

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
APRIL 14, 2015**

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

**Hearing adjourned:** 7:30 p.m.

**Members present:** Henderson, Lawson, Miles, Molle, and Powers

**Members absent:** Brooks

**Also present:** Tom Bennett, CCEO & Zoning Officer, Ed Neubauer, Code Enforcement Officer, Dave Sander, ZHB Solicitor; Karen Browndorf, Court Stenographer

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**Petition #1: William Risko, 109 Taylor Drive, Fallsington, PA 19054; TMP #13-036-159; Zoned: LMR. Requesting dimensional variances to construct a garage which encroaches into the side yard setback, the minimum distance between buildings, and the minimum distance from a swimming pool. Section 209-13, 209-46.E and Table 1.**

Atty. Sander marks ZHB 1 – 11.

Mr. Risko presents his application. He states he wants to put the garage at the end of his driveway for the purpose of bringing vehicles in and out to work on them. He is a mechanic by trade and teaches his children. He wanted to use the garage for family projects and restoration – nothing commercial. My neighbor on the side where the garage is location has no problem with the garage being there. He will put fireproof drywall and gutters on the garage.

Member Lawson states that the current position of the garage will make it difficult for the fire department to get into the yard if necessary.

Member Henderson asks if the garage could be moved to where the storm drain is to eliminate a lot of the issues.

Mr. Risko states to put it there he wouldn't be able to have a driveway to the garage.

Member Molle asks if he installed the garage or did a contractor install it.

Mr. Risko states that it's prefab and he bought it to the property in two pieces.

Member Molle asks if he checked to see if it was allowed.

Mr. Risko said he was told that because it was on a platform, a permit wasn't needed, because there was no concrete foundation or footers.

Member Powers asked if the garage can be moved.

Mr. Risko says yes.

**Public Comment**

*Charles Smith* gets sworn in. He lives directly behind the property and asks if it is structurally sound without footers. Is there also a liability to the Township if you grant the variance and somebody gets hurt? Will there be fire creating type of atmosphere, such as welding? Is there a limit on time when he can work in the garage?

*Linda Smith* gets sworn in. She lives directly behind the property and states that her main concern is the safety of the building, especially if the garage is not on footers..

*Donna Stepp* gets sworn in. She is the next door neighbor on the side where the garage sits and has no problems with the garage.

Member Lawson states he understands the construction of the shed (i.e. pre-fab with no footers). The only problem he has is the location of the shed.

Member Henderson makes a motion that the application of William Risko for a variance from the Falls Township Zoning ordinance be DENIED.

**All in favor 3-2, Molle and Powers dissenting. APPLICATION IS DENIED.**

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**Other Business:**

**Engagement of Law Offices of Sean Kilkenny, LLC to continue as ZHB Solicitor**

Member Miles frames a motion to approve the continuation of the Law Offices of Sean Kilkenny, LLC on a month to month basis, which includes this month and up to and including the meeting of May 12, 2015.

Member Powers makes the motion to approve.

Member Henderson seconds the motion.

**All in favor 5-0. Law offices of Sean Kilkenny approved on a month to month basis until May 12, 2015 hearing.**

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**Hearing adjourned 7:30 p.m.**