

Appeal #10608 – CRAIG SMITH, 501 E. HARRISON ST., for 495 E. HARRISON ST., EMMAUS, PA 18049. Applicant proposes to convert existing garage and apartment building into two-unit apartment building. Applicant requests a variance from the Table of Uses and Z.O. 402.1.O to convert existing dwelling to an increased number of dwelling units. Site is located in an R-L Zoning District.

Solicitor Corkery explained that there are only two board members present at the meeting and stated that the Applicant can request a continuance to the February meeting or continue with tonight's meeting. He also explained that if there is a tie vote of 1-1, the appeal is denied. The Applicant, Craig Smith, asked what the process is for him to proceed if the appeal is denied. Solicitor Corkery explained that the applicant will receive a copy of written decision within 45 days and the applicant will then have 30 days to file for a written appeal with the Lehigh County Court of Common Pleas. He stated that the appeal is a legal document and at this point in the process, most individuals hire a lawyer. He explained that a judge will review the transcript of tonight's meeting and base his decision upon that. The applicant stated that he fully understands and would like to proceed tonight.

The applicant stated that he is proposing to convert an existing garage into an apartment. He stated that there is currently an apartment on the 2nd floor, and he is proposing a two-unit apartment building. The applicant stated that he is proposing the conversion because the tenant that lives on the 2nd floor is having difficulty with the stairs. He stated that he would move her downstairs and then rent the upstairs. He stated that approval for the upstairs apartment was granted in 1984. Solicitor Corkery stated that there was a previous Zoning Hearing Board decision in 1991 for the applicant to operate a telemarketing business. He asked if the applicant is still operating the business. The applicant responded that he is not. He stated that he lives at 501 E. Harrison Street with his family and operates his business as a home occupation. Solicitor Corkery asked the applicant if he applied for a permit to operate as a home occupation. The applicant stated that he is proposing to upgrade the exterior of the garage to make it look more residential. He stated that he believes it will be an enhancement to the neighborhood. He stated that he will rent a storage unit to clean up the property. He stated that there are 6 or 7 off street parking spaces available.

Zoning Hearing Board member Nickerson asked if the applicant is requesting a variance. Zoning Officer Hammond responded that the applicant is requesting a use variance. Zoning Hearing Board Chairman Steinmayr asked if the box truck located on the side of the building is registered. Mr. Smith responded that he will discard the truck. Chairman Steinmayr asked if the applicant considered a stair climber for the tenant on the 2nd floor and asked the applicant what the hardship is for this appeal. The applicant responded that he is having difficulty understanding what hardship means. Solicitor Corkery explained that a hardship is something that is unique and peculiar to the applicant's property that is not applicable to any other property in the R-L Zoning District. He explained that a conversion to an increased dwelling is not permitted in the R-L Zoning District.

The Zoning Hearing Board voted 2-0 to deny the variance.

Steinmayr no Nickerson no

Code Official Hammond reminded the Board that the reorganization meeting will be held at the February meeting.