

## AGENDA

The Falls Township Zoning Hearing Board will hear the following petitions on Tuesday, **January 14, 2014 at 7:00 p.m.** at the Falls Township Municipal Complex, 188 Lincoln Highway, Fairless Hills, PA 19030.

**Petition #1: Thomas McNamara**, 229 Stanwood Road, Fairless Hills, PA 19030; TMP #13-019-054; Zoned NCR. Requesting a dimensional variance to install a 12' x 12' gazebo which encroaches into the minimum distance of 15' between buildings on the same lot. Sec. 209-20 and Table 1.

**Petition #2: (CONT'D FROM 12-10-13) Peter Stillitano**, 386 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-008-052; Zoned HC. Requesting a use variance to permit truck rentals. Section 209-23.

**Petition #3: (CONT'D FROM 12-10-13) East Coast Propane**, 9240 E. Tyburn Road, Morrisville, PA 19067; TMP #13-047-013 and TMP #13-047-014, Zoned HI-A 1) An appeal from the determination of the zoning officer dated June 21, 2013 that the proposed use of Bucks County Tax Map Parcel Nos. 13-047-013 and 13-047-014, also identified as 9240 E. Tyburn Road, Morrisville, PA 19067 (the "Property") for a propane distribution and warehousing business is not a permitted use in the HI-A – Heavy Industrial A District; 2) in the alternative, a variance from Section 209-32.3.D.(1)(b) of the Falls Township Zoning Ordinance to allow a propane distribution and warehousing business to be operated on the Property; and 3) a new request for relief added by the applicant at the hearing of October 8, 2013, which is a challenge to the substantive validity of Section 209-32.3.D.(1)(b) of the Falls Township Zoning Ordinance in accordance with Sections 909.1(a)(1) and 916.1(a)(1) of the Pennsylvania Municipalities Planning Code. Because the substantive validity of the Falls Township Zoning Ordinance is being challenged, a copy of the applicant's request for a substantive validity challenge, including any plans, explanatory material, and/or proposed amendments, may be examined by the public at the Falls Township Office of Code Enforcement, 188 Lincoln Highway, Fairless Hills, PA 19030 from 8:00 AM to 4:30 PM, prevailing time, Monday through Friday.

**Petition #4: (CONT'D FROM 12-10-13) Greenscape Landscape Contractors, Inc.**, 1777 South Pennsylvania Avenue, Morrisville, PA 19067, Bucks County Tax Map Parcel No. 13-47-80-3 (the "Property"), owned by Bobhulu, LLC. The applicant seeks the following relief: (a) a variance from Section 209-32.4 of the Falls Township Zoning Ordinance to permit the grinding of mulch in the RD – Riverfront District; (b) an interpretation that the grinding of mulch is permitted on the Property; (c) in the alternative, a determination that the grinding of mulch is an accessory use to the principal use of the Property as a landscape business; (d) in the alternative, a determination that the grinding of mulch is a pre-existing nonconforming use of the property; and (e) in the alternative, a challenge to the substantive validity of the Falls Township Zoning Ordinance in accordance with Sections 909.1(a)(1) and 916.1(a)(1) of the Pennsylvania Municipalities Planning Code for prohibiting the grinding of mulch and failing to make adequate provision for a legitimate business use. Because the substantive validity of the Falls Township Zoning Ordinance is being challenged, a copy of the applicant's request for a substantive validity

challenge, including any plans, explanatory material, and/or proposed amendments, may be examined by the public at the Falls Township Office of Code Enforcement, 188 Lincoln Highway, Fairless Hills, PA 19030 from 8:00 AM to 4:30 PM, prevailing time, Monday through Friday.

**Petition #5: Auto Zone Development Corp.**, 482 W. Trenton Avenue, Morrisville, PA 19067; TMP#13-034-144; Zoned NC. Requesting an interpretation as to whether a retail use by a chain store is permitted in the NC zoning district, or in the alternative, a use variance. Sec. 209-22.J(1).