

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

July 25, 2023

The July 25, 2023, Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Ms. Avery Smith. Members present were Ron W. Beitler, and William Royer. Also, in attendance were Vince Tranguch, Zoning Officer and Ronald Corkery, Solicitor. The hearing was held at the Lower Macungie Township Municipal Campus, Meeting Room A, 3400 Brookside Road, Macungie, PA. 18062.

A motion was made by Mr. Royer, second by Mr. Beitler to approve the minutes of the June 27, 2023 Meeting. There were 3 ayes.

A motion was made by Mr. Royer, second by Mr. Hanna to approve the Invoice for Attorney Ron Corkery. There were 3 ayes.

Mr. Tranguch 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 of the Appeals are on file.

Appeals to the Zoning Hearing Board:

Appeal No. 15-2023 of Marcelo Vargas, 2847 Sequoia Dr. Macungie, PA 18062. Property located in a U-Urban Residential Zoning District. Lehigh County Tax Parcel No. 547441866015-1. Applicant is requesting a Variance to Ordinance 2019-10, Chapter 27, Part 17, Section 27-1708. 2. D. (2) seeking relief to encroach into the required 10-foot setback from a side property line for a private swimming pool.

Present for the applicant is: Sandra Vargas, Property Owner. She has been sworn in.

Present with concerns on the Variance are:
Matthew Berner, 6502 Pioneer Dr., Rebecca Bretzik, 6602 Pioneer Dr., and Gregory Trexler, 2866 Sequoia Dr.

Mr. Tranguch provides background on the request and provides two exhibits. The parcel is 20' wide and per the current Zoning Ordinance, pools must be a minimum of 10' from all property lines. A notice of violation had been sent to the owner for the pool after a complaint was received. There were no permits applied for in order to erect the structure.

The applicant states that she was aware of the dimensions of her property and that the pool has been up seasonally since 2018 and they had never applied for a permit previously. Before owning this property, the pool was set up next door where they were renting.

Attorney Corkery explains that in order to be granted relief to the Zoning Ordinance, the applicant must be able to show that there is undue legal hardship. The applicant states that she cannot provide any hardship for this request of relief.

CONCERNS OR QUESTIONS FROM OBJECTORS OR INTERESTED PARTIES

Mr. Berner, Ms. Bretzik, and Mr. Trexler are all sworn in.

Mr. Berner states that he knew of the pool, but was unaware that no permits were applied for. His issue with the pool structure is that he looked into a pool for his residence and would not be able to legally have one in his yard. He states that he had not spoken to the applicant regarding his concerns.

Ms. Bretzik states that she is a Board Member for the Home Owner's Association and that permits are required by the HOA. Her issue with the pool structure is that there is a concern of soil erosion that may place a burden of flooding. She states that there have been prior issues with sinkholes and by allowing the setback exception, she feels that this may become an issue once again. Ms. Bretzik states that the HOA Board does not recommend the allowance of this pool.

Mr. Trexler states that he is also a Board Member for the Home Owner's Association. He states that no other resident has a pool in their yard, and by allowing this pool it will "open a can of worms." He states that there is a pool for all residents to use within walking distance of all homes in the community.

BOARD QUESTIONS

Mr. Royer questions the location of the community pool. Ms. Bretzik states that it is no more than a quarter of a mile from every residence in the community.

Ms. Smith questions how many variances would be needed. Attorney Corkery states that there would be 2. One for each side yard of the property.

No further questions.

No motion was made to allow two separate side yard variances.

A motion was made by Mr. Royer, second by Mr. Beitler to deny two separate side yard variances. The variance was denied by a 3-0 vote.

Appeal No. 16-2023 of George & Julie Sanchez, 1499 Morning Star Dr. Allentown, PA 18106. Property located in an S-Suburban Residential Zoning District. Lehigh County Tax Parcel No. 547582249332-1. Applicant is requesting a Variance to Ordinance 2019-10, Chapter 27, Part 17. Section 27-1708. 1. and Chapter 27, Part 17. Section 27-1804 seeking relief to encroach into an easement with the proposed driveway.

Present for the applicant is: George Sanders, Property Owner. He has been sworn in.

Mr. Tranguch provides background on the request and provides three exhibits. There is a 10' easement on the applicant's property and he is wishing to expand his current driveway 5' into the 10' easement.

The applicant states that he is aware of the easement and is requesting the relief to allow his third personal vehicle to be parked in his driveway rather than on the street. He cannot expand the driveway to the other side as the property is sloped and that would cause the driveway to go into his front yard. He is concerned with having to move the third vehicle off the street for snow and leaf removal as well as to avoid it being hit by passing vehicles. Mr. Sanchez states that his property is smaller than those in his immediate area. The applicant also states that other residences on his street have extended driveways into the existing easements.

BOARD QUESTIONS

Mr. Beitler questions if this variance will fall under the 2020 Ordinance of Disclosure. Mr. Tranguch states that would only pertain to new construction. Mr. Beitler questions what this easement pertains to. Mr. Tranguch states that it is noted as a typical easement. He also questions if this would need impervious relief as well, and Mr. Tranguch states that it will only need encroachment relief.

Ms. Smith questions if variances were applied for the extended driveways at the other parcels. Mr. Tranguch states that this is unknown.

The applicant states that precautions would be taken to ensure that drainage would not be affected. His neighbors have been made aware of the request of encroachment and one neighbor is also putting in a pool at this time.

No further questions.

There are no objectors or interested parties in this Appeal.

Ms. Smith states that she does not feel that this will meet the threshold of hardship.

Mr. Royer states that there is a Township development approval in 2000 and he does not have any issue with granting the variance as there has been no evidence that this encroachment will become an issue.

A motion was made by Mr. Royer, second by Mr. Beitler to allow a 5ft driveway encroachment with the condition that it does not go against the maximum impervious coverage. The Variance is approved by a 2-1 vote. A. Smith dissenting.

A motion was made by Mr. Royer, second by Mr. Beitler, to adjourn the meeting. There were 3 ayes.

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

Respectfully submitted, Kimberly Boyer