

PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

December 28, 2017 Meeting Minutes

CALL TO ORDER – Chairwoman Donna Reilly called the December 28, 2017 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Donna Reilly, Michael Guigley, and Dale Reichert. Also present were Zoning Hearing Board Secretary Cynthia Hummel, Zoning Hearing Board Solicitor Joseph Baranko, Zoning Officer Dan Bode, stenographer Marjorie Lally, Robert Pugh, Edward T. Biehelheimer, Virginia Fisher and Freida Dagostino and others list on file.

DECLARATION OF QUORUM – A quorum was declared.

MEETING MINUTES – Reichert moved to approve the Zoning Hearing Board minutes for March 23, 2017 Guigley seconded the motion, all were in favor and motion carried 3 to 0. Reilly noted the April 27th, May 25th, June 22nd, July 27th, August 24th, September 28th October 26th and November 16, 2017 meetings had been cancelled as no hearing applications were received.

HEARING OF CASE – Robert W. & Elizabeth Pugh- Reilly we are here to hear requests for four (4) variances and one (1) Special Exception of the Pine Grove Township Zoning Ordinances from Robert and Elizabeth Pugh. Reilly read the definitions for variances and special exceptions.

Attorney Baranko entered the following exhibits for the Township:

Township's Exhibits

1. Proof of Publication
2. Affidavit of Posting of the Property

Applicant's Exhibits

1. Zoning Hearing Board Application
2. Map

Testimony

- **Robert Pugh** was sworn in and testified he is the owner of property on Route 443 Suedberg Road and would like to subdivide the property and sell a portion of the property to his daughter and her husband. There is an existing home and existing barn/pole building on the property and his daughter would like to build a two story 25' x 30' addition to the existing home. He would like to subdivided the parcel into 12.44 acres (Parcel A) with the existing home and the remaining 97.5 acres (residue parcel) with the existing barn/pole building.

Pugh believed the variances were for setbacks and he would like to divide the property between the existing home and barn. After a brief discussion it was determined Mr. Pugh is also seeking relief from §709 for the expansion of a non-conforming use for the residential structure of more than fifty (50%) percent of the existing area occupied.

- **Daniel Bode**, Pine Grove Township Zoning Officer, was sworn in and testified the property is zoned L1 Light Industrial and is a non-conforming use of record. Bode said there is an existing residence and barn on the parcel which is a pre-existing non-conforming use. Bode met with the Pugh's and reviewed their intent and believes the applicable sections are for the request for §709 variance to permit them to construct an addition to the existing dwelling, §524.1 and §607.1.C variance for side yards; §706.3 and §706.4 for a special exception for expansion; and §603.1.d and §607.1.c relative to accessory structures. Bode explained a home could not be built in the Light Industrial area. Bode testified the requested relief is consistent with the character of the neighborhood with other residential structures and would not be detrimental to the public welfare.

Edward T. Biebelheimer, Virginia Fisher and Freida Dagostino were sworn in. Reilly ask Mr. Biehelheimer to identify the location of his property on the map. Biehelheimer showed he is located across the street indicated as #6 and Freida Dagostino is #7 on the map.

- **Edward Biehelheimer** asked if the Pugh's were proposing to build a barn or have livestock.
- **Freida Dagostino** asked if a housing development was proposed.
- **Bode** assured Biehelheimer and DeAgostino the area is not zoned properly. There is no agricultural use being proposed, they want to subdivide and retain the existing barn/pole building.

Deliberation – The Zoning Hearing Board recessed at 7:17 PM to deliberate with Attorney Joseph Baranko.

Decision for the Robert & Elizabeth Pugh – The hearing resumed at 7:31 PM. Attorney Baranko stated the board discussed the issues, reviewed the application, the map and zoning and the board would like to make the following motions to grant relief to:

- §709 to grant relief from the residential structure from not exceeding fifty (50%) percent of the area occupied by the use at the time of the effective date of this Ordinance. As such, Pugh may expand their residential structure on Parcel A with the expansion not exceeding twenty-five (25) feet in width and thirty (30) feet in depth. Reilly approved the motion and Reichert seconded the motion, all were in favor motion carried 3 to 0.
- §524.1 & §607.1 to grant relief for a variance of thirty-five (35) feet relative to the barn/pole building, again with the variance associated with the anticipated dividing line between Parcel A and the residue parcel. Guigley approved the motion and Reichert second the motion, all were in favor motion carried 3 to 0.
- §524.1 to grant the applicant request for a side-yard setback variance of ten (10) feet from the anticipated existing property line and relative to the expansion of the residential structure. Reichert approved the motion and Guigley second the motion, all were in favor motion carried 3 to 0.
- §706.3 & §706.4 grant a special exception for the non-conforming use/structure, the residential structure, shall be permitted to pursue expansion consistent with the variance grant condition not to exceed twenty-five (25) feet in width nor thirty (30) feet in depth. Reilly approved the motion and Reichert second the motion, all were in favor motion carried 3 to 0.

CORRESPONDENCE – No correspondence was received.

ADJOURNMENT – Reilly adjourned the meeting at 7:35 PM.

Respectfully Submitted,

Cynthia Hummel
Zoning Hearing Board Secretary

Approved on January 25, 2018 at Zoning Hearing Board Meeting

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