

**FALLS TOWNSHIP
ZONING HEARING BOARD
MAY 9, 2023**

Hearing commenced: 7:05 p.m.

Hearing adjourned: 7:35 p.m.

Members present: Aaron Mackey, Doug Molle, William Kiernan, Robert McTague, Lolain Striluk

Members absent: None

Also present: Keith Bidlingmaier, ZHB Solicitor; Ed Neubauer, Code Enforcement; Diane Beri, Township Zoning Clerk; Karen Browndorf, Court Reporter

Chairman Molle states a continuance request has been received for Petition #6 (Day and Night Properties LLC) until the June 13, 2023 hearing.

Atty. Bidlingmaier states the continuance letter is marked as Exhibit A-1.

Member Striluk makes a motion to continue Petition #6 Day and Night Properties, 99 Bristol Oxford Valley Road, Langhorne, PA 19047 to the June 13, 2023 hearing.

Member McTague seconds the motion.

All in favor 5-0. Petition #6 is continued until June 13, 2023.

Chairman Molle states Petition #5 (Falls Township Fire Co. No. 1, 310 Yardley Avenue, Fallsington, PA 19054) has withdrawn their application.

Petition #1: Kristin Dunham, 247 Guilford Road, Fairless Hills, PA 19030; TMP #13-016-184; Zoned: NCR. Requesting a dimensional variance for driveway width which exceeds the 20 ft. allowable width of the right of way. Section 209-43.1.C(3).

Kristin Dunham gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Kristin Dunham presents the application and states they have a lot of vehicles, the driveway was getting old, and their street is narrow. They wanted to expand their driveway to park all their cars in the driveway. The contractor hired did not pull the proper permit, and the Township notified her to submit the permit, which they did. It was denied because it was too wide.

No Board comments.

No public comments.

Member McTague makes a motion the application of Kristin Dunham requesting a dimensional variance from Section 209-43.1(C) of the Falls Township Zoning Ordinances be GRANTED to allow a driveway width to exceed the 20 ft. allowable width of the right of way at the property located at 247 Guilford Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Matthew and Mary Petty, 267 Elbow Lane, Morrisville, PA 19067; TMP #13-054-252; Zoned: NCR. Requesting a dimensional variance for a rear yard setback to construct an enclosed rear porch. Section 209-20.F and Table 1.

Matthew Petty is sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5.

Matthew Petty presents the application and states there is an existing brick patio in bad shape. We would like to put a three-season room at the back of the house. We have a corner property. From the corner of the house to the rear property line is 23 feet. The existing patio is 13 ft. from that property line. We will not exceed that existing footprint, just replace it with a three-season room.

No Board comments.

No public comment.

Member McTague makes a motion the application of Matthew and Mary Petty requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a rear yard setback to construct an enclosed rear porch at the property located at 267 Elbow Lane, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Adrienne Baughman, 113 Independence Drive, Morrisville, PA 19067; TMP #13-030-497; Zoned: NCR. Requesting a dimensional variance for a side yard setback to construct a covered deck. Section 209-20.F and Table 1.

Adrienne Baughman gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 –8.

Adrienne Baughman presents the application and states there is an existing pond and patio area when we moved into the property. We would like to get rid of the pond and replace it with a deck in that area. However, it was denied because it is too close to the side yard. Our neighbor on that side is fine with the deck.

No Board comments.

No public comment.

Member McTague makes a motion the application of Adrienne Baughman requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a side yard setback to construct a covered deck at the property located at 113 Independence Drive, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Mackey seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: Dolly and Family LLC, 826 Austin Drive, Fairless Hills, PA 19030; TMP #13-016-238; Zoned: NCR. Requesting the following dimensional variances to construct an addition: Section 209.20.F, Table 1 -- a side yard setback of 4 ft. which exceeds the allowable 10 ft.; Section 209.20.F, Table 1 -- a front yard setback of 15 ft. which exceeds the allowable of 25 ft.; and Section 209-41 -- the expansion of a non-conforming structure beyond 50% of the existing footprint.

Jason Fidishun gets sworn in.

Atty. Bidlingmaier states he has known the applicant for years and is a friend. Although I don't vote, I just wanted to put on the record so that is clear. He then marks ZHB Exhibits 1 – 6.

Jason Fidishun presents the application and states we are attempting to put a small front porch on the front, an addition off the back, and put a second-floor addition. The property is in bad shape. We are trying to fix it up and make it better for the community.

Member Kiernan states his only issue is the front porch extending beyond the front line of the original structure. He thinks it is excessive and asks how many feet between the sidewalk and the front addition.

Mr. Fidishun states he does not know the exact answer – possibly 15 to 18 feet.

Member Striluk asks if the front porch will extend past the pavers currently there (no).

No further Board comments.

No public comment.

Member McTague makes a motion the application of Dolly and Family LLC requesting the following dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to construct an addition: 1) to allow a side yard setback of 4 ft. which exceeds the allowable 10 ft. pursuant to Section 209.20.F, Table 1; 2) to allow a front yard setback of 15 ft. which exceeds the allowable of 25 ft. pursuant to Section 209.20.F, Table 1; and 3) to allow the expansion of a non-conforming structure beyond 50% of the existing footprint pursuant to Section 209-41 at the property located at 826 Austin Drive, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Mackey seconds the motion.

All in favor 4-1, Kiernan dissenting. Motion carries.

7:35 p.m. – hearing adjourned.