

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

The November meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Gary Scicchitano at 6:05 p.m. on Thursday, November 9, 2023. The following board members were present, Gerald Schultz, and Paul Rigney. Also present was the Zoning Hearing Board Solicitor Christopher E. Fisher.

MINUTES

A motion was made by Mr. Schultz and seconded by Mr. Rigney to approve the Minutes from the July 13, 2023 meeting. A roll call vote was taken and passed unanimously (3-0).

NEW BUSINESS

VARIANCE NO. 23-08 Tim and Melissa Sutton, 2018 N. Fall Harvest Drive.
Variance under Section 245-16.3.A(5) and 245-8.4.C(7)

Applicant is requesting a Variance from 245-16.3.A(5) and 245-8.4.C(7) to allow for a fence to be installed in a drainage easement and a 50' Building Setback from Site Boundary, respectively. This property is located in the Planned Residential Development (PRD) Zoning District.

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

Tim and Melissa Sutton are the owners of 2018 N. Fall Harvest Drive. Tim Sutton was sworn in to testify. Mr. Sutton gave a PowerPoint presentation. In it presentation Mr. Sutton detailed the proposed fence location and why they wanted relief. Mr. Sutton pled to the intent of the law, for the Board to grant that relief. A copy of the presentation as submitted as Exhibit A. Mr. Sutton's letter from the HOA was submitted as Exhibit B. The letter from the HOA was necessary due to the Stormwater Easement remaining HOA-owned and maintained in perpetuity. Mr. Sutton stated the fence is needed due to the family dog, and for aesthetics.

Mr. Scicchitano asked about how long they have lived in the home, and if they have seen any significant rain yet. They have lived in the house since July. Rain has not collected in the easement yet.

Mr. Schultz asked if the developer informed them about the easements. Mr. Sutton said he wasn't aware of being informed of that. It's possible, but if he was, he didn't understand what it meant.

Mr. Fisher asks, if we were to grant this Variance, if the easement needed access, do you understand that that damage would be on you. Mr. Sutton stated that yes he is comfortable with that responsibility. Q: And should the fence need to be moved or repaired you understand that responsibility is on you? A: Yes.

Mr. Welt was asked to give testimony. Township Exhibit 1 was entered into the record. It is a letter from the Twp Engineer stating that the swale was built correctly. There was no position given from the BOC. One commissioner stated that the property owners should be able to use more of their yard.

The Board went into Executive Session at 6:38pm. The board returned from Executive Session at 7:00pm. The purpose of the Executive Session was for deliberation.

After discussion, this hearing is continued to December 14, 2023.

(Motion carried unanimously)

OTHER BUSINESS

There being no other business, the meeting was adjourned at 7:06 pm.