

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
August 11, 2022**

The August meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Gary Scicchitano at 6:02 p.m. on Thursday, August 11, 2022. The following board members were present, Gerald Schultz and Ross Buchan. Christopher Gleeson Vice-Chairman and Paul Rigney were absent. Also present was the Zoning Hearing Board Solicitor Kenneth W. Lee.

MINUTES

A motion was made by Mr. Schultz and seconded by Mr. Buchan to approve the Minutes from the July 14, 2022 meeting, with noted changes. A roll call vote was taken and passed unanimously (3-0).

OLD BUSINESS

**SPECIAL EXCEPTION NO. 22-04 Todd A. Kline, 1130 E Lisburn Road.
Special Exception under Section 245-5.2, Use #46**

Applicant is requesting a Special Exception under Section 245-5.2, Use #46 to allow for an accessory apartment within an existing residence.

This meeting was continued from the July 14, 2022 Hearing.

Todd Kline was sworn in to testify. Mr. Kline is the owner of 1130 E Lisburn Road. Mr. Kline has owned the property since 2004, and installed an apartment on the property 8 years ago. He did it all himself, 'at code'. The property is currently occupied, and the apartment is occupied as well. Both are being rented. Mr. Kline currently lives at a different address. The apartment has a square footage of about 600sf. There is also a barn on the property. The property is still waiting for an offer for sale. The entrance of the apartment is into the garage, and out the back of the house. The garage door is on the front of the house. Mr. Kline stated he was unaware that he wasn't allowed to have an accessory apartment without approval. No Township employees have inspected the apartment yet. Mr. Welt stated that legal occupation of the apartment would be contingent on successful completion of building permit(s) and being granted a Certificate of Occupancy.

The Board went into Executive Session at 6:162pm. The board returned from Executive Session at 6:30pm. The purpose of the Executive Session was for deliberation.

After discussion on motion duly made by Buchan and seconded by Schultz, it is:

RESOLVED, that the Applicant's request filed to case no. 22-04 for a Special Exception under Section 245-5.2, Use #46, as submitted, is hereby denied.

(Motion carried unanimously)

NEW BUSINESS

SPECIAL EXCEPTION NO. 22-05 Mihail Malinov, 2509 Mill Road **Special Exception under Section 245-9.6**

Applicant is requesting a Special Exception under Section 245-9.6, allow for townhomes to be constructed on slopes which exceed 15%.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on July 28, 2022 and August 4, 2022, and the property was also posted, and neighboring properties were notified by certified mail.

Daniel D. Wise was sworn in to testify. Mr. Wise is speaking on behalf of Mr. Malinov. Mr. Malinov currently lives on the property. The plan is for 14 single-family Townhouse units on the property. The Zoning Ordinance requires a Special Exception for this permitted use where the use will be built over slopes that are greater than 15%. Mr. Wise presented the Land Development Plan for this project.

Cumberland County Conservation Districted commented, and was conveyed in an email to Jen Boyer. He also stated it was before the Planning Commission with Land Development Plan. Mr. Lee states that recommendations from those two entities must be submitted to the Zoning Hearing Board at the hearing.

Mihail Malinov was sworn in to testify. Mr. Malinov was asked if he was aware that evidence required was not present. Applicant: 'Yes.' If the board was willing to consider a continuance, he would waive time constraints or deadlines for the board? Applicant: 'Yes.' This hearing will be rescheduled when the Applicant is ready with the notices.

Gerald Schultz moved to continue the hearing based on the time constraints requested by the applicant. Ross Buchan seconded.

(Motion carried unanimously)

OTHER BUSINESS

There being no other business, the meeting was adjourned at 7:04 pm.