

July 27, 2022

The regular meeting of the Zoning Hearing Board was held on Wednesday, July 27, 2022, at 6:30p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26th Street.

PRESENT: Messrs. Tanner, Calhoun, Ms. Spry, Attorney Jeremy Toman, and Matthew Puz, Zoning & Development Office. Absent was Mr. DiPlacido.

BUSINESS:

Appeal No. 22-12: KDP EAST LIBERTY, LLC, for vacant property located between West Ridge Road and Wegmans Drive and identified by tax parcel ID 33-042-230.1-001.01, asking for a variance to construct a second free-standing sign and a height variance to construct the sign higher than permitted in the MU-2 Corridor Mixed Use District. **Index 463-011**

No one was present for this appeal.

A motion was made by Mr. Calhoun, seconded by Mrs. Spry that this appeal be tabled until next meeting. Motion 3-0

Appeal No. 22-13: DILLI R BASKOTA, for property located at 3133 Zuck Road, asking for a variance for a nonconforming change of use from an office to a retail establishment in the R-1 Single Family Residential District. **Index 333-012**

Douglas R. Wolf, 3133 Zuck Rd, was present to discuss this appeal. He stated that he was the owner of the property and had run his All State Insurance Agency from this location and lived in the home next to it. He had retired and wanted to rent the business part of the building. The problem that he had was that the property was now zoned Residential because the Township had changed the zoning this year. The building was grandfathered in as office use only. Now that the pandemic had changed how people work from home, office space was not in demand, and he was having a difficult time renting it as office space. He would like to change the nonconforming use of office to a retail establishment for a smoke shop with poker or gambling machines with the hours of noon until 8 p.m. Monday through Saturday.

Mr. Tanner asked if this property was formerly commercial and changed to residential. Mr. Puz replied that prior to the enactment of the new Zoning Ordinance, which went into effect on May 3, 2022, the property was zoned C-2 General Commercial. Mr. Tanner then asked if this type of establishment would have been allowed. Mr. Puz replied yes, it would have been allowed.

Mr. Calhoun asked how many parking spaces were there. Mr. Wolf replied there was five parking spaces, and it would be a come and go type of business. He informed the Board that the state was seeking eminent domain for the corner portion of his property where the turning lane was but had not done so yet.

Mr. Tanner asked about the parking regulations for this property. Mr. Puz responded that the retail establishment requires one parking space for every three hundred square feet, and for this property, it would be five parking spaces.

Mrs. Spry asked if Mr. Wolf had other potential tenants. Mr. Wolf replied yes, a sex toy store, law office and beauty shop but all did not want to pay the \$800.00 fee to try to get a variance.

Atty. Caparosa, Counsel for the Township, asked Mr. Wolf if he was aware that the application stated the shop would be open seven days a week not six. Mr. Wolf replied he was not aware of that, only what he was told. She then asked about the business traffic that his office had. Mr. Wolf replied that it was mostly on the phone or by e-mail, very little person to person contact. Atty. Caparosa then asked about PennDOT's proposed project concerning sidewalks and eminent domain. She then presented Opposition **EXHIBIT A (MAP OF AREA)** and asked if that was his parcel. Mr. Wolf replied yes it was and the eminent domain was only for the front portion of the home not the business. She asked if he knew about the sidewalks and Mr. Wolf replied yes. She then asked if he knew that a lot of the parking area was in the right-of-way, and he replied he did not know that.

Ms. Spry asked if it was a smoke shop or hookah shop. Mr. Wolf replied that the application stated smoke shop.

James Pullock, 3117 Zuck Rd, stated that he was concerned that the proposed business would add more traffic to an already congested area. He was not sure if a traffic study was performed but being as he was told from PennDOT, the moving of the sidewalks 5' would take away from the parking Mr. Wolf had for this property.

Mr. Wolf informed Mr. Pullock that the eminent domain was for the front portion of the property of the home and along Zuck Road in which PennDOT had paid him for. Nothing was said about West 32 Street to him.

There were no other comments from the public.

A motion was made by Mr. Calhoun, seconded by Mrs. Spry that this appeal be denied. Motion 3-0

There being no further business, the meeting was adjourned at 7:26 p.m.


Jacqueline Spry- Secretary