

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
July 13, 2023**

The July meeting of the Upper Allen Township Zoning Hearing Board was called to order by Vice-Chairperson, Christopher Gleeson at 6:06 p.m. on Thursday, July 13, 2023. The following board members were present, Gerald Schultz and Paul Rigney. Also present was the Zoning Hearing Board Solicitor Christopher Fisher

MINUTES

A motion was made by Mr. Rigney and seconded by Mr. Schultz to approve the Minutes from the June 8, 2023 meeting. A roll call vote was taken and passed unanimously (3-0).

NEW BUSINESS

VARIANCE NO. 23-07 Curt and Terri Zimmerman, 330 Pennington Drive.
Variance under Section 245-16.3.A(5)

Applicant is requesting a Variance under Section 245-16.3.A(5), to allow for a portion of a patio to remain in a drainage easement as well as a portion of fencing to be constructed in the easement. This property is located in the Low-Density Residential (R-1) Zoning District.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on June 29, 2023 and July 6, 2023, and the property was also posted, and neighboring properties were notified by certified mail.

Hubert Gilroy spoke as legal representative of the owners. Curt and Terri Zimmerman were sworn in to testify, as the owners of 330 Pennington Drive. Doug Brehm was sworn in to testify as contractor for the property owners.

Doug Brehm is a professional land surveyor and was contacted by the property owners to complete a survey of the property. Mr. Brehm detailed the request that shows the existing patio area in the easement, and the proposed fence relocation that would be in the easement area. The fence is currently on the property line, intersecting the easement. The easement serves a buried stormwater pipe on the property line. The Propane tank that was in the easement has been moved out of it, and trees planted in this easement have been removed.

Hubert Gilroy asked the Zimmermans if a repair is necessary that requires the fence or patio to be removed, that they would be prepared to pay for that expense. The Zimmermans answered affirmatively.

Christopher Fisher marked the Applicants Exhibits A1 and A2. The Neighbors letter that was emailed in will be labeled A3.

Ms. Zimmerman showed on a map of her property the line of the existing fence, and where the fence is being proposed to be relocated.

Mr. Schultz asked if it is possible to follow the easement line. Ms. Zimmerman said yes, but it would clip the patio area and be too close to the bar area that they could not sit there anymore.

The Board went into Executive Session at 6:31pm. The board returned from Executive Session at 6:45pm. 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. 23-07 for a variance from Section 245-16.3.A(5), is hereby granted, with the condition that, should the fence or patio ever need to be removed to access the drainage easement, such removal and any repairs or reconstruction will be done at the owners' expense.

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 6:46 pm.