

**WARRINGTON TOWNSHIP ZONING HEARING BOARD
MINUTES FOR THE NOVEMBER 23, 2009, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on November 23, 2009, at the Township Building located at 852 Easton Road, Warrington PA 18976.

Pledge of Allegiance: The meeting opened with a pledge to the flag.

Introduction of Members: The members present were as follows:

Frank Shelly	Chair
Janice DeVito	Vice Chair
Kevin Lawlor	Secretary
Wayne Bullock	Member (absent)
Fred Gaines	Member
William Bolla, Esq.	Solicitor
Michael Mrozinski	Zoning Officer

Stenographic Record: A stenographic record of the meeting will provide a record of the proceedings. Copies of the stenographic record may be purchased from Blum-Moore Reporting Services Inc.

Public Comment: None

The Board briefly discussed clarifying issues concerning a past hearing, a possible alternate member, and the scheduling of hearings for December.

Hearing 1 Ich Kien Tran
Premises: 525 Easton Road, Warrington, PA 18976
TMP: 50-032-044
Zoned: C2

The applicants are requesting a special exception to permit a combination of a dwelling and business pursuant to section 1104.A of the Warrington Zoning Ordinance. This matter was continued from a previous hearing. This matter had been continued from the previous month.

Parties Requesting Party Status: none

Ronald Isgate, Esq. – Attorney for applicant
Greg Hucklebridge, PE. – Carroll Engineering – Engineer for applicant

- B-14 Amended application dated 10-23-09**
- B-15 Letter from Isgate dated 10-19-09 concerning past continuance**
- B-16 Proof of publication**
- B-17 Affidavit of mailing**
- B-18 Affidavit of posting**

A2 Amended applicant outline of evidence

Mr. Hucklebridge, applicant's engineer, answered questions from the Board concerning a plan dated October 23, 2009. He discussed how the plan was compliant with the Zoning Ordinance, the requested variances, and the existing non-conformities. The Board and applicant's representatives then discussed the planting of the buffer, the maintenance of grass except for driveway and parking, access onto Easton Road and the existing setback from the cartway. There was a brief discussion off the record.

A motion was made by Kevin Lawlor, seconded by Janice Devito approving the requested special exception, a ten foot variance from 27§1106.1, conditioned that green areas on the plan to be planted in grass. The motion was approved 4-0.

A motion was made by Frank Shelley, seconded by Kevin Lawlor to appoint Solicitor Bolla to represent the Board in the Interstate Sign matter, currently under appeal. The motion was approved 4-0.

**Hearing 2 Metro PCS, LLC
320 Lower State Road
TMP: 50-004-088
Zoning: PI-2**

The applicants are requesting a dimensional variance from the rear yard setback to further encroach an additional three feet, pursuant to section 1205.E (3).

**Nick Cuce, Esq. – Attorney for applicant
Thomas Dynant – Site Acquisition Consultant for applicant
William Gilmore – Project Engineer for the applicant**

Parties Requesting Party Status: none

**B 1 – Application
B 2 – Affidavit of advertising
B 3 – Notice letters provided for the hearing
B 4 - Posting
B 5 - Letter of 9-26-2009 granting a waiver of timing for the hearing
A-1 through A-13 packet of evidence
A-14 – Outline of Evidence**

The applicant's attorney, Mr. Cuce, gave background on the matter and explained the nature of the dimensional variance relief requested. Mr. Dynant confirmed that the applicant was trying to co-locate on an existing wireless communication tower and that the applicant had a lease with the tower's owner. Mr. Gilmore discussed the site plan explained the need to increase the non-conforming setback and the hardship presented. The Board asked if other options had been considered and the applicant had. The Board also asked about the nature of the original variance.

A motion was made by Janice Devito, seconded by Wayne Bullock to grant the requested relief of three (3) feet additional setback. The vote to grant was 5-0.

Hearing 3 Jessica Hallowell and Gerald Laird
1082 Stump Road
TMP: 50-004-026
Zoning: RA

The applicants are appealing from the action of the zoning officer in a violation notice July 27, 2009, prohibiting a vehicular dwelling unit from being occupied as a living facility in the RA Zoning District.

Parties Requesting Party Status: none

Kurt Schaffer, Esq. – Attorney for applicant
Michele Mintz, Esq. – Attorney for Township

Parties Requesting Party Status: none

- B 1 – Application and violation notice**
- B 2 – Affidavit of advertising**
- B 3 – Notice letters provided for the hearing**
- B 4 - Posting**
- T-1 – Violation notice dated 7-27-2009**
- T-2 - Pictures**
- T-3 - Permit application**
- T-4 - Letter from Hallowell**
- T-5 - Temporary permit**
- T-6 [missing reference]**
- T-7 - Bucks County Health Department letter**

Attorney Mintz presented opening argument in behalf of the Township. The testimony of Michael Mrozinski, Zoning Officer, and then that Jessica Hallowell, property owner, was then offered. Attorney Schaffer questioned both witnesses. The Board then adjourned into an executive session. Solicitor Bolla Discussed legal issues involved. A motion was made by Janice Devito and seconded by Wayne Bullock to deny the appeal of the Zoning Officer's violation notice, to require the applicant to apply for and obtain a Use and Occupancy for the trailer within forty-five (45) days, and that the applicant must vacate and remove the trailer from the property within eighteen (18) months. The motion was approved 5-0.

The Board's minutes of September 28, 2009 were approved.

Respectfully submitted,

Kevin Lawlor

Recording Secretary