

Motion by Zoning Hearing Board Member Iobst, seconded by Zoning Hearing Board Member Nickerson to appoint Roger Steinmayr as Chairman of the 2022 Zoning Hearing Board. There were 3 ayes. Motion carried.

Motion by Zoning Hearing Board Chairman Steinmayr, seconded by Zoning Hearing Board Member Iobst to retain Corkery & Almonti as Solicitor of the 2022 Zoning Hearing Board. There were 3 ayes. Motion carried.

Appeal #10612 – HAOJUN SUN, 21 GATEHOUSE RD., BEDMINSTER, NJ 07921 FOR 640 FURNACE ST., EMMAUS, PA 18049. Applicant proposes to convert single family home into a 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. The property is located in the R-L Zoning District.

The applicant stated that the property located at 640 Furnace Street is owned by her husband, Jie Yang, and is located in the R-L Zoning District. She stated that the property was purchased in May 2022. Attorney Corkery asked the applicant to explain the legal hardship for her variance. The applicant stated that she owns similar property, and it is difficult to rent as a single-family house. She stated that she has not yet listed the property for rent on the market. She stated that she has made many improvements and it was expensive to renovate. The applicant stated that she will need additional funds to continue to make improvements. Chairman Steinmayr stated that the property is half of a twin home and could be rented as a single-family twin.

Comments:

1. **Scott Fenstermaker, 647 Furnace Street** – stated that he lives across the street from 640 Furnace Street. He voiced concern that there is not enough parking on the street. Solicitor Corkery noted that there is no off-street parking on the application. The applicant stated that she may create additional off-street parking.
2. **Joseph Wooner, 629 Furnace Street** – voiced concern about parking.

The Zoning Hearing Board voted 3-0 to deny the variance.

Steinmayr	no	Iobst	no	Nickerson	no
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Appeal #10609 – THOMAS HERB, 119 DELL ST., EMMAUS, PA 18049. Applicant requests to build a 336 SF addition to an existing non-conforming residential building. The applicant requests a 3.4’ side yard setback dimensional variance to Z.O. 901, which requires a 10’ side yard setback, and a variance to permit an expansion of a non-conforming expansion of 33%. The property is located in the R-L Zoning District.

The applicant, Thomas Herb, stated that he lives at 119 Dell Street. The applicant stated that he is proposing to build a 336 SF one-story addition with a basement, and a 10' x 14' open deck. The applicant stated that a window and a door are located in the basement. He stated that the addition will include a bedroom, a bathroom, and a laundry room. The applicant stated that the house is a non-conforming structure and is set back 4' 4" from the side. The addition will be set back 6' 8" and is more conforming than the existing home. The applicant stated that there is a neighbor located to the left of the property and they have no issue with the addition. The applicant stated that the addition would have vinyl siding and the rest of the house is brick. The applicant stated that an addition is needed for additional space. The applicant's architect, Alan Hawman, stated that the existing door in the kitchen will be the primary door to the addition and is the primary reason the addition is located where it is. The applicant stated that the basement is used for storage only.

The Zoning Hearing Board voted 3-0 to grant the 3.4' side yard setback variance and the 8% non-conforming expansion.

Steinmayr yes Iobst yes Nickerson yes

Appeal #10611 – MARK REYNARD, 202 S. 6TH ST., EMMAUS, PA 18049. Applicant is leasing a 7,084 SF building as a pool contracting office and warehouse for storage and supplies. Applicant requests a special exception to Z.O 806.7.B to change a non-conforming use to another non-conforming use. The property is located in the R-HO Zoning District.

The applicant, Mark Reynard, is represented by legal representation. The applicant is leasing the building from Michael Irwin. Mr. Irwin stated that he is a member of the LLC that owns the property located at 202 S. 6th Street. He stated that he has owned the property since 2016. He also stated that the property was previously used as a warehouse, print shop, and office space with approximately 13-19 employees. He stated that there were changes made due to COVID and he no longer needed the space. He stated that in January he entered into a lease agreement with Mr. Reynard. He stated that he believes Mr. Reynard's use of the building is less in intensity to the previous use. Mr. Reynard stated that he is the lessee of the building located at 202 S. 6th Street and operates a swimming pool company. He stated that the building is used mostly as office space and a warehouse with two office staff and himself. He stated that the business is seasonal from March to November and there is little activity in the winter. He stated that customers are by appointment only and the hours of operation are 8:00 a.m. to 8:00 p.m. He stated that supplies are delivered onsite. He stated that there is outdoor storage. He stated that there have been no complaints by the neighbors about the outside storage. Zoning Hearing Board member Iobst stated that his application states that there is an office staff of 4 and approximately 10-15 employees. He also stated that the application states that the employees leave their personal vehicles parked on the lot for the day. Mr. Reynard stated that all of the employees but 2 park in the parking lot. He stated that there are enough parking spaces for the employees to park in the lot. Zoning Hearing Board member Iobst stated that there are a significant number of pallets, outside storage, and boulders in view of residential homes. Mr. Reynard responded that the boulders will be removed in approximately 1 ½ months. Zoning Hearing Board member Iobst suggested screenings to hide the pallets and outside storage.

The Zoning Hearing Board voted 3-0 to grant the special exception with conditions.

Steinmayr yes Iobst yes Nickerson yes

Condition:

- 1. Install a 6’ high solid fence with access gates to enclose the outdoor storage.

Steinmayr yes Iobst yes Nickerson yes

Appeal 10610 – DAVID REAL ESTATE HODL LLC, 58 TOWNSHIP RD., MACUNGIE, PA 18062 FOR 306 BROAD ST., REAR, EMMAUS, PA 18049. Applicant proposed to develop a property into a 6-unit, low-rise apartment building. Applicant requests 1) a variance of 472 SF per unit from Z.O. 901, which requires 3,000 SF lot area per unit; 2) a variance or interpretation of Z.O. 402.1.TT(5)(a)(ii) to permit two principal buildings on a lot to be less than 20 feet apart. The property is located in the R-HO Zoning District.

The applicants, Matthew Spangenberg and Jonathan Wilhite of David Real Estate Hodl LLC, are represented by Attorney Erich Schock of Fitzpatrick, Lentz, and Bubba. Mr. Spangenberg stated that he is the principal of David Real Estate Hodl LLC. He stated that he also owns the property located next door at 102-104 S. 3rd Street and 44 properties with over 100 units in Emmaus. Mr. Spangenberg stated that the existing building is located 15’ from the proposed building. The applicant stated that the property is located at 306 Broad Street Rear, and it is in the R-HO Zoning District. He stated that they are proposing to redevelop the property with a low-rise apartment building. Mr. Spangenberg stated that a low-rise apartment building is a permitted use in the R-HO Zoning District. Attorney Schock presented exhibit A-1, which is a view of S. 3rd Street. Mr. Spangenberg stated that the property currently is currently 16,154 SF in area and after development it would be 15,170 SF. Mr. Spangenberg explained that there is a discrepancy with the deed and the size of the property and that he had the property surveyed. The minimum lot area to build is 12,000 SF, but the Zoning Ordinance requires 3,000 SF per dwelling unit. The applicant is proposing six units having 2,528 SF per unit. The applicant stated that the SF of the lot is greater than the minimum required. The applicant stated that the R-HO Zoning District permits mid-rise apartment dwellings on a 15,000 SF lot that contains 100’ of lot width. The property is only 82’ in width. The applicant is proposing to limit the units to two bedrooms, stating 5 units with 3 bedrooms would be permitted. Attorney Corkery explained that the applicant is seeking a 15.7% variance to the required lot area per dwelling unit. Attorney Schock presented exhibit A-2 and A-3. Exhibit A-2 is a 5-unit building and A-3 is a 6-unit building. The applicant stated that twelve parking spaces are required for the six proposed apartments and there are 19 parking spaces available. The applicant stated that they meet the minimum parking requirements. The applicant stated that they are not changing the building footprint or the height. The applicant stated that the building is over 100 years old, and it is almost impossible to determine when the discrepancy with the lot line occurred. Chairman Steinmayr asked why they are proposing a 6-unit building. Mr. Spangenberg responded that 2-bedroom units make a better building.

Comments:

1. **Roderick Chirumbdo, self-employed Civil Engineer** – stated that the proposed 6-unit low rise apartment building is appropriate for this lot. Attorney Schock presented Exhibit A-4, the submitted plan. Mr. Chirumbdo stated that the building located at 102-104 S. 3rd Street was built across the property line and performing a lot-line adjustment would be a hardship due to the existing condition.

2. **Christine Vadelund Massari, 317 Adrain Street** – voiced concern about Section 8 housing. She asked what type of barrier wall will separate the building from her property. Attorney Schock stated that there will not be a barrier wall, there will be landscaping placed between the properties. She stated that she is concerned that people will walk across her property. Zoning Officer Hammond responded that this issue will be handled during the Planning Commission phase. She stated that she believes having a six-unit building will cause overcrowding. Mr. Spangenberg stated that the apartments will be high end luxury apartments.

3. **Michael Mauer, Emmaus Moravian Church** – stated that he believes that his questions are for the Planning Commission.

4. **Debra McManus, 328 Broad Street** – stated that she believes that her questions are for the Planning Commission.

5. **Sara Olexa, 331 Broad Street** – stated that her biggest concern was parking, but the issue has been addressed. She asked how long the construction will take for the project. Attorney Corkery responded that the question will be addressed at the Planning Commission.

6. **David Oehmke, 320 Broad Street** – asked about the variance request to permit two principal buildings less than 20’ apart. Attorney Corkery explained that the variance is needed because 1’ of the 102-104 S. 3rd Street is over the property line. Mr. Oehmke asked if a 5-unit low rise apartment building is allowable. Attorney Corkery responded affirmatively. Mr. Oehmke voiced concern about overcrowding.

7. **Joan Barthol, 110 S. 3rd Street** – voiced concern that sunlight to her property will be blocked by the proposed construction.

The Zoning Hearing Board voted 3-0 to grant the 472 SF lot area (2832 SF total) dimensional variance per dwelling unit.

Steinmayr	yes	Iobst	yes	Nickerson	yes
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The Zoning Hearing Board voted 3-0 that the interpretation is not applicable.

Steimayr	yes	Iobst	yes	Nickerson	yes
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The Zoning Hearing Board voted 2-1 to grant an alternative to permit two principal buildings on a lot to be less than 20 feet apart.

Steinmayr	yes	Iobst	no	Nickerson	yes
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