

**FALLS TOWNSHIP
ZONING HEARING BOARD
OCTOBER 10, 2017**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:40 p.m.

Members present: Al Brooks, Scott D’Oria, William Kiernan, Dan Miles, Doug Molle

Members absent: Colin Henderson

Also present: Ed Neubauer, Code Enforcement Officer, Thomas Bennett, Zoning Officer/CCEO representing the Township; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #1: Allan Bernard and Yolanda Ulrich, 236 North Park Drive, Levittown, PA 19054; TMP #13-027-026; Zoned: NCR. Requesting a dimensional variance to erect an enclosure which encroaches into the minimum distance between buildings. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Allan Bernard presents the application and states that they want to put a hot tub in their backyard. We were going for a larger enclosure, but decided against it.

Board members asks questions about the roof (came with the hot tub) and the wiring in the enclosure (no additional wiring).

No public comment.

Member Brooks makes a motion that the application of Allan Bernard and Yolanda Ulrich for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect an enclosure which encroaches into the minimum distance between buildings at the property located at 236 North Park Drive, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Peggy D’Oria, 2 Bernard Drive, Morrisville, PA 19067; TMP #13-054-072; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C.(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Peggy D’Oria presents the application and states that she wants to replace an existing split rail fence with a 4 ft. picket fence.

No Board questions.

No public comment.

Member Molle makes a motion that the application of Peggy D’Oria for a dimensional variance from Section 209-37.C(3) of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 2 Bernard Drive, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Matthew and Amanda Harwood, 701 North Lafayette Avenue, Morrisville, PA 19067; TMP #13-038-043; Zoned: NCR. Requesting a dimensional variance to erect a fence in the front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Matthew Harwood presents the application and states that they want to erect a picket fence around the perimeter of our side yard. We want to change the size of the fence from 48 inches high to 40 inches high.

Board members discuss concerns about the placement of the fence (ordinance requires 12 ft. from the street), the spacing between the picket fence to allow better visibility, the blocking of the driveway and the distance marked by the cones in the pictures (sight triangle).

No public comment.

Member Brooks makes a motion that the application of Matthew and Amanda Harwood for a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the front yard at the property located at 701 North Lafayette Avenue, Morrisville, PA, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, with the condition that the fence be placed 12 ft. from the street and out of the sight triangle.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: Thomas Kovalcik, 81 Big Oak Road, Morrisville, PA 19067; TMP #13-035-002; Zoned: NC. Requesting a dimensional variance to erect a freestanding sign which encroaches into the minimum distance of 25 feet from all property edges. Section 209-45.I(2)(c)[2][a] and Section 209-5 (Definition of Lot).

Atty. Bidlingmaier marks ZHB Exhibits 1 –8 and Applicant Exhibit A-1 (proof of neighbor notification).

Thomas Kovalcik presents the application and states we purchased the property approximately 3 or 4 years ago from Sheriff’s Sale. The current sign sits parallel to the road (for which a variance was received in 1981). The current sign is in a state of disrepair and we feel it poses a safety hazard. Visibility is also an issue as the sign faces the street and drivers slow down to look at it. We would like to change the sign to sit perpendicular to the road.

Mr. Bennett explains the 1981 zoning variance and the reason for this applicant to go before the Board (new sign is not going in the same location – old sign was parallel to the street – new sign will sit perpendicular to the street).

Discussion occurs about the sight triangle and the need for the property to be surveyed with the sign on the plan and with the sight triangle noted on the plan.

No public comment.

Member D’Oria makes a motion that the application of Thomas Kovalcik for a dimensional variance from Section 209-45.I(2)(c)[2][a] and Section 209-5 of the Falls Township Zoning Ordinance be GRANTED to erect a free standing sign which encroaches into the minimum distance of 25 ft. from all property edges at the property located at 81 Big Oak Road, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, with the condition that a current signed and sealed plan be submitted indicating that the sign will not be located in the sight triangle.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 7:40 p.m.