

**WARRINGTON TOWNSHIP ZONING HEARING BOARD
MINUTES FOR THE SEPTEMBER 15, 2008, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:06 p.m. on September 15, 2008, at the Township Building located at 852 Easton Road, Warrington PA 18976.

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

Public Comment: None

Introduction of Members: The members present were as follows:

Janice Devito	Chair
Frank Shelly	Vice Chair
Fred Gaines	Member
Wayne Bullock	Member
Robert Baldi, Esq.	Solicitor
Meg Gruwell	Plng. & Zng. Admin.

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. The court stenographer for this meeting is Carol Angiolillo.

**Continued Hearing 1
MJS Investments, LLC
1585 Easton Road (Route 611)
TMP: 50-026-092
Zoning: R-2**

It was announced that the MJS Investments hearing that had been continued from August 11, 2008, would be continued until the October 20, 2008 hearing at the applicant's request. The letter requesting the continuance, dated September 15, 2008, was made exhibit ZHB 4. No one was present for the hearing, but it was announced that it will not be readvertised.

**New Business Hearing 2
Tracey M. Sawyer
911 Partridge Place
TMP: 50-15-180-277
Zoning: PRD-M**

The applicant is appealing the decision of the Zoning Officer who refused to issue a building permit for a deck because in his opinion the proposed deck would be located in a 50-foot wide buffer zone

which is required by Section 612.5.G of the Warrington Township Zoning Ordinance. The applicant contends that the section of the ordinance should not apply to the deck. In the alternative the Applicant is seeking a variance from Section 612.5.G in order to build the deck within the 50-foot buffer zone.

Exhibits: ZHB 1 – Application
ZHB 2 – Notices of the hearing, newspaper advertisement and posting.
ZHB 3 – Current Zoning Ordinance of Warrington Township

Party Representing the Applicant: Tracey Sawyer

Parties Requesting Party Status: None

Ms. Sawyer distributed copies of her outline of evidence and restated her arguments using information that was in her application, including Exhibit A-1, the letter dated December 4, 2007, from Warrington Township stating the application for a deck had been denied, Exhibit A-2, the letter giving Bradford Greene's approval for the proposed project, and Exhibit A-3, the photographs of the rear of the building, further labeled a, b, c and d. The board asked questions about how the other decks had been approved, and about the adjoining gun club use. Vice Chair Shelly moved, and Janice Devito seconded that the request for the variance be granted to allow the applicant to construct the deck as described dimensionally in her letter, which would be similar to those that are in existence in that particular section of the condominium. It was clarified that the description of the deck was in Exhibit A-2. The vote was all in favor.

New Business Hearing 3
Kelly Thomas Weiss and Jonathan Golden
909 Partridge Place
TMP: 50-15-180-275
Zoning: PRD-M

The applicants are appealing the decision of the Zoning Officer who refused to issue a building permit for a deck because in his opinion the proposed deck would be located in a 50-foot wide buffer zone which is required by Section 612.5.H of the Warrington Township Zoning Ordinance. The applicant contends that the section of the ordinance should not apply to the deck. In the alternative the Applicant is seeking a variance from Section 612.5.H in order to build the deck within the 50-foot buffer zone.

Exhibits: ZHB 1 – Application
ZHB 2 – Notices of the hearing, newspaper advertisement and posting.
ZHB 3 – Current Zoning Ordinance of Warrington Township
Ex. A-1 – June 8, 2008, Zoning Officer's letter of rejection
Ex. A-2 – May 5, 2008, Bradford Greene Homeowner Assoc.'s letter of approval
Ex. A-3 – Photographs, a through g

Parties Representing the Applicants: Kelly Weiss and Jonathan Golden

Parties Requesting Party Status: None

The applicants described where the photographs were taken from, and the board asked questions. The applicants confirmed their deck would be two doors from Ms. Sawyer's deck. Boardmember Gaines moved, Chair Devito seconded, that the request for a variance be granted to allow the applicant to construct the deck as described dimensionally in her letter which would be similar to those that are in existence in that particular section of the condominium. Mr. Baldi clarifies that Mr. Gaines means it is substantially similar to Exhibit A-2. The motion passed unanimously.

**New Business Hearing 4
Thomas and Sharon Fortunato
803 Sweet Cherry Street
TMP: 50-041-082
Zoning: RA-2**

The applicants are requesting variances from Section 433.C and 433.E of the Warrington Township Zoning Ordinance to build a two-story in-law suite with a basement with a 25-foot front yard setback and a 22-foot rear yard setback.

**Exhibits: ZHB 1 – Application
ZHB 2 – Notices of the hearing, newspaper advertisement and posting.
ZHB 3 – Current Zoning Ordinance of Warrington Township
Ex. A-1 – As-built date stamped August 26, 2008, with all existing and proposed additions
Ex. A-2 – Enlargement of as-built
Ex. A-3 – Drawing – far left shows proposed addition
Exs. A-4 - 6 – Photographs of yard**

Parties Representing the Applicants: Thomas and Sharon Fortunato

Parties Requesting Party Status: None

The applicants described where the photographs were taken from, and the board asked questions. It was pointed out that, as described, this will not be an accessory apartment since it is not proposed to have a kitchen. Vice Chair Shelly moved, Boardmember Gaines seconded, that the requests for variances be denied. The vote was all in favor.

**Pleasantville United Church of Christ
3424 Limekiln Pike
TMP 50-6-6, 50-4-61, 50-6-5-3, 50-6-1 and 50-4-95
Zoning: RA**

- **The Applicant is requesting three variances: 1) A variance from Section 406 of the Zoning Ordinance to allow a residential driveway serving an adjacent lot to be located within the fifty foot buffer zone required between a residential use and a nonresidential use. In the alternative the Applicant requests the Board to interpret the Zoning ordinance to conclude that a single residential driveway serving a single residence is not prohibited within the buffer zone. 2) A variance from Section 2307 of the Zoning Ordinance to allow a residential driveway serving an adjacent lot to be located within the fifty foot buffer zone required between a residential use and a nonresidential use. In the alternative the Applicant requests the Board to interpret the Zoning Ordinance to conclude that a single residential driveway serving a single residence is not prohibited within the buffer zone. 3) A variance from Section 403.E.3(e), of the Zoning Ordinance from the maximum building height of thirty five feet for a House of Worship under the conditional use requirements for a Community House of Worship. Applicant is asking to allow forty eight feet for the highest point of the roof on the proposed building addition for the church.**

Exhibits: ZHB 1 – Application

ZHB 2 – Notices of the hearing, newspaper advertisement and posting.

ZHB 3 – Current Zoning Ordinance of Warrington Township

Ex. A-1 – Res. Preliminary Plan Approval

Ex. A-2 – Agreement with Mr. and Mrs. Cameron

Ex. A-3 – Curriculum vitae of Mr. Stoneback

Ex. A-4 – Landscape Plan – Sheet L2 - 31 of 32, dated 2/7/2008

Parties Representing the Applicant: Caroline A. Edwards, Attorney

Donna M. Wright, President of Pleasantville UCC Church Council

Richard A. Stoneback, Project Engineer, Charles Shoemaker, Inc.

John F. Althouse, Architect

Michael Lehr, Architect

Parties Requesting Party Status: Mike Kelly, 135 Muirfield Lane

Dara King, 120 Muirfield Lane (Lot 6)

Susan Sasser, 115 Muirfield Lane

This hearing was continued from the August 11, 2008, Zoning Hearing Board meeting. It was pointed out that Boardmember Gaines was not at the first meeting. Secretary Lawlor was there, but he is absent tonight. The applicants agreed to have the matter heard by only three boardmembers. Caroline Edwards stated that the issues before the Board are the driveway relocation, and the height variance, which had been reduced since it was last heard, from 48 feet to 45 feet 8 inches. She also stated they had met with the neighbors since the last meeting and had come to an agreement. Donna Wright entered Exhibit A-5 which was the agreement with the neighbors. Because the legend was not with the agreement, Caroline clarified that the proposed evergreen trees were white pine, and the deciduous trees were London planetrees. Richard Stoneback described the proposal for the relocated driveway as amended, and gave his interpretation of the code. He also discussed the plans for the area adjacent to the driveway. John F. Althouse discussed acoustics and other factors in designing a church. Ordinance 2008-O-05 was handed out to the Board with the revised requirements for churches

in the RA zone. Michael R. Lehr handed out his resume as Exhibit A-7. He also handed out Exhibit A-8-A sheet SK01 . North elevation (dark hatching is the portion over 35 feet), and A-8-B, sheet SK02 . the west and south elevations, and discussed how the height had been arrived at. The board discussed the issue. Boardmember Bullock moved to grant the variance from sections 406 and 2307 of our Zoning Ordinance to allow a residential driveway within a 50-foot buffer zone. That driveway would be substantially similar to the driveway shown on the plans, including but not limited to the buffer plan as presented. Boardmember Bullock also moved to consider a variance from section 403.E.3(e) for a maximum building height not to exceed 45 feet 8 inches consistent with the plans shown in A-8-A and A-8-B. This also includes the summary of conditions in the agreement, and standard conditions. Vice Chair Shelly seconded the motion. The vote was unanimously in favor of the motion.

Approval of Minutes: The board approved the minutes of August 11, 2008 and August 18, 2008.

Adjournment: The meeting was adjourned at approximately 10 p.m.

Respectfully submitted,

Kevin Lawlor
Recording Secretary