

PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF AUGUST 17, 2009

Page 1 of 3

The Penn Township Zoning Hearing Board (ZHB) met on Thursday, October 8, 2009, at 7:00 p.m. in the Penn Township Municipal Building to conduct hearings. A list of visitors is on file in the Township Office.

Secretary conducted the roll call of the ZHB.

Present: Jonathan Bigley, Chairman
Vince Bernhard, Member
JoAnn Glossner, Member
Dennis Shatto – Zoning Solicitor
Helen Klinepeter- Secretary

HEARINGS

Brent Fox Docket # 2009-08-01

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

See Transcript for testimony.

Visitors Sworn In: Brent Fox, Paul Fry, Helen Klinepeter

Evidence Submitted:

Applicant:

- 1 Photo 1 – Barn toward stream
- 2 Photo 2 – Behind garage & House with steep grade of approximately 30%
3. Photo 3 – East side of house with steep grade & septic
4. Photo 4 – West side of garage showing stream and grade
5. Photo 5 – Sot of proposed side
6. E-mail of Dellville Road Right of way

Mr. Fox explained that he would like enlarge the existing barn by 24 feet x 36 feet. Mr. Fox offered as shown in the photos the lay of the land demonstrates that between the stream and the slopes on the property the only place available to place the barn is attached to the existing barn. Mr. Fox explained that his children are in 4H and therefore would like to raise animals. The ZHB discussed the criteria for variances and the criteria for non-conformance.

Mr. Bigley called a recess from 7:50 p.m. though 8:03 p.m. Mr. Bigley called the hearing back into order and asked for a motion. Upon a Bernhard/Glossner motion the ZHB voted unanimously to grant the variance allowing Mr. Fox to enlarge the existing barn by 24 x 36 feet as long as the addition is not beyond the existing barn on the side setback.

Upon a Glossner/Bernhard motion, the ZHB voted unanimously to close the hearing at 8:05 p.m.

Elmer Knaub Variance Request, Docket 2009-11

The ZHB opened the continuation at 8:07 p.m.

PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF AUGUST 17, 2009

Page 2 of 3

Visitors Sworn In: Elmer Knaub, Helen Klinepeter

Evidence Submitted: None

See Transcript for testimony.

Solicitor Dennis Shatto stated for the record that Mr. Knaub is on the Penn Township Municipal Authority and that he represented the Municipal Authority. Mr. Shatto stated that he does not represent Mr. Knaub personally. Mr. Bigley asked if the ZHB, Township, Applicant or residents in the audience has any objections to Mr. Shatto continuing as solicitor for the ZHB in this instance. All parties responded in the negative.

Mr. Knaub offered that he has to replace his garage doors and would like to have a two door unit and therefore is requesting a two foot variance on his side set back. Mr. Knaub offered that he has a letter from his neighbor stating that he has no problem with the encroachment of the side set back. Mr. Knaub explained that due to the construction of the garage placing a single door would require extensive work on the front of the garage.

Mr. Bigley called a recess from 8:15 until 8:30 p.m. Mr. Bigley resumed the hearing for more information to be obtained. The ZHB asked a couple of questions concerning the dimensions of the structures. Mr. Bigley called a second recess from 8:33 until 8:45 p.m. Upon a Bigley/Glossner motion, the ZHB voted by majority to deny the variance request as there was no unique physical circumstances or conditions giving rise to an unnecessary hardship, and subject property has been developed in conformity with the Zoning Ordinance. Further the applicant has not satisfied all the criteria required for a variance.

After discussion, and upon a Glossner/Bernhard motion, the ZHB voted unanimously to close the hearing at 8:46 p.m.

Robert Shaffer, Sr., DOCKET 2009-12

Mr. Shatto offered that a request for a continuation was received from Mr. Shaffer's lawyer. After discussion, and upon a Bernhard/Glossner motion, the ZHB granted a continuance until November 12, 2009 at 7:00 p.m.

Ryan and Jennifer Rohrer DOCKET 2990-13

The ZHB opened the hearing at 8:50 p.m.

Visitors Sworn In: Sonny Klinepeter, Betty Smith, Kermit Kissinger, Darren Foster, Jane Clouser and Helen Klinepeter

Evidence Submitted: None

See Transcript for testimony.

Synopsis:

PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF AUGUST 17, 2009

Page 3 of 3

Mr. Foster offered that he is representing the Rohrer's and that they are subdividing the property due to a divorce and therefore are asking for a variance for the minimum front yard width of 150 feet. Mr. Foster offered that the property has a 98.57 foot front yard width. The ZHB discussed the features of the property (slopes and trees). The ZHB asked questions about the access to the property and the plans for the property.

Mr. Klinepeter and Mr. Kissinger offered their support to Mr. Rohrer request. Mrs. Smith and Clouser stated their concerns about the traffic on the right of way and the maintenance of the right of way.

Mrs. Klinepeter offered that the Board of Supervisors support the dimensional variance to the lot frontage, conditional that the proposed lot frontage from SR 849 is not used for access to the property due to concerns for steep slopes along the frontage and that the Rohrer's shall comply with all other township ordinances.

Mr. Bigley recessed the hearing from 9:07 – 9:15 p.m. Upon reconvening the hearing Mr. Bigley asked for a motion. Upon a Bernhard/Glossner motion, the ZHB voted unanimously to grant Mr. Rohrer's variance subject to the condition that Lot 2 shall have no vehicular access onto Route 849.

Upon a Bernhard/Glossner motion, the ZHB closed this hearing at 9:16 p.m.

MINUTES – Secretary presented the minutes of September 10, 2009 for review. After discussion, and upon a Bernhard/Glossner motion, the ZHB voted unanimously to approve the ZHB minutes of September 10, 2009 with corrections.

OLD BUSINESS

Grey Berrier Appeal –Mr. Shatto informed the ZHB that Mr. Berrier has appealed Judge Rehkamp's decision to the Court of Common Pleas of the 41st Judicial District of PA.

Upon the completion of all business, and upon a Bernhard/Glossner motion, the ZHB voted by majority to adjourn the ZHB meeting at 9:43 p.m.

Respectfully Submitted;

Helen Klinepeter
ZHB Secretary