

PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF June 11, 2009

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The Penn Township Zoning Hearing Board (ZHB) met on Thursday, June 11, 2009, at 7:00 p.m. in the Penn Township Municipal Building to conduct hearings for Cherise Robinson and Ryan Rohrer.

Secretary conducted the roll call of the ZHB.

Present: Jonathan Bigley, Chairman
Vince Bernhard, Member
JoAnn Glossner, Member
David Grow, Alternate
Lenny Sizer – Alternate Zoning Officer
Dennis Shatto – Zoning Solicitor
Helen Klinepeter- Secretary

CHERISE ROBINSON HEARING, DOCKET 2009-02

The ZHB opened the hearing at 7:00 p.m.

Visitors Sworn In: Helen Klinepeter, Lenny Sizer, Delion Henry, Rich Vogelsong, GiGi Smith, and Randal Brubaker

Evidence Submitted: None

See Transcript for testimony.

Synopsis: Ms. Robinson explained that she would like to build a home in the Perdix Area and when the permit applications were presented, the Zoning Officer explained that the lot size was non-conforming. She offered that she was not told there would be a problem until the permits were submitted. Mr. Sizer explained that the lot size is non-conforming and that the zoning ordinance allows a non-conformance to be twenty percent of the requirement and that Ms. Robinson's lot is forty percent non-conformance. Mr. Sizer continued that the surrounding properties are the same size and smaller. Mr. Bernhard offered that the application states that a mobile home was on the lot previously. There was a question of when that mobile home was removed and if the lot is considered a vacant lot of official record. A check of the tax records showed that the lot is vacant except for a shed for the water pump. Mr. Henry offered that Penn Township Municipal Authority placed a grinder pump well on the property for future development. Mr. Vogelsong and Ms. Smith had questions on the setback and the removal of trees. After all questions were asked the Zoning Hearing Board recessed from 7:20p.m. until 7:28 p.m. Upon reconvening the hearing, Mr. Bigley called for any further discussion and questions and then asked for a motion. Upon a Glossner/Bernard motion, the ZHB voted unanimously to grant the variance as the use is not detrimental to the surrounding area and the intent of the lot was to be used for residential purposes. Mr. Bigley closed this hearing at 7:32 p.m.

RYAN & JENNIFER ROHRER HEARING, DOCKET 2009-04

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The ZHB opened the hearing at 7:35 p.m.

Visitors Sworn In: Helen Klinepeter, Lenny Sizer, Randy Plummer, Sonny Klinepeter, Dee Klinepeter, Kermit Kissinger, Darrin Foster, Ryan Rohrer, Betty Smith and Lester Nace.

Evidence Submitted: None

See Transcript for testimony.

Synopsis:

Mr. Rohrer explained that he would like to subdivide his property and place the panhandle of the new lot next to the existing twenty (20) foot private right-of-way. He continued that Lot 1 and Lot 2 would have a shared driveway within the fifty (50) foot private right-of-way. Mr. Bigley allowed questions from interested parties concerning the trees bordering the property, drainage, the possibility of the driveway entering from SR 849, the type of septic and the amount of use of the existing twenty (20) foot right-of-way. Mr. Bigley offered that it was established that at least eight (8) households use the existing twenty (20) foot right-of-way. Mr. Foster explained that he is Mr. Rohrer's engineer, and explained that the slope on the SR 849 would be too great for a driveway. Mr. Foster offered that the site was reviewed with putting the panhandle on the north side of the property and that the placement on the south side, as shown on the plan, would have the least impact.

Ms. Smith asked how many entrances can be on a private right-of-way. Mr. Shatto offered that the Zoning Ordinance does not address that issue. Mrs. Klinepeter offered that the Township Subdivision and Land Development Ordinance limit the number of lots or units on a private right-of-way to three (3).

Mr. Plummer represented Board of Supervisors and expressed the opinion of the Supervisors that the Zoning Ordinance should be upheld concerning the distance between rights of ways. Mr. Bernhard asked Mr. Plummer if the anticipated traffic impact of the having two right-of-ways exiting on to Cemetery Street is the addition of the number of cars that could exit one house. Mr. Plummer stated that was correct. After all questions were asked the Zoning Hearing Board recessed from 8:20p.m. until 8:52 p.m. Upon reconvening Mr. Bigley offered that the ZHB suggest that the applicant request a continuance to look at other alternatives for access. Mr. Rohrer verbally requested the continuance. Upon a Bernhard/Glossner motion, the ZHB voted unanimously to grant a continuance of the hearing until July 9, 2009 at 7:00 p.m.

After discussion, and upon a Bernhard/Heller motion, the ZHB voted unanimously to close the hearing at 8:59 p.m.

MINUTES – Secretary presented the minutes of January 8, 2009 for review. After discussion, and upon a Bernhard/Glossner motion, the ZHB voted unanimously to approve the ZHB minutes of January 8, 2009 with corrections.

NEW BUSINESS

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Secretary presented a request from the Planning Commission to move the cutoff date for applications to the beginning of the month to allow the review of the plans before the Planning Commission. After discussion and upon a Glossner/Bernhard motion, the ZHB voted unanimously to move the cutoff date to the second Monday of the month.

Upon the completion of all business, and upon a Bernhard/Glossner motion, the ZHB voted by majority to adjourn the ZHB meeting at 9:05 p.m.

Respectfully Submitted;

Helen Klinepeter
ZHB Secretary