



## WARRINGTON TOWNSHIP ZONING HEARING BOARD MINUTES FOR THE NOVEMBER 28, 2016 MEETING

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on November 28, 2016 at the Township Building located at 852 Easton Road, Warrington PA, 18976.

**Pledge of Allegiance:** The meeting opened with a pledge to the flag.

**Introduction of Members:** The members present were as follows:

Frank Shelly, Chair	Present
Janice DeVito, Vice-Chair	Present
Carol Facenda, Member	Absent
William Bell, Member	Present
Kevin Lawlor, Member	Present
Thomas Watkins, Alternate Member	Present
William Bolla, Esq., Solicitor	Present
Roy W. Rieder, P.E., Zoning Officer	Present

**Stenographic Record:** A stenographic record of the meeting will provide a record of the proceedings. Copies of the stenographic record may be purchased from Blum-Moore Reporting Services Inc.

### **Approval of Minutes**

Ms. DeVito made a motion to approve the minutes of the October 24, 2016 Zoning Hearing Board meeting. The motion passed 5-0

### **Hearing 1 – Edward and Kelly Mulroy**

**Subject Property: 761 Warrington Avenue**

**TMP: 50-036-054**

#### **Zoning – R-2**

This was a continuation of the meeting from October 24, 2016. Four board members were present for this hearing. Mr. Watkins was excluded because he had not been present for the previous hearing. The applicant prepared an annotated site plan, marked as Exhibit B-5, to show both the existing and the proposed impervious areas along with the proposed setbacks from the property lines. Mr. Rieder testified that he had checked the figures with the applicant and that the calculations were correct. Existing impervious coverage is 20.3 percent, and proposed impervious coverage is 23.6 percent. After deliberation, the amended the application to include a special exception in accordance with Section 2301.B.4 to allow a building to be erected on a nonconforming lot and approved a variance from Section 805.2.A.5 to allow

construction of the proposed garage on a motion by Ms. DeVito and seconded by Mr. Lawlor. The motion passed 4-0.

Mr. Bolla advised the applicant that he would issue a Decision and Order within 45 days and that a 30-day appeal period would begin on the day that the Decision and Order is issued. The applicant may proceed with obtaining building permits and begin construction at this time, but doing so will be at his own risk.

**Hearing 2 – Wallace Kerrigan on behalf of Target Corporation**

**Subject Property: 401 Easton Road**

**TMP: 50-031-030-002-00T**

**Zoning – CBD**

The Target Corporation owns a single story building located at 401 Easton Road in the CBC zoning district and desires to install rooftop-mounted solar panels in an effort to reduce the amount of electrical power consumed from PECO by 20-30 percent. Section 2703.2.A of the zoning ordinance requires special exception from the Zoning Hearing Board for all non-residential solar panel installations.

**B 1 – Application**

**B 1a – October 12, 2016 letter from Target Corporation authorizing Mr. Kerrigan to act as agent on behalf of the Target Corporation**

**B 1b – Project Narrative**

**B 1c – Aerial photo depicting a typical rooftop installation**

**B 1d – Line of Site drawing**

**B 2 – Proof of advertisement**

**B 3 – Affidavit of mailing**

**B 4 – Affidavit of posting**

Ms. DeVito introduced the application. Mr. Kerrigan explained that the intent of the application is to obtain a special exception to enable the installation of solar panels to reduce the amount of generated power being obtained from PECO. The proposed installation will provide approximately 20-30 percent of the electricity required to power the store. He stated that the solar panels would cover about 60 percent of the roof. Mr. Kerrigan also stated that none of the rooftop components would be visible from a 7-foot tall person on the ground. He stated that the only thing visible would be a conduit running down the side of the exterior wall and an emergency cutoff switch for use by firefighters.

After deliberation, and on a motion by Ms. DeVito, seconded by Mr. Watkins, the Zoning Hearing Board approved a special exception of Section 2703.2.A of the zoning ordinance to allow the installation of the rooftop solar panels and related equipment. Mr. Bolla advised the applicant that he would issue a Decision and Order within 45 days and that a 30-day appeal

period would begin on the day that the Decision and Order is issued. The applicant may proceed with obtaining building permits and begin construction at this time, but doing so will be at his own risk.

**Hearing 3 –John T. and Catherine L. Larkin**

**Subject Property: 2270 Tohickon Lan**

**TMP: 50-023-064**

**Zoning – R-2I**

The Larkin's own a single floor house in the R-2I zoning district and desire to construct a 420 square foot addition on their home. The existing house is set back 25 feet from the rear property line where 35 feet is required. The house is a legal nonconforming structure. The Larkin's wish to widen the house by 15 feet in the rear while maintaining the existing 25-foot setback

**B 1 – Application**

**B 1a – Deed**

**B 1b – October 27, 2016 letter from the zoning officer**

**B 1c – Marked up site plan showing the encroachment into the rear yard**

**B 1d – Pages 10 and 11 from the 1952 Zoning Ordinance**

**B 1e – Zoning map from the 1952 Zoning Ordinance**

**B 1f – Renovation plan consisting of three sheets**

**B 1g – Site plan**

**B 2 – Proof of advertisement**

**B 3 – Affidavit of mailing**

**B 4 – Affidavit of posting**

Ms. DeVito introduced the application. The applicants are requesting a variance of Section 851.D. of the zoning ordinance to allow an encroachment into the rear yard setback and a section exception of 2301.3.B to allow the expansion of a nonconforming structure.

Mr. Larkin stated that he and his wife had owned the house since 1985 with one bathroom. He stated that when family visits the house is no longer large enough and he and his wife wish to construct a 420 square foot master suite with an additional bathroom. Mr. Lawlor asked about existing utilities; Mr. Larkin stated that the property was served by public water and public sewer.

Mr. Rieder explained Exhibits B 1d and B 1e. He stated that the house was constructed in 1957 in a one-half acre residential district. At the time of construction, the required rear yard setback was 25 feet. Subsequently, the property has been re-zoned as R-2I and now requires a setback of 35 feet causing the building to be nonconforming.

After deliberation, and on a motion by Ms. Devito, seconded by Mr. Bell, the Zoning Hearing Board approved a special exception of Section 2301.3.B and a variance from Section 851.D to allow the 420 square foot expansion of a nonconforming structure with a setback of 25 feet where a minimum setback of 35 feet is otherwise required. Mr. Bolla advised the applicant that he would issue a Decision and Order within 45 days and that a 30-day appeal period would begin on the day that the Decision and Order is issued. The applicant may proceed with obtaining building permits and begin construction at this time, but doing so will be at his own risk.

There are no applications to be considered in December 2016. The next meeting of the Zoning Hearing Board, if needed, will be at 7:00 PM on Monday, January 23, 2017

There being no further business, a motion for adjournment was made and seconded and the meeting was adjourned at 8:15 PM.