

PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

May 24, 2018 Meeting Minutes

CALL TO ORDER – Vice-Chairman Michael Guigley called the May 24, 2018 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Michael Guigley, Dale Reichert, and 1st Alternate Margaret Davenport. Also present were Zoning Hearing Board Secretary Cynthia Hummel, Zoning Hearing Board Solicitor George Hludzik, Zoning Officer Ralph Hummel (Lehigh Engineering, LLC.), stenographer Denise Donlin, Heath Machamer (HNT, LLC), Gretchen Cole Sterns (applicants attorney), Courtney Bohler, Krista Klinger, and others, list on file.

DECLARATION OF QUORUM – A quorum was declared.

MEETING MINUTES – Reichert moved to approve the Zoning Hearing Board minutes for April 26, 2018. Davenport seconded the motion, all were in favor and motion carried 3 to 0.

HEARING OF CASE – Bohler – Davenport read the public notice, we are here to hear a request from applicants Carl T. & Courtney A. Bohler and property owners Doris J. Bohler, Parcel# 21-05-0109.000, 389 Sweet Arrow Lake Road, Pine Grove, PA for variances of:

- §414 Area, Yard and Height Requirements. (Lot width at street)
- §601 Access to Structure (Existing & Proposed Access Easements)
- §616.5 Driveway- Constructed & maintained material construction will not wash nor be deposited upon public roads. Driveway in excess of 10% grade shall be paved.
- §616.8 Driveway – The grade shall conform to the Pine Grove Township SALDO Section 1117.5.
- §623 Accessory Building Set Back Exceptions – (Accessory building setback exception.)

The reason for the variances are to provide proper setback to the existing dwelling.

Attorney Gretchen Sterns applicant's attorney, said after consulting with the Zoning Officer they would like to add to the application:

- §603.1.A Residential Accessory Buildings, Structures and Uses Attorney Sterns asked to amend the application to include a variance of §603.1.A. Ordinance §623 and §603.1.A are similar with respect to the accessory structure setbacks and we would like to include §603.1.A to insure the appropriate variance.

Attorney George Hludzik asked if there were any objections to amend the application to include §603.1.A; there were no objections by the Zoning Hearing Board.

Attorney Hludzik and Ralph Hummel, Pine Grove Township Zoning Officer entered the following exhibits:

Pine Grove Township Zoning Hearing Board Exhibit:

- Exhibit #1 thirteen (13) pages entered by the Zoning Officer
- Exhibit #2 Proof of Publication entered by Attorney Hludzik

Testimony

- **Ralph Hummel, Lehigh Engineering, LLC., Pine Grove Township Zoning Officer** was sworn and explained currently this is a single tract they would like to subdivide into 2 lots. Hummel explained Exhibit #1:
 - Page 1 is the Zoning Hearing Board application,
 - Page 2 is a copy of the Public Notice posting,
 - Page 3 is pictures of Public Notice posting locations,
 - Page 4 through Page 11 are Sections from the Zoning Ordinance
 - §414 Street Line requires 100 feet, Hummel said there is an existing easement
 - §601 *no lot shall be created unless it abuts a public street...*current lot does not meet the requirement.
 - §603 Front or side yard within five feet of the rear lot line, currently there are two (2) accessory buildings they are 2.7' and 2.9' from a property line which they need 5'.
 - §616.5 *Driveways in excess of ten percent (10%) grade shall be paved.* They have an easement but it is currently over the 10%.
 - §616.8 This section references §1117.5. in the Subdivision and Land Development Ordinance for the grade.

- §623 in exhibit and the §603 similar interpretations. Hummel said they cannot meet the requirement because they cannot acquire the property.
- Page 12 & 13 are aerial views from the Schuylkill County Map Viewer

Attorney Sterns present Applicants Exhibits:

Applicants Exhibit:

- **Exhibit 1** - Bohler Minor Subdivision and Boundary Line Adjustment Final Plan
- **Exhibit 2** – County Easement Recording

Testimony

- **Heath Machamer, P.E.**, was sworn in and stated he is a licensed engineer, his business is HNT Engineering & Surveying and he drafted the subdivision plan for the Bohler’s. Machamer explained the main parcel is 24 acres, with a 44’ driveway. They would like to separate the dwelling and keep the property in Clean and Green, which requires 10 acres. The property will be subdivided into 2 lots, a 14.37 and 10.07 (Lot #1). Lot 1 will include the dwelling, two garages and a lean-to. There are no new structures being proposed. They have completed a land-swap in order to bring the property into compliance but one neighbor would not cooperate in the land swap and variances are required for the accessory structures. One of the buildings is two feet eleven inches (2’11”) and the other is two feet eight inches (2’8”) from the property line and the requirement is five feet (5’) so a variance is required.

The property is accessed by a 44’ easement driveway. They are proposing an extension of the easement along the property line and along the woods line. Machamer testified that granting the variances would not alter the essential character of the neighborhood and because they could not swap land they could not conform to the Zoning Ordinance which is a hardship that was not created by the applicant.

Zoning Hearing Member

Dale Reichert asked Machamer if the home on top of the hill uses the same easement.

Testimony

- **Machamer** testified the lower property shares the access, two houses use the same easement.
- **Courtney Bohler** was sworn in and testified she and her husband currently lives in the home at 389 Sweet Arrow Lake and she agreed with Machamer’s testimony.

Krista Klinger, commented she has Power of Attorney for Doris Bohler and her mother wants to keep the property in the family and as natural as possible, in the Clean and Green program and woodland.

Deliberation – The Zoning Hearing Board recessed at 7:04 PM to deliberate with Attorney George Hludzik. The hearing resumed at 7:13 PM.

Decision for the Bohler – Reichert made a motion to grant all variances that are requested. Guigley seconded the motion, all were in favor and motion carried 3 to 0.

CORRESPONDENCE - A letter was received from the Board of Supervisors approving six work sessions for the Zoning Hearing Board to work on proposed revisions to the Zoning Ordinance, preferably using advertised Zoning Hearing Board dates when a public hearing is not scheduled. It was decided to advertise workshops on July 12th and August 9th.

ADJOURNMENT – With no further business, Reichert made a motion to adjourn the meeting at 7:27 PM. Guigley seconded, all were in favor and motion carried 3 to 0.

Respectfully Submitted,

Cynthia Hummel
Zoning Hearing Board Secretary

Approved on June 29, 2018 at Zoning Hearing Board Meeting
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