

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
SEPTEMBER 11, 2018**

**Hearing commenced:** 7:00 p.m.

**Hearing adjourned:** 7:40 p.m.

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

**Members absent:** Colin Henderson

**Also present:** Tom Bennett, Zoning Officer; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

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**Extension Request – CAM Real Estate Partners, LP (Shades of Green), Post Road and Royal Avenue, Morrisville, PA 19067; TMP #13-047-081-001**

Chairman Miles states that the applicant is requesting a one-year extension of the variances that were granted previously.

**All in favor 4-0. Applicant has a one-year extension (until November 16, 2019).**

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**Petition #1: Eric Ball, 54 Teaberry Lane, Levittown, PA 19054; TMP #13-023-072; Zoned: NCR. Requesting a dimensional variance to erect a covered porch which encroaches into the side yard setback and which is over the allowable maximum impervious surface coverage. Section 209-20 and Table 1.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Mr. Ball presents the application and states that he would like to put a covered porch on the side of the house. It should not adversely affect any drainage because my neighbor’s house sits about 3 ft. higher than the gully between the properties and my house sits about a foot and a half above that gully.

Board questions center on deck (ripping up deck to put on a covered porch) and any existing drainage problems on either property (no).

Public Comment

*Marcy Schaeffer*, 56 Teaberry Road, the next door neighbor, expresses concern about the boundary of the properties (they plan on putting a fence up) and drainage issues as their properties sit close together.

Scott D’Oria makes a motion that the application of Eric Ball for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect a covered porch which encroaches into the side yard setback and which is over the allowable maximum impervious surface coverage at the property located at 54 Teaberry Lane, 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 4-0. Motion carries.**

**Petition #2: Adam Gross, 17 Fallsington-Tullytown Road, Fallsington, PA 19054; TMP #13-024-004; Zoned: NCR. Requesting a dimensional variance to erect two covered porches which exceeds the allowable maximum impervious surface coverage. Section 209-20 and Table 1.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Adam Gross presents the application and states that he wants to put up two covered porches. The front porch will be 197 sq. ft. The back is already covered by a slab but we want to cover it. The house is crooked on the lot. He also wants to make sure the distance to the road for the front porch is good.

Board comments center around drainage and water runoff (never been a problem to date -- there is a reservoir in the woods behind the house), rear slab in the back (only partially covering it) and neighboring properties (cemetery and woods behind on corner lot).

No public comments.

Member Brooks makes a motion that the application of Adam Gross for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect two covered porches which exceeds the allowable maximum impervious surface coverage at the property located at 17 Fallsington-Tullytown Road, Fallsington, 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 4-0. Motion carries.**

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**Petition #3: Lisa and Wayne Rascavage, 34 Jennifer Lane, Morrisville, PA 19067; TMP #13-033-097; Zoned: MHR. Requesting a dimensional variance to erect a covered porch which will exceed the allowable maximum building coverage. Section 209-15 and Table 1.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Lisa Rascavage presents the application and states that the covered porch has been there a long time. It was replaced after Hurricane Sandy.

Board questions center on whether the covered porch was existing (yes), and how this came before the Board if it is four years old (follow-up on paperwork; permit was denied in 2014).

No public comment.

Member Molle makes a motion that the application of Lisa and Wayne Rascavage for a dimensional variance from Section 209-15 and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect a covered porch which will exceed the allowable maximum building coverage at the property located at 34 Jennifer Lane, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member D’Oria seconds the motion.

**All in favor 4-0. Motion carries.**

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**Petition #4: Area Enclosures, 139 Village Lane, Levittown, PA 19054; TMP #13-019-112; Zoned: NCR. Requesting a dimensional variance to erect a 4 ft. high picket fence in the secondary front yard. Section 209-37.C.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Edward Getty presents the application and states that we want to replace the existing fence which is in poor condition. It is a 50 percent visible see through fence in an area that won't affect any sight triangle as there is a wooded area beside the property. We are coming out into the secondary front yard 10 feet.

Board question confirming that fence is only coming out 10 feet into the secondary front yard (yes).

No public comment.

Member D'Oria makes a motion that the application of Area Enclosures Inc. for a dimensional variance from Section 209-.37.C of the Falls Township Zoning Ordinances be GRANTED to erect a four ft. high picket fence in the secondary front yard at the property located at 139 Village Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

**All in favor 4-0. Motion carries.**

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**Petition #5: Webuyanycars.com, 200 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-007-002; Zoned: HC. Requesting a use variance to allow outside storage. Section 209-23.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9 and Applicant A-1 (proof of neighbor notification).

Bonnie Zingler presents the application and states that they currently operate at 115 Lincoln Highway and are looking to relocate our business to 200 Lincoln Highway. We needed to get approval for outside storage for storing the cars in the rear lot which is fenced in. We don't sell cars; we buy cars. The cars are at the site temporarily until they are moved and stored at auction and later sold to dealers.

Board questions center on what they are storing (just cars), amount of cars at one time (7 to 9 cars), driveway (gravel), how long cars are kept on site (24 to 48 hours, sometimes 72 hours if obtained on the weekend), and if all cars are working (yes, no junk cars).

No public comment.

Member Molle makes a motion that the application of Bonnie Zingler (webuyanycars.com) for a use variance from Section 209-23 of the Falls Township Zoning Ordinances be GRANTED to allow outside storage at the property located at 200 Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

**All in favor 4-0. Motion carries.**

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**Petition #6: Outback Steakhouse, 650 Commerce Boulevard, Fairless Hills, PA 19030; TMP #13-003-036 and TMP #13-003-036-005; Zoned: SC. Requesting dimensional variances for construction of a new building; specifically Section 209-24.E and Table 4 dealing with the setback from the street; and Section 209-42.H(12) dealing with parking.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant A-1 (proof of neighbor notification).

Thomas Hecker, Esquire, presents the application and states the Old Country Buffet has been vacant for some time. The application is to demolish the current structure and construct an Outback Steakhouse.

Brian Conlon, P.E. (Langan Engineering) gets sworn in and explains the project. The first variance is for the front yard setback requirement of 120 ft. setback from Oxford Valley Road; the new building will be set back 82.9 ft. from the road (further back than the current structure). The second variance is for parking for the overall shopping center; there will be a better parking ratio due to the decrease in the size of the building.

Board asks if this Outback is the standard size for those restaurants (yes, within 1,000 ft.).

No public comment.

Member Brooks makes a motion that the application of Outback Steakhouse for dimensional variances from Section 209-42.H(12) and 209-24.E and Table 4 of the Falls Township Zoning Ordinances be GRANTED to allow the construction of a new building, specifically Section 209-24.E and Table 4 dealing with the setback from the street and Section 209-42.H(12) dealing with the property located at 350 Commerce Boulevard, Fairless Hills, PA 19030, 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 4-0. Motion carries.**

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**Hearing adjourned 7:40 p.m.**