

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 9, 2015**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:45 p.m.

Members present: Brooks, Miles, Molle, and Powers

Members absent: Henderson

Also present: Tom Bennett, CCEO & Zoning Officer, Ed Neubauer, Code Enforcement Officer, Dave Sander, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #5: Aria Health, 380 Oxford Valley Road, Langhorne, PA 19047; TMP 13-004-297; Zoned: IN. Requesting dimensional variances to erect a freestanding sign. Section 209-45.I.(2)(d)[2][a]; Section 209-45.I.(2)(d)[d][i][A]; Section 209-45.I.(2)(d)[d][i][B].

Atty. Sander marks ZHB Exhibits 1 (letter requesting a postponement until July hearing) and ZHB 2 (proof of publication).

Member Brooks makes motion to continue this petition until the July 14, 2015 Zoning Hearing Board.

Member Powers seconds the motion.

All in favor 4-0. Petition is continued until July 14, 2015 Zoning Hearing Board.

Petition #1: John P. Morgan, III, 21 New Pond Lane, Levittown, PA 19054; TMP #13-042-242; Zoned: NCR. Requesting a dimensional variance to construct a garage which encroaches into the 20 ft. rear yard setback. Section 209-20 and Table 1.

Atty. Sander marks ZHB Exhibits 1 – 4.

John Morgan presents the application. He is looking to build a 720 sq. ft. detached garage in the rear yard property. Due to the shape of the property, which has an extreme right angle in that one corner, it limits my ability to place the garage within a location that is usable and allows me to maintain most of the property for use. The hardship is the unique shape of my lot.

Atty. Sander marks Exhibit A-1 (different scenarios for a squared lot).

Member Brooks asks what the garage will be storing.

Mr. Morgan states a '68 Cougar that is currently housed in the garage attached to the house, which in the future he would like to convert to liveable space. The detached garage will also house lawnmowers, snowblowers, and generators. No commercial use intended. It will be used strictly for storage.

Member Brooks asks if it's a two car garage.

Mr. Morgan states yes. One part will be for storage, the other part will store the Cougar. There will be no loft upstairs. There will be windows installed to make it more aesthetically pleasing to the neighborhood.

Member Powers asks if there will be a driveway to the attached garage.

Mr. Morgan says no, not at this time.

No public comment.

Member Powers makes a motion that the application of John P. Morgan, III, at 21 New Pond Lane, TMP #13-042-242, for a variance from Section 209-20.E and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow the placement of 720 sq. ft. (24' X 30') detached garage to be located no less than 10' feet from the rear yard property line, where a 20' rear yard setback is required, as depicted on the plans and in accordance with the testimony presented at the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0.

Petition #2: Keith R. Walker, 18 Nature Lane, Levittown, PA 19054; TMP #13-042-311; Zoned: NCR. Requesting dimensional variances to construct addition which encroaches into the 10 ft. side yard setback and which is over the allowable maximum impervious surface. Section 209-20 and Table 1.

Atty. Sander marks Exhibits ZHB 1 – 4.

Keith Walker presents the application. The addition is for my mother, who is recently widowed, who would like to live with me, my fiancée and my two sons.

No public comment.

No Board questions.

Member Brooks makes a motion that the application of Keith Walker at 18 Nature Lane, Levittown, TMP #13-042-311, for variances from Section 209-20.E and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow a placement of approximately 500 sq. ft. addition which allows the principal building to be located no less than 8 ft. from the side yard property line, where a 10 ft. side yard setback is required and to allow no greater than 2,843.1 sq. ft of impervious surface on the property where no greater than 2,400 sq. ft. of impervious surface is permitted, all as depicted on the plan and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0.

Petition #3: Deborah DiIorio, 19 Vermont Lane, Levittown, PA 19054; TMP #13-020-031; Zoned: NCR. Requesting a dimensional variance to erect a 6 ft. chain link fence in the secondary front yard. Section 209-37.

Atty. Sander marks Exhibits ZHB 1 – 4.

Deborah DiIorio presents the application. Because we have dogs and kids, I would like to put a fence in my yard. I do not like privacy fences, which is why I want to put in a 6 ft. chain link fence.

No public comment.

No Board questions.

Member Brooks makes a motion that the application of Deborah Dilorio at 19 Vermont Lane, Levittown, TMP #13-020-031 for a variance from Section 209-37.C.(3) of the Falls Township Zoning Ordinance be GRANTED to allow the erection of a 6 ft. chain link fence that is a visual barrier in the secondary front yard, all as depicted on the plan and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0.

Petition #4: Ross Kitchenman, 30 Twisting Lane, Levittown, PA 19054; TMP #13-023-434; Zoned: NCR. Requesting a dimensional variance to erect a roof on an existing porch which encroaches into the 10 ft. side yard setback. Section 209-20 and Table 1.

Atty. Sander marks Exhibits ZHB 1 – 4.

Ross Kitchenman presents the application. When we moved in about 8 years ago, there was an existing porch on the side of our house. About two years ago, we received permits to extend the patio the entire length of the house. We poured footers with the intention of putting a roof on the top of the patio down the road. When we went through the process before, I didn't fully understand what was required as far as the side yard setback. We are now 28-1/2 inches too far into the side yard setback, and that is the reason for our variance request.

Member Molle asks how far to the side yard is the roof.

Mr. Kitchenman states that right now the existing patio is 28-1/2 inches into the side yard setback, which would leave 7-1/2 ft. to the side yard.

Member Powers asks what the water situation is at the property.

Mr. Kitchenman states that since we re-did the existing pad, we haven't had any water issues. There were no gutters on the house. The way the yard slopes, it slopes away from the porch with no impact on the neighbor's yard.

No public comment.

Member Brooks makes a motion that the application of Ross Kitchenman, 30 Twisting Lane, Levittown, TMP #13-023-434 for a variance from Section 209-20.E and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow the placement of a roof over an existing 397.65 sq. ft. patio, which roof will be located no less than 7.62 ft. from the side yard property line where a 10' side yard setback is required on the property, as shown on the plans submitted and the testimony presented to the Zoning Hearing Board.

Member Powers seconds the motion.

All in favor 4-0.

General Public Comment

Joe Forgione gets sworn in. I currently reside at 56 Peachtree Lane, Levittown. Fifteen years ago the Zoning Hearing Board granted a variance to build an addition and permits were finalized by the Township. We are moving and have discovered that this addition is on the sewer easement for Lower Bucks County Joint Municipal Authority (LBCJMA) The Authority has given me two options – one was to cut 5 ft. off my addition or move the easement. Cutting 5 ft. off the house is not an option because it would make the addition not workable. I built the addition myself; it took me 5 years to complete. Moving the easement would cost \$50,000. I'm between a rock and a hard place

Chairman Miles states that this Board does not have the authority.

Mr. Bennett states that LBCJMA owns the easement. I believe Mr. Gray called you.

Mr. Forgione states that Mr. Gray did call him. I went to two Board meetings at LBCJMA and they won't give me a waiver at all.

Atty. Sander reiterates that neither the Zoning Hearing Board nor the Board of Supervisors can grant you any kind of relief. The only entity is LBCJMA.

Mr. Forgione states that he has to pay to move the pipe, even though the pipe is not under the addition. It just sits on the sewer easement. Mr. Forgione states that LBCJMA sent him to the Zoning Hearing Board tonight.

Discussion occurs about the various options.

Hearing adjourned 7:45 p.m.