

# PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

March 23, 2017 Meeting Minutes

**TEMPORARY CHAIRPERSON** – Steve Morgan nominated Michael Guigley as Temporary Chairperson and Dale Reichert seconded the motion; all were in favor and motion carried 3 to 0.

**CALL TO ORDER** – Guigley called the March 23, 2017 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Michael Guigley, Dale Reichert 1<sup>st</sup> Alternate, and Steve Morgan 2<sup>nd</sup> Alternate. Also present were Zoning Hearing Board Secretary Cynthia Hummel, Zoning Hearing Board Solicitor George Hludzik, Zoning Officer Dan Bode, stenographer Marjorie Lally, Attorney Robin Harley (R&J Rental council), Douglas Dinklocker, Shawn Donohue, Brenda Junker, Jerry Witherow and others, list on file.

**APPOINT CHAIRPERSON** – Guigley nominated Donna Reilly as 2017 Chairwoman and Reichert seconded the motion; all were in favor and motion carried 3 to 0.

**APPOINT VICE-CHAIRPERSON** – Morgan nominated Michael Guigley as 2017 Vice-Chairman and Reichert seconded the motion; all were in favor and motion carried 3 to 0.

**2016 MONTHLY MEETINGS** – Guigley announced the Zoning Hearing Board will meet at 6:30 PM on the fourth Thursday of each month except in November it will be on the third Thursday.

**DECLARATION OF QUORUM** – A quorum was declared.

**MEETING MINUTES** – Morgan moved to approve the Zoning Hearing Board minutes for November 17, 2016. Reichert seconded the motion, all were in favor and motion carried 3 to 0. Guigley noted the December 22, 2016, January 26 and February 23, 2017 meetings had been cancelled as no hearing applications were received.

**HEARING OF CASE – R & J Rental, LLC** - Zoning Hearing Board Attorney George Hludzik said we are here to hear a request from R & J Rental, LLC., 226 Long Stretch Road, Pine Grove, for a variance to subdivide a 3.1 parcel into two parcels one being approximately 1.14 acres located in an R2, Medium Density Residential, zoning district. Attorney Robin Harley mentioned Douglas Dinklocker was present to testify.

## Applicant's Exhibits

1. Deed between Douglas P. Dinklocker and R & J Rental, LLC
2. Aerial view from Schuylkill County, PA Map Viewer
3. Dinklocker Development Sketch Plan dated 06-04-06
4. R & J Rental LLC Minor Subdivision dated 07/25/16
5. Sketch of Possible Lot Layout dated 03/22/16
6. Schuylkill County Assessment Bureau CAMA Card for 241, 237, 231, 217, 211, 205, 206 Long Stretch Road parcels

## Testimony

- **Douglas Dinklocker** was sworn in and testified he is the owner of R & J Rental and owns the property at 226 Long Stretch Road and explained:
  - Exhibit 1 is the deed conveying the property from Douglas Dinklocker to R & J Rental dated November 2010. On page 3 the deed shows he purchased the property from his parents Calvin and Virginia in 1999, the easement or right of way goes through the center of the property. He testified he owns two (2) properties, his home is on one parcel and the other is R & J's which he is requesting the variance. The 3.1-acre lot has three (3) structures and an old home that is being renovated.
  - Exhibit 2 he identified on the aerial view the location of the property and his home. He explained in 2005-2006 he wanted to install a manufactured home and to do this he was required to show the property was "deedable" in the event he wanted to sell the property.
  - Exhibit 3 is the sketch plan before the manufactured home was erected. This sketch was submitted with the Zoning Hearing Board application. The sketch plan shows the 1.14 acres as a standalone parcel and the 50' Right of Way, in 2006 the zoning required 1 acre lots. He would like to make 3 lots and eliminate the flag lot. Attorney Harley said the reason for the variance is because the lot is less the 1.5 acres.

- Exhibit 4 Attorney Harley explained is a Minor Subdivision plan prepared by Shawn Donohue to comply with the 1.5 acres zoning requirement. Dinklocker testified he did not see how the plan and easement would work. He asked Donohue to prepare another sketch for the variance request.
- Exhibit 5 Dinklocker testified this was the new plan. The 3 homes would have their own driveways and the parcel sizes would be 2.04, 2.18 and 1.14 acres, the variance would only be required for the 1.14-acre lot. If the variance would be granted, the front yard, rear setbacks, and side yard setbacks requirements would be met. Dinklocker testified he does not intend to erect any additional residential structures on these properties.
- Exhibit 6 Dinklocker read the address and lot sizes of the seven CAMA cards presented as evidence. Dinklocker testified the location of the CAMA cards properties are across the street from his property and do not meet the 1.5 acres current zoning requirement. Attorney Harley referenced Exhibit 2 shows all the lots.

**Zoning Hearing Board Attorney** – Attorney Hludzik asked the following questions:

- Who uses the existing driveway? Dinklocker said he and the other 2 homes use the driveway.
- Is the configuration you are seeking presented in Applicant’s Exhibit #5? Dinklocker said yes.
- Why wouldn’t you move the line on the 1.14-acre lot to comply? Dinklocker said this is the driveway, with a natural line of trees, and the two homes will need to use this driveway. Attorney Harley said he is getting rid of the driveway and extinguishing the easement to his home.
- The CAMA card with the different lot sizes (Exhibit #6), were they pre-existing lots before the new Zoning Ordinance came into effect? Attorney Harley said when looking at the CAMA cards they were preexisting. CAMA cards were to show the variance would not alter the character of the neighborhood.

**Zoning Hearing Members**

- **Reichert** asked why didn’t he divide the lots in 2006? Attorney Harley said that Dinklocker thought the Township only required him to show he would have a “deedable” lot, they did not require him to complete the subdivision in order to get the permit to put the manufactured home and he thought he was finished. The reason for the hearing is because the Zoning Ordinance was changed.

**Pine Grove Township Exhibit**

1. Zoning Hearing Board Application and Public Notice

**Testimony**

- **Shawn Donohue** professional land surveyor., 504 Blue Mountain Road, Schuylkill Haven, PA was sworn in. Donohue testified he prepared a sketch plan in 2006 for Dinklocker with the minimum requirement as 1 acre lots, Exhibit #3. He was contacted by Dinklocker recently to prepared Applicant’s Exhibit #4 with the current Ordinance requirement of 1.5 acres including the existing driveway. He said Dinklocker was not happy with the Minor Subdivision plan. He then prepared Applicant’s Exhibit #5 to be presented for the variance request. Donohue testified the right of way to Dinklocker home would be removed and 2 of the 3 lots would be in compliance with the current 1.5-acre Zoning Ordinance requirement.
- **Daniel Bode** Zoning Officer for Pine Grove Township was sworn and asked the surveyor if the property could be subdivided in compliance with the existing Zoning Ordinance. Donohue responded the first drawing is within the Ordinance. Bode explained unless a lot cannot be developed in accordance to the Ordinance there may be grounds for a variance but it appears it can be developed in accordance to the Ordinance.

Attorney Harley said we are here for a dimensional variance. He does not need to prove if there has been unnecessary hardship to develop the lot, all he needs to show is hardship. It is not a use variance where the standard is greater, he is not going to use the lot for anything that is not permitted by the Ordinance, he is just seeking a dimensional variance to bring the properties more into compliance, eliminate a flag lot (which is not permitted under the Ordinance) and make it more desirable. He is asking for a minimal variance. The other properties in the neighborhood are smaller, none of them are 1.5 acres it would not be detrimental to, nor adversely affect the character of the general neighborhood. He does not have to prove that it is impossible to develop it in accordance to the Ordinance in order to be granted a dimensional variance. Attorney Hludzik said to Attorney Harley so your argument is this is a de minimis variance. Attorney Harley said yes.

- **Jerry Witherow**, 217 Long Stretch Road was sworn in and expressed his concern for the runoff of the driveway; Dinklocker's property is uphill from his property. I get run off from a neighbor's driveway, the dirt comes down, on the other side of the road and goes down the culvert and his neighbor has problems with water runoff. He is trying to avoid his driveway washing away. Attorney George Hludzik asked Witherow to look at the Exhibit and identified the location of his driveway.

Brenda Junker asked the location of the driveway, she lives behind Dinklocker and their driveway borders his property. Attorney Hludzik had an off the record discussion and showed Junker and Dinklocker the exhibit. Dinklocker indicated the location of the driveways. Dinklocker said the driveways will be on his lots.

**Deliberation** – The Zoning Hearing Board recessed at 7:17 PM to deliberate with Attorney George Hludzik.

**Decision for the R & J Rental.** – The hearing resumed at 7:31 PM. Attorney Hludzik stated the board has considered the testimony, arguments, the Zoning Ordinances and would like to make a motion to grant the variance they feel the variance is de minimis in terms of the Ordinance but they also include two (2) conditions:

1. The property is subdivided in accordance with the Applicant's Exhibit #5
2. The new driveway that is to be constructed will be constructed in a manner that will not cause detrimental water runoff to neighboring properties across Long Stretch Road.

Reichert made the motion to grant the requested variance as stated by Attorney Hludzik. Morgan seconded the motion, all were in favor and motion carried 3 to 0.

**CORRESPONDENCE** – Guigley mentioned there is a webinar on Meeting Management for Planning Commission and Zoning Hearing Board members on April 12, 2017 at 12 PM. Hummel said if they would like to attend the Township will set the webinar up in the conference room and to contact the Township to register.

**ADJOURNMENT** – Guigley adjourned the meeting at 7:35 PM.

**Respectfully Submitted,**

**Cynthia Hummel**  
**Zoning Hearing Board Secretary**

**Approved on December 28, 2017 at Zoning Hearing Board Meeting**

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