

**MINUTES OF THE MEETING OF THE  
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD  
January 12, 2023**

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The January meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Gary Scicchitano at 6:10 p.m. on Thursday, January 12, 2023. The following board members were present, Christopher Gleeson Vice-Chairman, Gerald Schultz, Ross Buchan, and Paul Rigney. Also present was the Zoning Hearing Board Solicitor Christopher Fisher

**MINUTES**

Minutes were not prepared for this meeting, and will be provided at a later meeting for approval.

**REORGANIZATION OF THE BOARD**

Gary Scicchitano was nominated as Chairman by Christopher Gleeson, and seconded by Gerald Schultz. Christopher Gleeson was nominated as Vice Chairman by Gary Scicchitano and seconded by Ross Buchan

**NEW BUSINESS**

**SPECIAL EXCEPTION NO. 23-02 Suzette Flores, 1876 Waltana Court**  
**Special Exception under Section 245-5.2 Table V-1 Use #46**

The Applicant is requesting a Special Exception under Section 245-5.2, to allow for an accessory apartment to be constructed on the property.

Mr. Fisher represents the owner of the property as contractor. Mr. Fisher asked for a continuance to the next meeting. The continuance was granted to the February 9<sup>th</sup> meeting.

**SPECIAL EXCEPTION NO. 22-09 Robert and Jennifer Day, 1200 E Lisburn Road**  
**Special Exception under Section 245-5.2 Table V-1 Use #46**

The Applicant is requesting a Special Exception under Section 245-5.2, to allow for an accessory apartment to be constructed on the property.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on December 29, 2022 and January 5, 2023, and the property was also posted, and neighboring properties were notified by certified mail.

Jennifer Day is the owner of 1200 E. Lisburn Road. Ms. Day was sworn in to testify. Ms. Day is building a new home with an attached residence for her mother. Property is 7 acres, and intended to do this with the build. The entrance to the accessory is within an attached breezeway. The house is set back from the road and will be about 700' off the road.

Mr. Rigney asks about why this is necessary. Ms. Day says that because it has everything needed of an apartment, the Township required it.

Mr. Scicchitano asked about how many means of access. Ms. Day said a rear door and one at the breezeway.

Mr. Fisher asks Ms. Day: Q: The intention is for your parents? Yes. Q: What is your intention after your parents are not here anymore? We have three children who may occupy it, or for guests.

Mr. Rigney asked Mr. Welt if they would have to come back to the board in the future if they wanted to rent it out. Mr. Welt replied that they would not.

The Board went into Executive Session at 6:32pm. The board returned from Executive Session at 6:39pm. The purpose of the Executive Session was for deliberation.

After discussion on motion duly made by Mr. Gleeson and seconded by Mr. Schultz, it is:

RESOLVED, that the Applicant's request filed to case no. 22-09 for a Special Exception under Section 245-5.2, is hereby approved.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances, and law.

(Motion carried unanimously)

**VARIANCE NO. 23-01 RM Digger, LLC, 2520 Mill Road.**  
**Variance under Section 245-16.5**

The Applicant is requesting a Variance under Section 245—16.5, to construct 4 decks partially located within the Type 1 Buffer yard.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on December 29, 2022 and January 5, 2023, and the property was also posted, and neighboring properties were notified by certified mail.

Stephen Fleming is the owner of 2520 Mill Road. Mr. Fleming was sworn in to testify. Mr. Fleming says he needs a variance to construct 4 decks on the rear of the subject property. The property is currently under construction. During the design process and when the building permits were approved the decks were not shown. During the process of construction the conflict with the setback was discovered. The applicant stated they have reduced the proposed decks from 12'x12', to a 10' deep x 12' wide deck.

Mr. Gleeson asked if these decks would be visible from the neighbor? A; Yes, they will. Gleeson: But with the landscaping proposed? A: The evergreen plantings would screen them pretty completely.

Mr. Fleming stated that the BOC asked for additional parking which pushed the units back. The rear of the units are partially buried. A 5' deck would be possible with the current setback.

Mr. Fisher asked who would maintain the plantings. Mr. Fleming said that the owner would be responsible, not the renters.

Mr. Gleeson asked if this isn't granted would you still build smaller decks? A: Yes we would still make smaller decks, but these are not entry level units, we want to give them some amenities.

Mr. Rigney asked about stormwater management. Does this plan impact that? A: No these are aboveground and no patios are planned.

Mr. Rigney asked if the new proposed plantings go beyond the required plantings? A: Yes.

Andrew Beckett was sworn in to testify. Andrew states he lives adjacent to this property. Feels the closeness of the units plus the new decks is not ideal. Would like to maintain privacy. Approval not optimal for me. Am concerned.

Mr. Rigney asks if the purpose of the buffer is to maintain adjacent landowners properties. Andrew says I have those concerns as well, including with the units closeness.

Mr. Schultz asks if approved what distance would these decks be from your property? Andrew says 10'.

Mr. Buchan says that Andrew's property looks like it sits a little higher. Is it about eye level with the units? A: Yes.

Melanie Horvath was sworn in to testify. Ms. Horvath lives at 605 Wingert Drive. Ms. Horvath spoke broadly to issues around the approval of this plan.

Burt Sharp was sworn in to testify. He lives at 613 Wingert Drive. Mr. Sharp comments how close the houses are to the buffer line, why would you do that?

The Board went into Executive Session at 7:09pm. The board returned from Executive Session at 7:25pm. The purpose of the Executive Session was for deliberation.

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

RESOLVED, that the Applicant's request filed to case no. 23-01 for a Variance under Section 245-16.5, is hereby denied.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances, and law.

(Motion carried unanimously)

## **OTHER BUSINESS**

There being no other business, the meeting was adjourned at 7:25 pm.