

East Rockhill Township Zoning Hearing Board

April 29, 2024

The East Rockhill Township Zoning Hearing Board was held at 7:00 p.m. on April 29, 2024 in the East Rockhill Township Municipal Meeting Room located at 1622 North Ridge Road, Perkasio, Pennsylvania.

Present: John Fenley, Zoning Hearing Board Chairperson
Patricia McAnally, Zoning Hearing Board Member
Andrew Slike, Zoning Hearing Board Member
Scott MacNair, Zoning Hearing Solicitor
Marianne Morano, Zoning Officer

The Public Hearing was opened at 7:00 p.m. by Mr. Fenley.

Stenographic Record: A stenographic record of the hearing was taken and will provide a record of the proceedings. A request can be made to Nancy Hoffert at 484-866-6172. Transcripts are stored for five years.

Business:

Continued from February 20, 2024 and April 10, 2024.

24:21: Roger and Patti Jones, East Rock Road to consider the application of Roger and Patti Jones concerning a property located on East Rock Road, Perkasio, East Rockhill Township, also known as Tax Map Parcel Number 12-011-033-005. This property is located in the RR – Rural Residential Zoning District. The Applicant is proposing to construct a single-family detached dwelling on the Property. The Applicant seeks a variance from Section 1702 of the East Rockhill Township Zoning Ordinance to build the dwelling on a lot that is less than one acre. Alternatively, the Applicant is seeking variances from Section 27-602 to allow for: (1) a minimum lot size of .86 acres where 1.8 acres is required, (2) a minimum lot width of 125 feet where 150 feet is required and (3) a minimum side yard setback of 12 feet where 30 feet is required.

Mr. Gavin Laboski, Esq., Mr. Steve Yates, Mr. Roger Jones and Mrs. Patti Jones were present.

Mr. Rick Howard, Esq. was present representing Paul Hennessy and Beverly Giargenti 2330 E. Rock Road.

An exhibit was presented and posted prior to the Hearing on the Township website showing compliance with the zoning district side yard setbacks.

Testimony: Mr. Steve Yates, expert on civil engineering and land development matters; Ms. Lori Fegley, 2309 E. Rock Road; Mr. Bevan Kohan, 2334 E. Rock Road; Mr. Paul Hennessey, 2330 E. Rock Road, and Mr. Robert Napor, 2360 E. Rock Road. Testimony was concluded and Exhibit A-9 was accepted.

An executive session was held.

On motion by Mr. Fenley, seconded by Mr. Slike, to grant the variance request from section 27-602 (1) to allow for a minimum lot size of 0.86 acres where 1.8 acres is required and (2) to allow for a minimum lot width of 125 feet where 150 feet is required contingent on compliance with East Rockhill Township Stormwater Ordinance, compliance with Exhibit A-9, compliance with all testimony and exhibits; install a buffer adjacent to parcel 12-011-032 to the satisfaction of the Township Engineer and compliance with all

Federal, State and Township Laws and Ordinances with this project. With no additional discussion, all present voted in favor.

Executed Findings of Fact, Conclusions of Law and Decision will be the Official Decision of the Zoning Hearing Board.

24:22: Matthew Benner, 2821 Hill Road to consider the application of Matthew Benner concerning a property located at 2821 Hill Road, Sellersville, East Rockhill Township, also known as Tax Map Parcel Number 12-001-034-003. This property is located in the RP, Resource Protection zoning district. The Applicant is requesting a variance from §27-1900.d. of the Zoning Ordinance to allow greater than 20% woodland removal in conjunction with construction of an accessory building and driveway.

Mr. Matthew Benner was present.

Party Status requests received and approved:

- Mark Ezzo, 2904 Hill Road
- John Holahan, 2701 Hill Road

Testimony: Mr. Matt Benner. Testimony was concluded.

Of note, Mr. Benner will be using the accessory building for residential storage and a hobby woodshop, the proposed location was to not disturb an existing sand mound.

On motion by Mr. Fenley, seconded by Mrs. McAnally, to grant the variance request from section 27-1900.d. to allow for woodland removal greater than 20% contingent on compliance with all testimony and exhibits. With no additional discussion, all present voted in favor.

Executed Findings of Fact, Conclusions of Law and Decision will be the Official Decision of the Zoning Hearing Board.

24:23 Stephen and Susan Piccari, 935 Three Mile Run Road to consider the application of Stephen J. Piccari and Susan L. Piccari concerning a property located at 935 Three Mile Run Road, Sellersville, East Rockhill Township, also known as Tax Map Parcel Number 12-009-130. This property is located in the S-Suburban Zoning District. The property contains an existing single-family dwelling, garage with office and a shop building. The Applicant is proposing to convert the office associated with a nonconforming F27 Automobile Repair Shop to an apartment use. A B9 Residential Conversion is not a permitted use in the S-Suburban Zoning District. To change from one nonconforming use to another requires a special exception, pursuant to Section 2106 of the Zoning Ordinance.

Mr. Steve Piccari was present.

Party Status requests received and approved: There was none.

Testimony: Mr. Steve Piccari. Testimony was concluded.

The Zoning Hearing Board Solicitor received a letter from Mr. Howard Brown, esq. representing Penn Development requesting Mr. Piccari incorporate into the tenant lease an acknowledgment there is an active airport adjacent to the Property.

Of note, the apartment will have one (1) bedroom totaling 440 square feet with 5 garage bays adjacent to and to the right of the property owner to be used for property owner personal residential storage use. The existing auto repair garage non-conforming use will be extinguished and the garage also used for owner personal residential storage use.

On motion by Mr. Fenley, seconded by Mrs. McAnally, to grant the special exception approval allowing the conversion of a non-conforming F27 Automobile Repair Shop Use to a B9 Residential Conversion Use contingent on compliance with the B9 use regulations, compliance with testimony and exhibits and to execute a lease with language as requested by Penn Development regarding the active airport. With no additional discussion, all present voted in favor.

Executed Findings of Fact, Conclusions of Law and Decision will be the Official Decision of the Zoning Hearing Board.

Approval of April 10, 2024 Minutes:

On motion by Mr. Fenley, seconded by Mrs. McAnally, the April 10, 2024 minutes were accepted with no changes. With no additional discussion, all present voted in favor.

Adjournment:

On motion by Mrs. McAnally, seconded by Mr. Slike, with no further discussion, the hearing adjourned at 9:14 p.m.

Respectfully submitted,

Marianne Hart Morano
Township Manager / Zoning Officer