



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

623 MUNICIPAL DRIVE
NAZARETH, PA 18064
TELEPHONE: 610-759-7434
FAX: 610-746-3317

Zoning Hearing Board

Steven Nordahl, Chairman
Michael Gaul, Vice Chairman
Brian Fenstermaker, Board Member
David McGinnis, Alternate
Roberto Reyes, Alternate

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes

April 29, 2024

Chairman Steven Nordahl called the meeting to order at 6:30 p.m. Board Members Michael Gaul and Brian Fenstermaker; Alternates David McGinnis and Roberto Reyes, Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

APPROVAL OF THE AGENDA

Approval of the agenda as posted was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

MINUTES

Approval of the January 23, 2024 minutes was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

HEARING

ZA2024-04, Lucas Repka

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Lucas Repka, Esq., Applicant and Joshua Mazin, Esq.

Township Solicitor Gary Asteak was present on behalf of Lower Nazareth Township.

Joshua Mazin noted that their application was a request for interpretation to allow the proposed use as an accessory use to the law office in contrast to the Zoning Officer's interpretation that the use is an additional principal use, which requires a variance. It was noted that the legal advertisement did not include the request for interpretation; therefore, the hearing had to be continued. The motion to continue the hearing to May 29, 2023 at 6:30 p.m. so the hearing can be properly advertised was moved by Mike Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

ZA2024-05, Theresa and Kevin Moyzan

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Theresa Moyzan, Applicant; Victor Scomillio, Esq., and Davin Viegas, Contractor.

Theresa Moyzan provided testimony. Mrs. Moyzan's father would occupy the accessory dwelling. Her struggles getting around due to several health conditions. There are steps to enter the primary dwelling at all points and does not have a bathroom on the first floor.

The accessory building in question was formerly used for athletic training; however, it is no longer used for anything. The footprint of the building would not change at all. The accessory dwelling would not be rented out to anyone else, no short-term rental, etc. Utility improvements would be minimal as they already exist for the structure.

Davin Viegas, Contractor provided testimony regarding the proposed layout of the accessory dwelling and utilities provided to the existing structure. Mr. Viegas noted that ramps would have to be installed for access to the primary dwelling to retrofit for Mrs. Moyzan's father; however, there are stairs all throughout the dwelling. The footprint of the existing structure is not laid out to allow for an addition.

Mr. Viegas testified that the current septic system will be able to accept up to 400 gallons per day without modification.

It was noted that the Applicant was willing to accept conditions that the accessory dwelling unit could not be rented out to anyone.

Mike Gaul made a motion to close testimony. Brian Fenstermaker seconded the motion. The motion carried.

Board Deliberation

Mike Gaul stated it's a reasonable accommodation. He suggested conditions which would restrict use to a family member, specifically a single person. No leasing of the unit. Construction fit-out must comply with all applicable codes. No other improvements shall be completed related to the change of use, including the storage area and garage. No other changes other than what is depicted in the application. The dwelling must have the same façade. Finally, approval is based upon application and testimony.

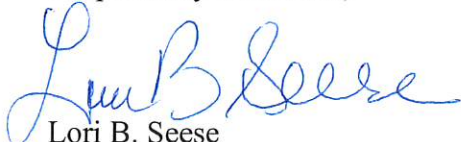
Motion by the Board

The motion to grant the requested variances with the conditions outlined was moved by Mike Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

ADJOURNMENT

The motion to adjourn the meeting at 7:17 p.m. was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

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.***