



## WARRINGTON TOWNSHIP ZONING HEARING BOARD MINUTES FOR THE MARCH 22, 2021 MEETING

A meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on March 22, 2021 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
Richard Alsdorf, Member	Present
Dennis Gordon, Member	Present
Harry Chess, Member	Present
Kevin Lawlor, Alternate Member	Excused
Thomas E. Panzer, Esq., Solicitor	Present
Roy W. Rieder, P.E., Zoning Officer	Present
Christian R. Jones, Deputy Zoning Officer	Present (via remote access)

**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-

### Approval of Minutes

#### February 22, 2021

Ms. DeVito made a motion, seconded by Mr. Gordon, to approve the minutes; the motion passed 5-0.

### OLD BUSINESS

#### HEARING #1

**WT ZHB #20-29: Application of James Braccia**

**Subject Property: 941 Bluebell Lane, Warrington, PA**

**TMP #: 50 014 009**

**Zoning: RA**

Mr. Braccia appeared on his own behalf. Mr. Braccia testified that there were no changes to the plan, but that it had merely been made more clear. The abandoned sand mound shown on the plan is to be removed and regraded. Mr. Gordon made a motion to grant a special exception and a variance for excess impervious are conditioned on a stormwater management plan for all impervious areas greater than 15 percent. Ms. DeVito seconded. The motion passed unanimously.

**Hearing #2**

**WT ZHB #20-09: Application of David and Barbara Rodgers**

**Subject Property: 279 Folly Road, Chalfont, PA**

**TMP #: 50-010-010-006**

**Zoning: RA**

Mr. and Mrs. Rodgers were represented by Joseph M. Blackburn, Esq. Mr. Panzer asked if anyone wished to request party status. Warrington Township was represented by Terry W. Clemons, Esq., the township solicitor.

David Gibson, 259 Folly Road, requested and was granted party status. Eric Thompson and Lisa Del Gotto, 291 Folly Road requested and were granted party status. Larrissa and Joshua Weiskopf, 179 Folly Road, requested and were granted party status.

Mr. Blackburn stated that the request for a variance by estoppel was withdrawn. Subsequently, Terry W. Clemons, Esq., stated that Township Exhibits T-1 through T-12 would not be required.

Mr. Thompson had several documents he wished to use as exhibits. Mr. Panzer stated that Mr. Thompson would be given an opportunity to present his information. Copies need to be provided to all parties.

Mr. Blackburn stated that the only types of variance relief being requested are variances to allow persons not related by blood, marriage, or adoption to occupy the accessory apartment and to allow the accessory apartment to exist in a building other than the principal dwelling.

Kenneth Amey was accepted as an expert in planning and zoning. He testified that he is familiar with the property and discussed the site plan of the property. Mr. Amey stated that the property is just over 13 acres and that maintenance is a large task for the applicants. Mr. Amey stated that the applicant, David Rodgers, sustained a broken hip on March 1 while performing maintenance on the property. The applicant proposes to house a caregiver/caretaker in an accessory apartment to be constructed in the second floor of the existing barn. The Rodgers' have selected a couple to perform these functions of maintaining the property and providing care for the Rodgers' as needed. The caretaker/caregivers will not be paying rent to live in the apartment.

Mr. Amey stated that he had reviewed and written several zoning ordinances during his career. Mr. Amey prepared those documents to satisfy both the municipality and the residents of the municipality. Mr. Amey stated that three types of relief were needed: a special exception to allow an accessory apartment and the two variances mentioned above.

Mr. Amey testified that an accessory apartment is permitted as a special exception. He also stated that the existing barn is fully compliant with the zoning ordinance.

Mr. Amey briefly discussed the zoning requirements for an accessory apartment.

The accessory dwelling will not be physically joined with the main dwelling as required by the zoning ordinance. Mr. Amey stated that the planning goals of the zoning ordinance for the accessory apartment would be met since the existing barn is fully compliant with all setbacks.

Mr. Amey stated that the requirement that the occupant of the accessory dwelling be related to the residents of the primary dwelling was to avoid the use of the apartment for profit. Mr. Amey testified that the applicant is willing to enter into a covenant to restrict the use of the apartment.

Mr. Clemons asked Mr. Amey about the existing dwelling. Mr. Amey stated that the residence is occupied by the Rodgers' and agreed that the occupancy is a reasonable use of the property. Mr. Amey could not testify that horses were residing in the barn. He stated that the equestrian area is also a reasonable use of the property. Mr. Amey stated that the footprint of the Rodgers' house is approximately 2,000 square feet.

David Gibson stated that he has lived in front of the Rodgers for 15 years. He stated that this property will have two single family dwellings rather than one. Mr. Gibson asked how much living space would be in the accessory apartment. He presented a photo showing the additions to the building that had occurred over two years. The photo was marked as exhibit Gibson 1.

Eric Thompson apologized for not having paper copies of his exhibits. Mr. Amey stated that the site plan was not based on a separate survey. Mr. Amey stated that County records indicate that there are four bedrooms in the house. Mr. Amey stated that he did not know if the Rodgers' had previously submitted building permit applications for other work on the house. Mr. Thompson asked if it would be possible to physically to join the structures. He said that it was feasible. Mr. Amey stated that no additional bedrooms could be constructed using the current layout. Mr. Amey stated that he did not know if there were any bathrooms in the barn.

Since the curfew was drawing near, Mr. Gordon made a motion, seconded by Mr Chess, to continue the hearing until April 26, 2021. The motion passed unanimously.

## **NEW BUSINESS**

### **HEARING #3**

**WT ZHB #20-20: Application of 382 Easton Road, LLC**

**Subject Property: 382 Easton Road**

**TMP #: 50 031 013**

**Zoning: C2**

The application had been withdrawn prior to the meeting at the applicant's request.

### **HEARING #4**

**WT ZHB #21-03: Application of Joshua Starkey**

**Subject Property: 3206 Street Road**

**TMP #: 50 004 134 001**

**Zoning: RA**

Joshua and Alexis Starkey appeared on their own behalf. Mr. Starkey stated that the property currently exceeds 15 percent due to the length of the driveway of the flag lot leading to the house. The Starkey's intend to construct the pool in accordance with the plan presented. They plan to remove more impervious area than they will be installing.

Matthew Zyck, 164 Morning Walk Drive, and Jae Carter, 158 Morning Walk Drive, spoke concerning drainage. They are concerned about the existing drainage problems. Mr. Starkey stated that there is a storm drain near Street Road to which the surface water cannot reach due to grading on adjacent lots.

Ms. DeVito made a motion, seconded by Mr. Chess, to grant the relief provided that the applicant design and install structural Best Management Practice satisfactory to the township engineer and provide measures to maintain the Best Management Practices in perpetuity. The motion passed unanimously.

**HEARING #5**

**WT ZHB #21-04: Application of James Rudnet**

**Subject Property: 2689 Fawn Lane**

**TMP #: 50 0018 068**

**Zoning: R2 Cluster Option**

Mr. Rudnet appeared on his own behalf. Mr. Rudnet testified that he had seen the plan for the proposed swimming pool. The existing impervious coverage on his property is 29.3 percent and he is requesting excess impervious area of 36.5 percent. Mr. Rudnet stated that he is aware of the need to provide stormwater management for excess impervious area. Geno Helhm stated that he is a civil engineer who designed the site plan. He stated that there is only a 5-foot deck around the pool. He stated that a BMP would be designed if required.

Mr. Shelly was concerned that the amount of relief being requested should be lessened. It was determined that the applicant should look again at the plan with the intent to minimize the amount of proposed impervious cover and return at the next meeting of the ZHB.

Mr. Gordon made a motion seconded by Mr. Chess to continue the hearing until April 26, 2021.

**ADDITIONAL BUSINESS**

- a. None.

The meeting adjourned at 8:45 pm.

**Next Meeting**

April 26, 2021 at 7:00 pm.