

The August 23, 2017 meeting of the Macungie Zoning Hearing Board was called to order at 7:30 P.M. in Borough Council Chambers, Borough Hall, 21 Locust Street, Macungie, PA by Chairman Ronald Karboski. Board Members present were Barry Bloch, John Horner and Ronald Karboski. Also present were Solicitor John Ashcraft, Court Stenographer Sandy Caparrell, Zoning Officer Ken Nicholson and Administrative Assistant Cynthia Hartzell.

REORGANIZATION

- a. Chairperson – Board Member Karboski was appointed Chairperson on a motion by Board Member Horner and second by Board Member Bloch. Motion carried: 3 ayes
- b. Vice-Chairperson – Board Member Horner was appointed Vice-Chairperson on a motion by Board Member Karboski and second by Board Member Bloch. Motion carried: 3 ayes
- c. Zoning Solicitor – Attorney John Ashcraft was appointed Zoning Solicitor on a motion by Board Member Karboski and second by Board Member Bloch. Motion carried: 3 ayes

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The hearing was properly advertised in the East Penn Press on August 9 and 16, 2017. All adjoining property owners were notified and the property was properly posted.

Appeal 2017-01, David G. and Cheryl A. Fatzinger, 218 Village Walk Drive, Macungie PA 18062 request an appeal to the determination and interpretation by the Zoning Officer regarding the issuance of a permit to conduct a Low Impact Home Occupation at 220 Village Walk Drive, Macungie, Pa, 18062, PIN 5473 7907 4363. The Property is located in the R 7.8 Medium Density Residential Zoning District.

Mr. Fatzinger questioned if he was able to record the hearing to which Solicitor Ashcraft answered he was able to record the hearing.

Mr. Fatzinger handed out a bound packet to each Board Member and Solicitor. The packet will be marked as Exhibit 1. The packet had the Notice of Violation sent to Angela Tapler, 220 Village Walk Drive by Zoning Officer Nicholson; sections of the zoning ordinance that listed Low Impact Home Occupation; pictures of the business vehicles parked on Village Walk Drive and pictures of employees coming to the property; print out from the American Burn Association about gasoline safety; pictures of Mr. Fatzinger’s driveway blocked by the neighbor at 220 Village Walk Drive; and a document with parts of a memo and referencing zoning ordinance sections and comments.

Mr. Fatzinger gave his testimony on the documents in Exhibit 1. He read the violation letter dated February 16, 2017 sent to Angela Tapler, 220 Village Walk Drive that listed the 2 violations for Scott VanDine to complete a moving permit and to address the business at the property. He explained each of the pictures that showed pickup trucks towing trailers hauling equipment in Exhibit 1. After Mr. Fatzinger reviewed all the information in Exhibit 1, the Board Members asked some questions of Mr. Fatzinger to understand his appeal. Mr. Fatzinger commented that the trucks have not been parked in the neighborhood or the employees have stopped coming since Zoning Officer Nicholson patrolled the area.

Public Comments

Debra Cope, 208 Village Walk Drive, Macungie, confirmed that Mr. Fatzinger clearly pointed out the issue with the business trucks that adds to the serious parking situation in the neighborhood. She commented she also had pictures of the business trucks parked in the neighborhood.

Angela VanDine, 220 Village Walk Drive, Macungie, who is owner of the property, addressed some comments made by Mr. Fatzinger. She remarked the picture of employees on the website is a group of friends who put a company shirt on for the picture and it was an old picture. She remarked the propane tank and the gas can in the garage are empty. There is no one living in the basement and no electrical work has been done in the basement either. She is an employee of the business and the parking in Mr. Fatzinger's driveway has been controlled. She remarked they have had only 1 employee for the last 3-4 months. She commented they are looking for a location to house the trucks.

Board Member Bloch questioned what would be considered a commercial vehicle and Mr. Fatzinger answered he considered a pickup with lettering on it to be a commercial vehicle. Mrs. Fatzinger commented a dump truck has been parked in the neighborhood.

Chris Becker, 404 E. Main Street, Macungie, questioned where the vehicles were parked before Mr. VanDine moved in. Mrs. VanDine remarked the vehicles were parked at the job sites previously.

Mrs. Fatzinger remarked Mr. VanDine was the contractor to rebuild the house after the fire and moved in after the house was rebuilt. Mrs. VanDine commented Mr. Fatzinger parks 2 of his cars on the street instead of in his driveway to which Mr. Fatzinger remarked 1 car is parked in his garage and does not park the others in the driveway so the garage is not blocked if he wants to use that car.

Debra Cope interpreted the zoning ordinance that the construction business would not meet the definition of a home occupation business, that it is not compatible with the neighborhood.

Zoning Officer Nicholson explained his interpretation of the zoning ordinance to allow the construction business as a home occupation. He commented the permit was issued on June 1, 2017 based on 1 employee working at the home, there are no deliveries or people coming to the home and a construction trade person is allowed per the zoning ordinance. Comments between Mr. Fatzinger and Zoning Officer Nicholson were about the length of time between the violation letter and issuance of the home occupation permit; and the number of business vehicles parked in the neighborhood.

Zoning Hearing Board went into deliberation.

After the deliberation, Board Member Horner made a motion, second by Board Member Bloch, to deny the applicant's appeal, affirming the Zoning Officer's interpretations of the home occupation, with the condition that the business vehicles parking on or about the property should be limited to 2 light duty pickup style trucks and shall not have any trailers or heavy equipment on or around any surrounding residential use property in regards to the Van Dine Construction Company. Motion carried: 3 ayes

Hearing no other business to be brought before the Board, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Kenneth Nicholson  
Zoning Officer

(These Minutes are not the official record of the Macungie Borough Zoning Hearing Board. They are only intended to provide a summary of the activities of the Zoning Hearing Board. All hearings are stenographically recorded and the transcript is available at cost. The official decision of the Zoning Hearing Board is the signed "Decision" which may be obtained at Borough Hall)