

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – APRIL 1, 2014

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on April 1, 2014. Chairman Bamburak called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Chairman
Jerry Gruen, Vice Chairman
Anthony Zamparelli, Secretary
Keith DosSantos, Member
Mark Moffa, Member

Others: Bob Habgood, Code Enforcement Officer
John Koopman, Township Solicitor
Mark Eisold, Township Engineer
Barbara Kirk, Zoning Hearing Board Solicitor
Kristin Tyler, Supervisor Liaison

APPEAL #14-1690 – MICHAEL MCVAN AND JODIE MCVAN

The Application submitted was marked as Exhibit A-1. A two-page Site Plan was marked as Exhibit A-2. A summary statement concerning the property issued by the Board of Assessments was marked as Exhibit A-3. Notice of tonight's Hearing was published in the Bucks County Advance, and the Proof of Publication was marked as Exhibit B-1. The property was posted with Notice of tonight's Hearing, and a copy of that Notice was marked as Exhibit B-2. Notices were mailed to property owners as required by the Ordinance, and a copy of the letter with the listing of addressees was collectively marked as Exhibit B-3.

Mr. Michael McVan and Ms. Jodie McVan were present and were sworn in.

Mr. McVan stated they purchased their house the end of October. The property is on the River but has never flooded, although the garage has taken on water. He stated when they went to get flood insurance the price had increased up to a point where it would be more economical to raise the house to reduce the rate.

Mr. Bamburak asked about the garage. Mr. McVan stated the garage currently does not have cinderblock walls. He stated the plan is to take down the existing garage, reframe the garage in cinderblocks which would be flood resistant, and re-build living space above the garage so that it would continue to be a ranch house.

Mr. Koopman stated the Township is not participating in this matter.

There was no one present in the audience wishing to speak on this Application, and Testimony was closed.

Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried that the Variances as requested be granted.

APPEAL #14-1691 – HAEUSSTRO BUILDERS PETE TROPIA

The Application submitted was marked as Exhibit A-1. A copy of the Building Permit rejection letter issued by the Township was marked as Exhibit A-2. A letter of ownership for the property with a summary statement from the Board of Assessments was collectively marked as Exhibit A-3. A Site Plan was marked as Exhibit A-4. A Plan regarding floor and elevation of the proposed structure was marked as Exhibit A-5. Notice of tonight's Hearing was published in the Buck County Advance, and a copy of that publication was marked as Exhibit B-1. Notice was also posted at the property of the Hearing, and a copy of the Posting was marked as Exhibit B-2. Notices were mailed to property owners as required by the Ordinance, and copy of that letter along with the listing of addressees was collectively marked as Exhibit B-3.

Ms. Kirk stated the Application cited Section 2969A14C as a relevant Section seeking relief, but the correct Section is Section 200-69A(14)(a) dealing with height of accessory structures. She stated it was posted, published, and advertised with the correct Code Section.

Mr. Pete Tropia, Ms. Deborah Scott owner of Dovetail Innovations, and Mr. James Silcox were present and sworn in.

Mr. Tropia stated he is looking to do a detached two-car garage in the back of the property. He stated there is an existing attached garage, and on a previous Permit Application, they had finished the upstairs on the home which was previously unfinished. He stated the garage is now underneath living space; and you could possibly fit a car in it with nothing else so it is pretty useless. He stated they were planning on turning that into maybe a formal dining room and then adding the detached two-car garage off the back for enclosed parking.

Mr. Zamparelli stated they are going to convert the existing garage into living space, and Mr. Tropia agreed. Mr. Tropia stated they want to add a detached two-car garage at the back of the property.

Mr. Gruen asked why they are putting the garage so far away in the back. Mr. Tropia stated they felt this was a good place to put it so that it was not too close to the home. He stated he wanted to get it around the back so it could turn over further away from the property line since this was one of the Variances because it is 4' and it needs to be 5'. He stated he was trying to get the structure far enough away.

Mr. Gruen asked the permitted impervious surface, and Mr. Habgood stated for this lot it is 26%. Mr. Gruen stated they are only requesting permission to increase it to 26.17% which is negligible; however, if they moved it in 2', they would not need the Variance. Mr. Gruen asked why they want the roof of the garage to exceed the 15' allowed, and Mr. Tropia stated this is because Ms. Scott, the homeowner, requested to have usable storage space above the garage and have the ability to stand up.

Ms. Scott stated she currently has a four-car garage, but can only park one car in it because her husband had a lot of tools. She stated she wanted to have it nice and clean and have things stored somewhere else.

Mr. DosSantos asked if there is any intention to have living space; and Ms. Scott stated there would not, and there would be no plumbing, etc.

Mr. Moffa stated Mr. Tropia alluded to the 4', and he added there is 4' on one side of the driveway and 4' on the other side of the driveway; and he asked why this could not be 5' and 3' and they would not then need a Variance. Mr. Tropia stated he did not want the driveway to go too close to the foundation plus there are window wells on that side of the house. Mr. Tropia noted the pressure of the car driving by on the foundation that close.

Ms. Scott stated she also owns the property next door (10 Glenolden).

Mr. Bamburak asked what is Dovetail Innovations. Ms. Scott stated after her husband passed away, it was the company name she came up with. Mr. Bamburak asked if she is operating a business out of the property; and Ms. Scott stated it is a company she owns properties under, but not this house. She stated she is going to put this house on the market. She stated she has a loss from property in New Jersey and she needs a gain to write against it. Mr. Bamburak stated she is planning to do the work and sell the property, and Ms. Scott agreed she is. She stated she is not planning to sell 10 Glenolden.

Mr. Moffa asked which property is 10 Glenolden, and Mr. Bamburak stated it is on the proposed driveway side of the property. Mr. Moffa stated if he is on Glenolden Road and looking at the property in question, the driveway is on the left of the property in question, and Ms. Scott has indicated that she owns the property to the left of that; and Ms. Scott agreed.

Mr. Gruen stated Ms. Scott has indicated that she is going to renovate the house and sell it, but she also indicated she needs the extra room in the garage even though she does not intend on living there. Ms. Scott stated she does not intend to live there but added she has not had a garage herself because of everything that has collected, and she has friends who do not have a garage either because of all the things that are collected. She stated she felt it would help sell the property if storage could be somewhere else because the garage would not be such a size or depth or width that would allow for any kind of workshop or anything else, and you cannot do much in it except park cars.

Mr. Moffa stated he does not understand how it helps to sell the property to have the garage so far away from the house since you would park your car and then have to walk all that way to where the house is. Ms. Scott stated she also felt it would look better aesthetically.

Mr. DosSantos stated Mr. Tropa indicated that there were also some practical implications to putting the garage there as well, and Mr. Tropa agreed. He stated the new addition off the back of the house comes out. He stated the update is on the current survey, and it comes out about 12' out.

Mr. Gruen asked if they are going to remove the trees to get to the garage, and Mr. Tropa stated one of the them does have to be removed in the back of the property.

Mr. Zamparelli stated he does not see a hardship as far as raising the height. Mr. Bamburak stated the Zoning Hearing Board looks to grant the minimum Variance to get the job done. He stated Ms. Scott has indicated she is going to sell the property, and she has assumed that it will make it easier to sell the house; but this is not what the Variance is for to make it easier for her to sell the house, rather it is to develop the property appropriately. Mr. Moffa stated it seems that they could build the garage easily without the Variance.

Ms. Scott stated after what she has experienced from years of trying to work and keep equipment such as snowplows, etc. for her own house, she felt that it would be nice to be able to park the car in the garage.

Mr. Gruen stated raising the roof will not allow her to park the snowplow, snow blowers, or any equipment upstairs. He stated he feels by allowing this, it opens the door for someone in the future to convert it into living space or an office space even though this is not Ms. Scott's plan. He stated the job of the Zoning Hearing Board is to give the minimum possible relief if there is a hardship, and he does not see a hardship here.

Mr. Koopman stated the Township would like to participate in the matter and has similar questions that have been asked by the Zoning Hearing Board. Mr. Koopman stated Ms. Scott indicated that there would be no plumbing in the new garage, and he asked if there will be heat; and Mr. Tropa stated there will not, and it would just be electric for the garage door opener. Mr. Koopman asked how they intend to access the second floor of the garage, and Mr. Tropa stated there would be pull-down stairs. Mr. Koopman asked the size of the garage, and Mr. Tropa stated it is 20' by 20'.

Mr. Koopman stated if the Board is inclined to grant the Variance, the Township would like to see the normal Conditions attached one being that the garage not be used for any commercial purpose and that it not be used for living space.

Mr. Silcox stated Ms. Scott also wanted to match the "A" in the front of the house. Mr. Bamburak stated that would not qualify as a hardship.

Mr. Gruen stated if she wanted storage space, they could move the garage forward and use the same impervious surface by reducing the length of the driveway and enlarge the garage to 20' by 22' which would make it more usable. Ms. Scott stated she also wanted to make space for children to play, and Mr. Gruen stated he did not feel 2' would take it from the children. Ms. Scott stated it was the aesthetics as well. Mr. Gruen stated he would agree if it was close to the house, but it is very far back.

Mr. Moffa stated he has no problem with the side yard setback and the impervious surface which is very little, but the height of the garage seems unnecessary. Mr. Zamparelli agreed.

Mr. Bill Belden was sworn in and stated he owns the property in back of this property. He stated they have not seen any plans as to how far back the garage will go. Mr. Gruen stated it will be 13' from the property line. Mr. Bamburak stated the Township requires 10', and they are proposing 13'.

A short recess was taken to give those present the opportunity to look at the Plans.

When the meeting reconvened, Mr. Belden stated he has no problem with the garage other than the height.

Ms. Linda Schmid, 2 Fenwood, was sworn in and stated she is at the corner of Fenwood and River Road and she is behind Glenolden. Ms. Schmid questioned why this was not included in the original Building Permit. Mr. Bamburak stated if they had other work done previously, that Permit may not have required a Variance. Ms. Scott stated once the work was started upstairs it did not look like enough of a garage to do much with. Mr. Bamburak stated not every Building

Permit comes to the Zoning Hearing Board. Ms. Schmid stated the neighbors are probably “thrilled” since the house was empty for a long time, and not kept up. Mr. Bamburak stated the Zoning Hearing Board would not know what was on the original Building Permit because it did not require a Variance, so it did not come before the Zoning Hearing Board.

Mr. Habgood stated the information that is before the Board now is a separate Permit that was submitted by the property owner to build a detached garage. He stated part of the Zoning review included the Denial by the Zoning Department because it did not meet the Zoning requirements for height, setback, and impervious surface. He stated there were other Permits issued for the property to do other work that did meet all the Building Code and Zoning requirements. Mr. Bamburak stated you do not have to do everything in one Permit.

Mr. Koopman stated the Township agrees that there is no hardship established with respect to the height Variance, and they would oppose that. He stated they would like the Conditions attached to any Approval regarding that it not be used for living space or commercial use.

Mr. Bamburak stated it seems that the Board would not be in favor of the height Variance but would not have a problem with the other two requests. He stated they would also make it a Condition that if any Variances are granted it could not be converted to living space or a commercial use. Ms. Scott stated while she does not have a problem with this, she asked how she would guarantee that whoever buys it does not do that. Mr. Koopman stated the Township would provide a written Decision with those Conditions with a copy in the Township files. He stated if anyone wanted to purchase the house and looked through the Township records, they would see that those are Conditions that run with the property. Mr. Koopman suggested that Ms. Scott disclose this to any potential buyers and provide them with a copy of the Zoning Hearing Board’s written Decision so that they are aware of it.

Mr. Belden asked about the height of the garage, and Mr. Zamparelli stated the allowable is 15’.

Mr. Gruen asked if they can make a Motion to approve everything except for the height of the garage, and Ms. Kirk stated the Board can make a decision for each of the Variance requests individually.

Testimony was closed at this time.

Mr. Moffa moved, Mr. Gruen seconded and it was unanimously carried that the Board approve the side yard Variance and the impervious surface Variance as requested but deny the height Variance for the detached garage with the Condition that the detached garage not be used for Commercial space or living space and that there be no plumbing in the detached garage.

OTHER BUSINESS

Mr. Habgood stated if the Board has no objection, he is going to try to schedule around the second meeting in May which is scheduled for Monday, May 19 due to the Election.

Mr. Gruen moved, Mr. Zamparelli seconded and it was unanimously carried to cancel the meeting of May 19, 2014.

There being no further business, Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary