

**FALLS TOWNSHIP
ZONING HEARING BOARD
MARCH 8, 2016**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:20 p.m.

Members present: Brooks, Henderson, Miles, Molle

Members absent: Powers

Also present: Thomas Bennett, Zoning Officer/ CCEO; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Extension request letter for Chris Balis, 1294 Bristol Pike, Morrisville, PA 19067

Letter is read into the record.

Member Molle makes motion to grant the extension request.

Member Miles seconds the motion.

All in favor 4-0. Motion carries to approve the extension request from Chris Balis.

Petition #1: Robert Weitzel, 314 Andover Road, Fairless Hills, PA 19030; TMP #13-006-211; Zoned: NCR. Requesting a dimensional variance to construct a 30 ft. by 7 ft. concrete pad which is over the maximum allowable impervious coverage. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Robert Weitzel presents the application. This work is already done and I did not know I needed a permit. The contractor took out the old broken up concrete and replaced it with the new concrete. I pulled a permit for a fence and when the inspector came out for the fence, I found out I needed a permit for the concrete work. Then I was advised that I was over the impervious allowed and had to come before the Zoning Hearing Board to seek a variance.

No Board comment.

No public comment.

Member Brooks makes a motion that the application of Robert Weitzel for a variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to construct a 30' x 7' concrete pad which is over the maximum allowable impervious coverage at the property located at 314 Andover Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Miles seconds the motion.

All in favor 4-0. Motion carries.

Petition #2: Sandra Johnson Schumaker, 65 Old Locust Avenue, Fallsington, PA 19054; TMP #13-032-063; Zoned: HD. Requesting a dimensional variance to construct an accessory structure which encroaches into the rear yard setback. Section 209-19.B(1), 209-20.C(1) and 209-12.E(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

David Schumaker presents the application. We want to build an accessory structure for storage to replace the shed currently falling apart. It also has an outside dining area as well. It is basically a two-story shed, with an attached roof for seating.

Member Brooks asks how tall is the two story shed and what are you planning on storing in the structure.

Mr. Schumaker states he's unsure how tall the shed is, but it is the standard size for a two story shed. The first floor will hold all of the lawn equipment and have a space for me to do some woodworking. The second story will be for storage. When I moved in with Sandy, I had my entire house worth of items, all of which is sitting in three storage sheds at Morrisville Self Storage.

Member Miles asks if you are replacing a shed.

Mr. Schumaker states yes, it's rotting and falling apart. It will have hardy plank siding and will be constructed well. I am before the Board because I was told that this is part of the principal structure.

Mr. Bennett explains that when an accessory structure exceeds 500 sq. feet, you have to meet the setbacks for the principal structure.

No public comment.

Member Miles makes a motion that the application of Sandra Johnson Schumaker for a variance from Section 209-19.B(1), 209-20.C(1) and 209-12.E(3) of the Falls Township Zoning Ordinance be GRANTED to construct an accessory structure which encroaches into the rear yard setback of the property located at 65 Old Locust Avenue, Fallsington, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Petition #3: Family Dining, Inc., 8575 New Falls Road, Levittown, PA 19054; TMP #13-018-001-001; Zoned: NC. Requesting variances from Section 209-22.B (to permit two drive-thru amenities), Section 209-22.E and Table 4 (to permit a 20' buffer yard adjacent to residential use), Section 209-22.F(2) (to permit parking within 20' of a street line), Section 209-22.F(3) (to permit outdoor dining at the café), Section 209-34.E (to permit accessory off-street parking in the front yard setbacks for New Falls Road and Hood Boulevard), Section 209-42.B(1) (to not provide landscaping between accessory off-street parking and the street or lot line); and Section 209-42.I (to not provide designated off-street loading zones for the restaurant or café).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8 and Applicant Exhibits A1 (proof of neighbor notification).

Amee Farrell, Esquire presents the application. Family Dining owns the property which currently has a Burger King located on the corner of New Falls Road and Hood Boulevard. There are currently two access driveways from New Falls Road and then a single access driveway from Hood Boulevard. The proposal before you this evening is for a redevelopment of that property. Specifically, the proposal is to demolish the existing Burger King and to re-configure the site to accommodate two new restaurant retail uses. It will feature an approximately 3,900 sq. ft. contemporary Burger King with a drive-thru and play area, and a second building of

approximately 1,800 sq. ft. which we are targeting currently for small café use (Starbucks, Dunkin Donuts) with a drive-thru and outdoor dining. However, if the café cannot find that type of target tenant, there is some flexibility in the plans so that other permitted uses could be put there. The structure meets all the required setbacks and parking requirements for what is allowed in the district. The property is located within the NC (Neighborhood Commercial) district.

The majority of the relief is dimensional, related to the need for sufficient parking and the re-configuration of portions of the site.

We will be able to eliminate one of the driveways along New Falls Road, so there will be one exit on Hood Blvd. and one on New Falls Rd.

The proposed improvements will not only improve traffic circulation, access and parking on the property, but they will also enhance overall aesthetic appeal of the property, including substantial improvements to the streetscape and landscape around the property.

Atty. Farrell introduces Exhibit A-2 through A-4.

Matt Chartrand, P.E. from Boehler Engineering (Ex. A-5, C.V.) is sworn in and testifies as to the scope of the project. He discusses the irregular shape of the property lot, the elimination of one driveway, the additional landscaping on the lot, the parking spaces, the impervious coverage and heights of the two structures.

Atty. Farrell states that definition of restaurant under our ordinances does not specifically preclude drive-thru or outdoor dining, but it also does not specifically permit drive-thru or outdoor dining which is why we are asking for relief on these issues.

Greg Winans, V.P. of Operations for Family Dining is sworn in and testifies as to the decision to remodel, the necessity for the café or second user on the property and the parking needs due to the playground.

Public Comment

Steve Plenski, 724 Hood Boulevard states that the fence on the side of my property is in disrepair and wanted to know if a new fence would be installed.

Mr. Chartrand states that the fence actually runs on an angle out towards Hood Boulevard, not exactly on the property line. Our proposal would be to put a fence along the property line and put our landscaping on our side of the fence so we can maintain that part of the landscaping.

Board Comment

Member Brooks asks to be shown on the plans where the designated parking for the Burger King is located.

Member Miles asks with regard to the existing plan, there is a 5' chain link fence that indicates it will remain. Will it remain or be removed?

Atty. Farrell clarifies that the plan does show the 5' chain link fence will remain. However, if the neighbor would like to have the fence replaced, Mr. Winans would certainly have it replaced along the property line so that the landscaping can be inside the fence and easier for Burger King to maintain. This can be modified on the land development plans.

Member Molle makes a motion that the application of Family Dining, Inc. for a variance from Section 209-22.B (to permit two drive-thru amenities), Section 209-22.E and Table 4 (to permit a 20 ft. buffer yard adjacent to residential use), Section 209-22.F(2) (to permit parking within 20 ft. of a street line), Section 209-22.F(3) to permit outdoor dining at the café), Section 209-34.E (to permit accessory off-street parking in the front yard

setbacks for New Falls Road and Hood Boulevard), Section 209-42.B(1) (to not provide landscaping between accessory off-street parking and the street or lot line); and Section 209-42.I (to not provide designated off-street loading zone for the restaurant or café) be GRANTED to construct a Burger King and a café, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, subject to the following condition: repair the fence in the rear.

Member Miles seconds the motion.

All in favor 4-0. Motion carries.

Hearing adjourned 8:20 p.m.