



## WARRINGTON TOWNSHIP ZONING HEARING BOARD MINUTES FOR THE MARCH 25, 2019 MEETING

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on March 25, 2019 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
Kevin Lawlor, Member	Present
Dennis Gordon, Member	Present
Harry Chess, Member	Present
Richard Alsdorf, Alternate Member	Excused
Thomas E. Panzer, 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 Donna DeAngelis-Lehmann.

### Approval of Minutes

February 25, 2019: Ms. DeVito motioned to approve the minutes. Mr. Gordon seconded the motion. The motion passed unanimously.

### OLD BUSINESS

#### Hearing #1 – Application Eddie and Stacy Bowen

**Subject Property: 305 Sunrise Court**

**TMP: 50-044-025**

**Zoning: RA**

Mrs. Bowen appeared on their own behalf and gave testimony concerning the irregular shape of the house and also addressed the fact that the allowable impervious area had changed as a result of re-zoning. Mr. Gordon made a motion seconded by Mr. Chess to allow impervious area up to 34 percent with the conditions that the applicant obtain all necessary variances and submit and construct stormwater management controls, as approved by the township engineer, to manage all stormwater from impervious areas in excess of 15 percent. The motion passed unanimously.

**NEW BUSINESS**

**Hearing #2 – Application Fred Gage**

**Subject Property: 2565 County Line Road**

**TMP: 50-019-004**

**Zoning: R1**

Mr. Gage appeared represented by his attorney, Todd Savarese. Mr. Rieder testified that he had been made aware of the existence of multiple apartments on the property by Robert England, the code enforcement inspector for the township. Mr. Rieder stated that he had reviewed the available township files and found no permits for additional dwelling units. He stated that he then issued an enforcement action for failure to obtain permits and for allowing unpermitted uses on the property. Mr. Savarese reviewed several certificates of occupancy and inspection reports. Mr. Savarese then made a motion to deny the enforcement action. Mr. Panzer suggested that the motion to deny be deferred until all testimony was heard.

Mr. Wipplinger, the current owner, stated that the apartments were present when he purchased the property in 2003. Mr. Wipplinger stated that he was responsible for the property during the period from 2003 to 2014. Mr. Wipplinger was not aware when the additional electric meters (3 meters total) were installed on the property. Mr. Wipplinger stated that there were two meters installed when he purchased the property in 2003.

Mr. Frederick Gage testified that he is the equitable owner of 2575 County Line Road. He stated that he was in business with Mr. Wipplinger prior to 2014 and had been associated with the property prior to 2014 consisting of maintaining and repairing the property since about 2012. He stated that in 2012 there were three units and was unaware of Mr. Wipplinger adding any units after Mr. Wipplinger purchased the property in 2003. He stated that he expected to be able to continue renting three units. He stated that there are three people living there now. Mr. Gage is responsible to acquire new tenants. He stated that he had five tenants since 2014. Mr. Gage stated that there are four meters at the property. He said there were three meters for a long as he can remember. He said he recently installed a fourth meter for the water well and garage. Mr. Gage said he was willing to connect the property to water and sewer and abandon the existing well and septic system. Mr. Gage stated that he had met with John England prior to renting out the apartment to another renter. Mr. Wipplinger changed his testimony to state that there were three electric meters present when he bought the property in 2003.

Mr. John Lucas testified that he has lived at the property since 2006 originally occupying the second floor apartment in the main house and lately in the lower floor apartment in the main house. He said that there has always been three apartments at the property since he has been living there. He stated that there are three mailboxes at the end of the driveway. He stated that about 8 or 10 tenants had lived there since he moved in.

After hearing all of the testimony and deliberating, Mr. Gordon made a motion, seconded by Mr. Lawlor to sustain the zoning officer's January 14, 2019 determination violations and to grant a variance to allow two residential units of three bedrooms each in the main house and to deny a variance for a dwelling unit above the garage, with the conditions that the garage is not to be used

to conduct general contracting business, the owner is to connect to public water and sewer within one year, obtain all required permits, and obtain use and occupancy permits for all future changes in tenants. The motion passed unanimously.

**ADDITIONAL BUSINESS**

1800 Street Road Settlement Agreement: Ms. DeVito made a motion to approve the settlement agreement; Mr. Lawlor seconded. The vote was 4-1 with Mr. Gordon voting no.

**Adjournment**

The meeting adjourned at 9:30 PM.

**Next Meeting**

The next meeting is scheduled for April 22, 2019.