

July 26, 2023

The regular meeting of the Zoning Hearing Board was held on Wednesday, July 26, 2023, at 6:00p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26th Street.

PRESENT: Messrs. Tanner, Calhoun, Di Placido, Attorney Jeremy Toman, Matthew Puz Jr., Zoning & Development Officer, and Julie Maggio, Assistant Zoning & Development Officer.

BUSINESS:

Appeal No. 23-15: SUMMIT TOWNSHIP WATER AUTHORITY, for property located at 6152 Peach Street, seeking a variance for the front yard setback and a variance to exceed lot coverage in the R1 Single Family Residential District. **Index 741-009**

Justin Cree, 3200 W 32nd St, CT Consultants, spoke on behalf of this variance for Summit Township Water Authority. He stated the property had a Peach Street address but was located at the end of Old Hershey Road which was a dead-end and was the perfect location for the existing pump station. The proposed a pump station expansion was needed due to the high voltage electrical equipment in the existing pumping station room was not to code and was a safety hazard with water leakage into that area. They were proposing an addition to the existing building so that the electrical components would be separated from the pump station to alleviate the hazard. The 12'x25.5' addition would be located on the southern end of the existing building. The variance needed would be a front and side yard variance (1' from the southern edge (Hershey Road) and 2' from the eastern edge (GetGO)) and lot coverage (exceeds 32%) variance. This was the best option possible for the proposed project with the least impact.

Mr. Calhoun asked if there was any discussion with the neighbor to the west. Mr. Cree replied no they did not.

Mr. Tanner asked how long this pump station had been in place. Mr. Cree replied it was several decades old. He noted that they had not started any construction plans because they were waiting for the variance approval before they started anything. The project would be ready to go if approved with some grant money Summit Township received. Mr. Puz interjected that the building was constructed 1990.

Mr. Tanner asked if Old Hershey Road that abuts the pump station was owned by the Township. Mr. Puz replied that it was an open public right-of-way. Mr. Tanner then asked if this was not able to be done, what would the other options be. Mr. Cree replied that they would abandon the right-of-way. Mr. Cree also noted that on the west, there were existing utilities underground and that was why they picked the proposed addition area.

Mr. Puz noted that a side yard variance would not be required because it was an existing building, and they would not be increasing the encroachment.

There were no other comments from the public.

A motion was made by Mr. Calhoun, seconded by Mr. DiPlacido, that this appeal be granted. Motion 3-0

Appeal No. 23-16: JOSHUA BAKUHN, for property located at 4823 Palomino Court, seeking a dimensional variance from the Floodplain Ordinance for a deck within 50' of the top of bank of a designated Floodplain A in the R1 Single Family Residential District. **Index 468-011**

Joshua Bakuhn, 4823 Palomino Ct, spoke on behalf of this variance. He stated that he was requesting a dimensional variance to reduce building setback from 30' to 24' provided (a 6' reduction) to accommodate the rear deck on the home. He noted that this variance request was not to reduce the required zoning rear yard setback (from the rear property line), but rather to reduce a setback established on the recorded subdivision plan. Note #10 on the recorded subdivision plan stated, "To maintain the integrity and stability of the existing creek bank, a rear set-back line has been established and is shown on the plan for Lots 45 through Lot 58. The principal structure (i.e. the house and attached garage) on Lot 45 thought Lot 58 must be constructed in front of the rear set-back line for that lot." In this case, the principal structure (house and attached garage) was in full compliance with the referenced 30' setback. Only a portion of the attached rear deck protruded into the setback. He was requested that the Zoning Hearing Board conclude 1) the deck not be considered part of the principal structure and thereby was not subject to the setback and deck may remain in its current location, 2) the deck may remain attached to the home and approval granted for it to protrude into the setback by 6', or 3) the deck, if detached from the home so as to be physically separated from principal structure, may remain in its current location as it is not part of the principal structure. Also, the variance if granted would not alter the character of the neighborhood. He noted that this parcel was big but not there was not much buildable area on the property which provided unique challenges. He was also open to the idea of a cantilever for support to be supported at the 30' setback would only be an air intrusion.

Mr. Tanner was confused by Mr. Bakuhn stating the 30' setback and Mr. Puz denial stating the floodplain ordinance prohibits development within 50' of top of bank in a area. Deck constructed within 24' of top of bank, seeking a 26' variance. Mr. Puz responded that the proposed subdivision, he believed, was approved in 2002 had a 30' setback recorded on top of bank. The floodplain ordinance was amended in 2017 with a 50' setback from top of bank. Once the deck encroached/croseds the 30' setback, the new floodplain ordinance went into effect.

19194

Atty. Toman asked if the deck was built already. Mr. Bakuhn replied that it was constructed approximately three months ago. He also informed the Board that he would do what was needed to keep the deck. He felt that maybe the best option was the cantilever.

Mr. Tanner asked Mr. Puz what the definition of principal was or deck, stating it was not a principal structure. Mr. Puz stated that under the Floodplain Ordinance any change to the property was considered development and it was a very broad definition.

Atty. Toman asked what the topography of the land was. Mr. Bakuhn replied that there was not much usable space because of the steep slope at the embankment.

Mr. Diplacido asked if the deck was supported vertical at the edge of the deck beyond what was allowed. Mr. Bakuhn replied yes it was.

Atty. Toman asked Mr. Puz if the 50' setback was implemented in 2017 with the amendment. Mr. Puz replied that was correct, and had the deck been within the building line the Floodplain Ordinance would not have come into play.

Mr. Puz stated that being the Township Floodplain Manager for the Township he determined that the cantilever would be an acceptable alternative. The purpose of the setback line was to prevent any additional disturbance beyond 30'. If it was cantilevered, he understood it would be a violation of the airspace that would require a variance.

Dave Miller, 4858 Appaloosa Ct, President of the Asbury Woods Home Owner Association, stated he was in support of the variance. He was in favor of the cantilever and had no objections to it.

John Alonge, 4832 Palomino Ct, stated he was aware of the terrain and floodplain and was happy about the concept of the cantilever. The cantilever would have zero impact on the terrain and would be aesthetically pleasing. He encouraged the members to approve this variance with the cantilever concept.

Mr. Puz as the Floodplain Manager was agreeable to the condition of the deck being cantilevered.

There were no other comments from the public.

A motion was made by Mr. Calhoun, seconded by Mr. Tanner, that this appeal be granted *with the conditions that the deck size remains as presented, no in-ground structural support shall be placed within the 30-foot rear building line.* Motion 3-0

There being no further business, the meeting was adjourned at 7:01 p.m.



Scott Calhoun - Secretary