

**LOWER MACUNGIE TOWNSHIP**  
**ZONING HEARING BOARD MINUTES**

February 23, 2021

The February 23, 2021 Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Scott Aquila. Members present were Charles Ervin, William Royer and William Smith. Also in attendance were Carl L. Best, Zoning Officer, Vincent Tranguich, Codes and Mark Malkames, Solicitor. The hearing was held at the Lower Macungie Township Municipal Building, 3400 Brookside Road, Macungie, PA. 18062.

On a motion by Mr. Ervin and a unanimous vote, the invoice for The Malkames Law Office was approved.

On a motion by Mr. Ervin and a unanimous vote, the January 26<sup>th</sup>, 2021 minutes were approved.

Mr. Best is sworn in and testifies that he is the Zoning Officer for Lower Macungie Township and that the following Appeals were properly advertised, that adjoining property owners were notified and that the properties were posted and a record is on file.

**Appeals to the Zoning Hearing Board:**

**Appeal No. 02-2021** of Rider-Shepherd LLC. 1160 S. Krocks Road, Allentown, PA. 18106.

Attorney Stephanie Koenig represents the applicant. Attorney Koenig stated that due to Mr. Ashford being self-quarantined due to Covid-19, he is unable to attend tonight's meeting and therefore will call in via telephone conference to testify. Mr. Ashford is on the conference call and the grounds keeper, Mr. Richard Gonya, is in person in the meeting room. Attorney Koenig stated that the property is located at 1180 S. Krocks Road. Mr. Ashford purchased the property in 2016. The 2,000 square foot farmhouse had been converted into a 2-unit dwelling prior to the purchase. The property is located in the S-Suburban Residential Zoning District.

Attorney Koenig stated that the application at tonight's hearing is to seek relief to continue the 2-unit, nonconforming use or in the alternative would seek a Variance. Mr. Ashford stated that he is the owner of Rider-Shepherd LLC and also the owner of the property in tonight's appeal. It was recently brought to his attention that the 2-unit dwelling was never legally permitted nor did the prior owner ever secure the necessary permits. Mr. Ashford stated that there is one unit on the first floor and one unit on the second floor, both have a separate entrance. There are four off-street parking spaces on the property. There is public water and sewer to the property. There are no proposed changes or expansion to this property. Mr. Ashford contacted several of the neighbors prior to this meeting and none of them had an issue with this appeal.



Mr. Ervin asked if both the units are currently occupied. Mr. Ashford stated that only one of the units is currently occupied.

Mr. Gonya has been employed at the golf course since 1990 and is very familiar with the dwelling. Mr. Gonya states that the photos submitted as Exhibits are true and correct. Also, Mr. Gonya stated that there has never been a problem with the dwelling being a 2-unit.

Mr. Aquila questioned how many people live in the current 2-unit dwelling and how many bedrooms are in each unit. Mr. Ashford stated that the upstairs unit has 2 bedrooms and 1 bath and the first floor unit has 1 bedroom and 1 bath.

Mr. Aquila questioned Attorney Malkames on which relief should the Board consider granting, a Variance or a continuation of a nonconforming use.

Attorney Malkames recommended that the Board consider granting a Variance.

There were no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Mr. Royer and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

**Appeal No. 03-2021** of East Texas Barn Co. LLC. 5540 Lower Macungie Road, Macungie, PA. 18062.

Attorney Craig Neely represents the applicant. Ronald Beitler is sworn in. The property is located at 1955 Willow Lane. The applicant will be seeking a Conditional Use application in March. The proposed use is a 2-unit apartment in the existing barn on the 2<sup>nd</sup> floor and a craft brewery will be located on the first floor. The existing restaurant will be razed as soon as possible.

There is a 125 year old springhouse under the existing restaurant that will be kept and restored. Prior to the restaurant, there was a hotel on the property that burned down sometime in 2004. Mr. Beitler is proposing to add a deck to the rear of the barn for outdoor seating. Also a 10 X 24 shed is proposed, adjacent to the proposed deck. The shed would be used to store lawn equipment and other necessary items. The property is located in both the 100 year and 500 year flood zones.

Mr. Beitler stated that the property never flooded, even during this past summer when there were heavy rains that caused flooding in other flood prone areas.

Mr. Aquila questioned whether the deck would have some type of roof. Mr. Beitler stated that they are not proposing a permanent roof but is considering an awning. Also, Mr. Aquila was concerned about hours of operation, outdoor noise, music and/or bands. Mr. Beitler stated that there would be no outdoor music or bands. The Tap Room would possibly close at 9 pm. During the week.

Mr. Beitler stated that the proposed deck also allows them to meet ADA requirements as it wraps around the entrance to the barn with a ramp. There will be no kitchen or food prepared in the barn. Food trucks will visit the property to provide food to the patrons.

Handwritten signature and initials, possibly 'SN' and 'CF', in black ink.

Mr. Ervin questioned how the proposed shed would be anchored down to prevent the shed from floating during a possible flood. Mr. Beitler stated that the shed would be constructed on a concrete pad and would be anchored according to the building codes.

Mr. Beitler stated that the East Texas Barn Company is the real estate portion which will be owned by himself and his father. The brewery is owned by the applicant and the distillery will be leased to a third party which will be operating a 12' foot high still on the northern portion of the barn. They would sell wine and spirits. The brewery, operated by the applicant, will sell their product on the south side of the barn.

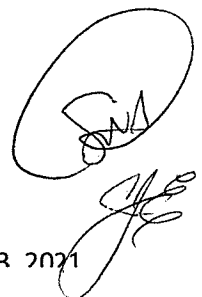
There were no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Mr. Royer and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

On a motion by Mr. Ervin, and a unanimous vote, the meeting was adjourned.

***The minutes are only a summary of the meeting. The official transcript should be consulted for completeness and accuracy.***

Respectfully submitted; Carl L. Best, Zoning Officer

A handwritten signature in black ink, appearing to be 'C. Best', enclosed within a large, hand-drawn oval. Below the oval, there are additional scribbled lines and a signature that looks like 'JL'.