

UPPER MACUNGIE TOWNSHIP

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**ZONING HEARING BOARD
AGENDA – 8/26/2020**

The Upper Macungie Township Zoning Board of Adjustment will hold a public hearing on August 26th at 6:30 P.M., at the Township Building, 8330 Schantz Road, Breinigsville (one mile west of Route 100), to hear the following appeal:

- #07 20 014** The Zoning Appeal of **Cool Breeze Auto, LLC, 1738 Creekview Dr., Foglesville, PA 18051**; for a variance from **§27-306.2 “Table of Permitted Uses by District”** to allow an auto sales use at 852 Trexlertown Rd., Breinigsville, PA 18031. The property is situated in the R3 Zoning District.
- #07 20 015** The Zoning Appeal of **Guraya LLC, P.O. Box 307, Foglesville, PA 18051**; for a variance from **§27-307.2.C.j “Table of Lot and Setback Requirements by District”** to allow impervious coverage over the allowed amount at 5917 W. Tilghman St., Allentown, PA 18104. The property is situated in the HC Zoning District.
- #08 20 016** The Zoning Appeal of **Joseph Holaska, 5902 Winterberry Pl., Allentown, PA 18104**; for interpretational relief from **§27-603.7.C(1) “Width of Paved Area and Parking Setbacks”** to allow a parking area in a prohibited area. The property is situated in the R2 Zoning District. The Applicant is seeking zoning relief in response to a notice of enforcement action filed by Upper Macungie Township and requests the following relief:
1. Applicant requests an interpretation and determination pursuant to Upper Macungie Township Zoning Ordinance section 27-111.5.A. (2011 as amended) that the Zoning Officer has misinterpreted or misapplied Upper Macungie Township Zoning Ordinance section 27-603.7.C.(1) governing the Width of Paved Area and Parking Setbacks. Specifically, Applicant avers that the Zoning Officer’s determination that a portion of the paved area of the driveway located upon the Subject Property is in violation of section 27-603.7.C.(1) of the Upper Macungie Township Zoning Ordinance was made in error or in a manner inconsistent with applicable law.
 2. Alternatively, Applicant requests a variance from 27-603.7.C.(1) to permit the existing paved area on the Subject Property to remain as constructed.
 3. Alternatively, Applicant requests a de minimis variance from 27-603.7.C.(1) to permit the existing paved area on the Subject Property to remain as constructed.

4. Alternatively, Applicant asserts that Applicant is entitled to, and hereby requests, a variance by estoppel from 27-603.7.C.(1) to permit the existing paved area on the Subject Property to remain as constructed.

#08 20 017 The Zoning Appeal of **Jeffery & Pauline Graves, 307 Sawgrass Dr., Allentown, PA 18104**; for interpretational relief from **§27-603.7.C(1) “Width of Paved Area and Parking Setbacks”** to allow a parking area in a prohibited area. The property is situated in the R2 Zoning District. The Applicants are seeking zoning relief in response to a notice of enforcement action filed by Upper Macungie Township and request the following relief:

1. Applicants request an interpretation and determination pursuant to Upper Macungie Township Zoning Ordinance section 27-111.5.A. (2011 as amended) that the Zoning Officer has misinterpreted or misapplied Upper Macungie Township Zoning Ordinance section 27-603.7.C.(1), and section 27-603.7.B.(2) governing Paved Area Setbacks, and the Width of Paved Area and Parking Setbacks, and section 27-603.4.A. governing Access Drives and Driveways. Specifically, Applicant avers that the Zoning Officer’s determination that a portion of the paved area of the driveway located upon the Subject Property is in violation of section 27-603.7.C.(1) of the Upper Macungie Township Zoning Ordinance was made in error or in a manner inconsistent with applicable law.
2. Alternatively, Applicants request a variance from 27-603.7.C.(1) to permit the existing paved area on the Subject Property to remain as constructed.

#08 20 018 The Zoning Appeal of **Elvis & Merima Gojkic, 310 Sawgrass Dr., Allentown, PA 18104**; for interpretational relief from **§27-603.7.C(1) “Width of Paved Area and Parking Setbacks”** to allow a parking area in a prohibited area. The property is situated in the R2 Zoning District. The Applicants are seeking zoning relief in response to a notice of enforcement action filed by Upper Macungie Township and request the following relief:

1. Applicants request an interpretation and determination pursuant to Upper Macungie Township Zoning Ordinance section 27-111.5.A. (2011 as amended) that the Zoning Officer has misinterpreted or misapplied Upper Macungie Township Zoning Ordinance section 27-603.7.C.(1), and section 27-603.7.B.(2) governing Paved Area Setbacks, and the Width of Paved Area and Parking Setbacks, and section 27-603.4.A. governing Access Drives and Driveways. Specifically, Applicant avers that the Zoning Officer’s determination that a portion of the paved area of the driveway located upon the Subject Property is in violation of section 27-603.7.C.(1) of the Upper Macungie Township Zoning Ordinance was made in error or in a manner inconsistent with applicable law.
2. Alternatively, Applicants request a variance from 27-603.7.C.(1) to permit the existing paved area on the Subject Property to remain as constructed.

Applicants must appear at the hearing.
All interested parties may appear and be heard.

Daniel DeMeno, Zoning Officer