an animal hospital, auto repair shop, aircraft manufacturing, and boat building.

Adele Brueningson, 327 Woodlawn Drive, visited the blacksmith as a girl. Improvements to the property have been incredible. Kevin's use is no more a nuisance than a lawn mower.

Mike Gaul asked Mr. Landis if he could keep the noise inside the building. Mr. Landis stated you would still hear outside the door, but not from the property line.

Mike Gaul stated his vision is that anything happening will not be visible from outside. Mike Gaul has concerns that someone would be doing contracting work and not the typical home occupation.

Adele Brueningson inquired about the 25% requirement.

Robert Mease asked if storage is included? Not residential use.

Adele Brueningson asked if the rules would stay with the property? Yes. They do not apply only to the current owner if the property is sold and another contractor would occupy the property.

Deliberation by the Board

The Board discussed hours of operation, home projects, lighting, outdoor storage, subcontractors, etc. Manny stated he does not want a commercial manufacturing such as a cabinet maker. He should be limited to the components of a project he is working on only. No commercial manufacturing or producing materials except for projects outside of the premises.

The 25% limitation of the dwelling was discussed. Twenty-five percent is 890 s.f. based upon the living area declared on www.ncpub.org. The Board stated Mr. Landis can come back for a variance if he wants more room than that.

The motion to grant the Special Exception approval with the clarification that it does not include any variances relative to the applicable square footage limitation under subsection 1503.F.8.b, and subject to the conditions:

1. Work Hours; M-F, 9 a.m. – 5 p.m. and 9 a.m. to 2 p.m. Saturday. No work on Sunday. Deliveries allowed M-F, 7:30 a.m. to 9 p.m.
2. Cannot be more than 1 person working on the premises other than the owner.
3. No commercial manufacturing except for projects off of the premises.

Was moved by Mike Gaul and seconded by Steven Nordahl. The motion carried unanimously.

ADJOURNMENT

The motion to adjourn was moved by Steve Nordahl and seconded by Manny Changalis. The motion carried unanimously. The meeting adjourned at 8:11 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.***