

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
February 9, 2023**

The February meeting of the Upper Allen Township Zoning Hearing Board was called to order by Vice-Chairperson, Christopher Gleeson at 6:02 p.m. on Thursday, February 9, 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

A motion was made by Mr. Buchan and seconded by Mr. Rigney to approve the Minutes from the December 8, 2023 meeting. A roll call vote was taken and passed unanimously (4-0).

A motion was made by Mr. Rigney and seconded by Mr. Schultz to approve the Minutes from the January 12, 2023 meeting. A roll call vote was taken and passed unanimously (4-0).

OLD BUSINESS

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

The Application is being withdrawn due to the applicant modifying their permit application to remove the shower, thus rendering her project acceptable as it would not be classified as an accessory apartment. This permit was approved on January 26, 2023.

The Board took no action on this withdrawl.

NEW BUSINESS

VARIANCE NO. 23-03 Paul & Rebecca Normand, 2711 Rosegarden Blvd E.
Variance under Section 245-5.4(B) Table V-2 Use #6

Applicant is requesting a Variance under Section 245-5.4(B) Table V-2 Use #6, to build a front porch roof 9-feet inside of the 25-foot front-yard setback.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on January 26, 2023 and February 2, 2023, and the property was also posted, and neighboring properties were notified by certified mail.

Paul and Rebecca Normand are the owners of 2711 Rosegarden Blvd E. Paul Normand was sworn in to testify. Mr. Normand stated his desire to place a porch roof over his existing front porch.

Mr. Rigney and Mr. Gleeson ask about the existing front porch and property. Can you describe this porch? A: Immediately outside of the door is a stoop that is 4'x3', off of that is a paver porch that is approximately 8'x18'. Property was purchased in September of 1998. The house is currently about 25' off the inside of the sidewalk.

Mr. Buchan asked if you have started design and procurement of materials. A: No we stopped that when we were notified about the setback issue.

Mr. Gleeson asked about the purpose of the porch. A: to shield the porch and to enjoy front yard in any weather.

Mr. Fisher asked about when the patio was installed. A: About 2 years ago. It has a typical stone and sand base under the pavers.

Mr. Rigney asked Mr. Welt: What is the difference between a porch and a patio? A: They are largely similar, by code regulated the same way.

Mr. Fisher asked Mr. Welt if the applicant got a permit for the patio. A: Yes.

Mr. Fisher asked about any BOC opinions on this case. Mr. Welt stated that there was no formal opinion from the Board but wanted to express concerns: The ZHB denied the 2520 Mill Road application, why would we approve this one? This is a want not a hardship. We have setbacks in place for a reason. All homes are build the same, grant this one and then all the neighbors will want setback relief.

Mr. Gleeson asked Mr. Welt about the patio being within the setback. A: yes it is ok for a porch or patio to be within the setback. But a roof and/or walls changes the building footprint, and that needs to follow the primary setbacks.

The Board went into Executive Session at 6:22pm. The board returned from Executive Session at 6:35pm. The purpose of the Executive Session was for deliberation.

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

RESOLVED, that the Applicant's request filed to case no. 23-03 for a Variance under Section 245-5.4(B0 Table V-2 Use #6, is hereby denied.

(Motion carried unanimously)

OTHER BUSINESS

There being no other business, the meeting was adjourned at 6:36 pm.