

**FALLS TOWNSHIP
ZONING HEARING BOARD
JULY 9, 2019**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:40 p.m.

Members present: Al Brooks, Scott D’Oria, Colin Henderson (Alt.), Bill Kiernan, Dan Miles

Members absent: Doug Molle

Also present: Tom Bennett, Zoning Officer; Ed Neubauer, Code Enforcement Officer; Cliff Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #5: Milex Properties, LLC, 300 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-035-027; Zoned: NC. Requesting a dimensional variance to permit a building with a height of 35 feet where a maximum of 25 feet is permitted. Section 209-22.D.

Chairman Miles states that the Board has received a letter from Michael DeMaio requesting a continuance of the petition until the August hearing.

Member Brooks makes a motion to continue the petition of Milex Properties until the August 13, 2019 meeting.

Member Henderson seconds the motion.

All in favor 5-0. Petition is continued until August 13, 2019.

Petition #1: Mary Quinn-Murphy, 74 Nightingale Lane, Levittown, PA 19054; TMP #13-027-062; Zoned: NCR. Requesting a dimensional variance to erect an accessory structure which encroaches into the side yard setback. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Mary Murphy presents the application and states that the property is diamond shaped with a massive front yard and a small back yard. In order to meet the setback requirements of the Township, the shed would need to be placed in the middle of the back yard. The neighbor who is on the side of the house where the shed will be placed has no objection to this as evidenced by his letter. The shed is 9 ft. away from the power lines.

Board questions concern the power lines. Chairman Miles asks if the applicant would accept a condition that any approval is contingent on PECO’s approval of the placement of the shed. Applicant agrees.

No public comment.

Member Henderson makes a motion that the application of Mary Quinn-Murphy requesting a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect an accessory structure which encroaches into the side yard setback at the property located at 74 Nightingale Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. This approval is granted with the following conditions to which the applicant agrees: PECO approval regarding placement of the overhead power lines.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Steven Tvarok, 201 Durham Court, Fairless Hills, PA 19030; TMP #13-014-100; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Steven Tvarok presents the application and states that they just purchased the property in January, they have two children and want the fence for privacy and safety. The neighbors have no problem with the fence.

Member Henderson asks if the fence is in the sight triangle.

Ed Neubauer explains that Buck Road curves and that the fence will be in the sight triangle of his neighbor's driveway. He explains how he calculated the sight triangle.

Discussion occurs among Board members, the applicant, and one neighbor about where the fence should be placed in order to avoid being in the sight triangle (3 to 4 feet away from property line). The Township will come out and mark out the sight triangle.

No public comment.

Member Brooks makes a motion that the application of Steve Tvarok requesting a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 201 Durham Court, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. The fence must not encroach into the sight triangle and must comply with the measurements and setbacks required to be determined by the Falls Township Zoning Officer.

Member Henderson seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Kimberly Holloway, 13 Robinhood Drive, Fallsington, PA 19054; TMP #13-036-099; Zoned: LMR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Kimberly Williams (Holloway) presents the application and states that they have dogs and grandkids and would like to make the yard secure. There also is no privacy with the chain link fence currently there.

Chairman Miles states the chain link fence is right on the property edge now and that's okay because it doesn't present sight triangle issues because you can see through it. However, the privacy fence does create a sight triangle issue.

Mr. Neubauer says that the fence is within the sight triangle so it will need to be moved a few feet off the sidewalk.

Discussion occurs among Board members and the applicant about angling the fence to accommodate the sight triangle.

No public comment.

Member D'Oria makes a motion that the application of Kimberly Williams requesting a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinances be GRANTED to erect a fence in the secondary front yard at the property located at 13 Robinhood Drive, Fallsington, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. This approval is granted

subject to the following condition to which this applicant agrees: the fence must not encroach into the sight triangle and must comply with the measurements and setback requirements to be determined by the Falls Township Zoning Officer.

Member Henderson seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: LBP Management, LLC, 1295 Bristol Pike, Morrisville, PA 19067; TMP #13-047-041; Zoned: LI. Requesting a use variance to allow an apartment use on the first floor. Section 209-27.

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

Doran Johnson presents the application and states that when the current owner purchased this property, it had an office downstairs and an apartment upstairs. The first floor office tenant left and we have been trying to rent it out for an office use for at least six months. We are a mobile home community and receive calls for rentals of mobiles and apartments. We cannot seem to place a commercial tenant in there. The downstairs apartment has its own kitchen and bathroom. We would like to make it a two bedroom, one bathroom apartment.

Member Brooks asks how many bedrooms in the upstairs apartment (2) and how many parking spaces (6).

No public comments.

Member Henderson makes a motion that the application of LBP Management, LLC requesting a use variance from Section 209-27 of the Falls Township Zoning Ordinances be GRANTED to allow an apartment use on the first floor of the property located at 1295 Bristol Pike, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 7:40