

**WARRINGTON TOWNSHIP ZONING HEARING BOARD  
MINUTES FOR THE AUGUST 11, 2008, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at on August 11, 2008, at the Township Building located at 852 Easton Road, Warrington PA 18976.

**Pledge of Allegiance:** The meeting opened with a pledge to the flag.

**Public Comment:** None

**Introduction of Members:** The members present were as follows:

Janice Devito	Chair
Frank Shelly	Vice Chair
Wayne S. Bullock	Member
Kevin Lawlor	Secretary
Robert Baldi, Esq.	Solicitor
Mike Mrozinski	Zoning Officer

**Stenographic Record:** A stenographic record of the meeting will provide a record of the proceedings. Copies of the stenographic record may be purchased from Blum-Moore Reporting Services Inc. The court stenographer for this meeting is Carol Angiolillo.

**Point of Information:**

**T-Mobile Northeast LLC**

**Portion of the PECO right-of-way north of Greensward South**

This was not on the agenda, but was scheduled for August 18, 2008. Mr. Baldi stated the applicant wanted to withdraw without prejudice and he would like to send out a courtesy letter to the neighbors. The board moved to approve the sending of the letter.

**New Business Hearing 1**

**Todd E. and Jennifer P. Hannigan**

**2194 Green Ridge Drive**

**TMP: 50-030-114**

**Zoning: R-3**

- The Applicant is seeking a Variance from Sections 855.1.A.(1)(b) of the Warrington Township Zoning Ordinance for a 278 square foot addition to the family room/kitchen in accordance with plans submitted with their application, which will encroach into the side yard setback mandated by the Zoning Ordinance.

**Exhibits: ZHB 1 – Application**  
**ZHB 2 – Notices of the hearing, newspaper advertisement and posting.**  
**ZHB 3 – Current Zoning Ordinance of Warrington Township**

**Parties Representing the Applicant: Todd E. and Jennifer P. Hannigan, Owners**

**Parties Requesting Party Status: None**

The applicants referred to the application packet and noted that their neighbors were in attendance. Exhibit A-3 is the Plan of Location Survey dated 5/14/08 prepared by Showalter & Associates. Pages A-1 and A-2 will be considered Exhibits A-1 and A-2. The drawing shows that they can meet the minimum setbacks, but their aggregate side yard setback will be 23.76 feet instead of the required 25 feet. It was also noted that Exhibit A-1 is incorrect, and that the existing concrete patios will be removed as shown on Exhibit A-3. The Board questioned the applicant regarding alternatives considered. Vice Chair Shelly moved that the request for the variance be granted, with a note that the lot is a unique configuration and with the way the house is positioned on it, this is the minimum variance that is required to be granted. Conditions were also added that the existing concrete patios have to be removed and the standard condition that this does not grant any other variance, and that the proposal be substantially similar to what is proposed. Chair Devito seconded the motion. The vote was all in favor.

**New Business Hearing 2**  
**MJS Investments, LLC**  
**1585 Easton Road (Route 611)**  
**TMP: 50-026-092**  
**Zoning: R-2**

- The Applicant is requesting a special exception pursuant to Section 2301 of the Warrington Township Ordinance for an extension/expansion of a nonconforming use to allow for natural expansion in the form of a seasonal outdoor deck containing 8 bar seats and 6 tables with 28 chairs. The applicant also requests a Special Exception pursuant to Sections 2203 and 2207.A of the Warrington Township Zoning Ordinance for two (2) nonconforming signs. The applicant is also requesting variances from: (1) Section 805.2 of the Zoning Ordinance to extend nonconforming structure into the front yard (Route 611) and side yard (Kelly Road); (2) Section 2101 of the Zoning Ordinance, to permit parking for seasonal seating to be by lease of adjoining property; (3) Section 2102.B of the Zoning Ordinance, to permit parking for seasonal seating to be by lease of adjoining property; (4) Section 2203 of the Zoning Ordinance, to use previous signs and Applicant proposes to have two signs attached to the building; (5) Section 2207.A.2 of the Zoning Ordinance, to use previous signs and Applicant proposes to have two signs attached to the building.

**Exhibits: ZHB 1 – Application**  
**ZHB 2 – Notices of the hearing, newspaper advertisement and posting.**  
**ZHB 3 – Current Zoning Ordinance of Warrington Township**

**Parties Representing the Applicant: Linda Weeden Hopkins, Attorney  
Michael J. Smith, Owner  
Harold Lichtman, Architect**

**Parties Requesting Party Status: None**

The Applicant's attorney was questioned about the 25 percent expansion. She stated that they had already been allowed to expand by the 25 percent, but felt case law supported further expansion by variances. Exhibit A-1 is the three pages of drawings beginning with Proposed Renovation and Addition to TJ Smith's by GLP Architects, latest revision date June 2, 2008. Michael Smith, owner of the property and MJS Investments, was called as the first witness. Exhibit A-2 is the deed for the property. Exhibit A-3 is the Certificate of Organization, Domestic Limited Liability Company. Exhibit A-4 is the Single-Member Operating Arrangement. Exhibit A-5 is pictures showing the New Town restaurant owned by the applicant. Exhibit A-6 is a tax map, and the applicant identified surrounding uses and buffers for the Board. The applicant continued with their presentation. Several questions were brought up. Mr. Baldi requested that the allowed sign area be given to the Board. The hearing was continued to September 15, 2008, with the applicant's concurrence.

**New Business Hearing 3  
Pleasantville United Church of Christ  
3424 Limekiln Pike  
TMP 50-6-6, 50-4-61, 50-6-5-3, 50-6-1 and 50-4-95  
Zoning: RA**

- **The Applicant is requesting three variances: 1) A variance from Section 406 of the Zoning Ordinance to allow a residential driveway serving an adjacent lot to be located within the fifty foot buffer zone required between a residential use and a nonresidential use. In the alternative the Applicant requests the Board to interpret the Zoning ordinance to conclude that a single residential driveway serving a single residence is not prohibited within the buffer zone. 2) A variance from Section 2307 of the Zoning Ordinance to allow a residential driveway serving an adjacent lot to be located within the fifty foot buffer zone required between a residential use and a nonresidential use. In the alternative the Applicant requests the Board to interpret the Zoning Ordinance to conclude that a single residential driveway serving a single residence is not prohibited within the buffer zone. 3) A variance from Section 403.E.3(e), of the Zoning Ordinance from the maximum building height of thirty five feet for a House of Worship under the conditional use requirements for a Community House of Worship. Applicant is asking to allow forty eight feet for the highest point of the roof on the proposed building addition for the church.**

**Exhibits: ZHB 1 – Application  
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ZHB 3 – Current Zoning Ordinance of Warrington Township**

**Parties Representing the Applicant: Caroline A. Edwards, Attorney  
Donna M. Wright, President of Pleasantville UCC Church Council**

**Richard A. Stoneback, Project Engineer, Charles Shoemaker, Inc.  
Michael Lear, Architect**

**Parties Requesting Party Status: Mike Kelly, 135 Muirfield Lane  
Dara Nappen King, 120 Muirfield Lane (Lot 6)  
Michael Starner, 3429 County Line Road  
Susan Sasser, 115 Muirfield Lane  
Jeff Coogan Cameron, 3434 Limekiln Pike**

The Applicant's attorney presented their case, pointing out that the Board of Supervisors gave Preliminary Plan approval for their land development plans on July 8, 2008 (Exhibit A-1) and Conditional Use approval for the community house of worship. Only the issue of the driveway within the buffer required between a residential and nonresidential use, and the height of the church is being considered tonight. Donna Wright testified to the history, plans, and other details of the church. Exhibit A-2 is a letter from Camerons dated February 4, 2008, to the Township indicating their approval of the proposed access change. Parties asked questions of the witness. Richard Stoneback was called as a witness, and his resume was made Exhibit A-3. The Land Development Plan (sheet 5 of 32), Proposed Building Addition by Charles E. Shoemaker Inc., dated February 7, 2008, was made Exhibit A-4. Testimony and questions continued. The hearing was continued until September 15, 2008, in order to allow additional time to hear the rest of the application and testimony.

**Approval of Minutes:** The board approved the minutes of July 28, 2008.

**Announcements:** None

**Adjournment:** The meeting was adjourned.

Respectfully submitted,

Kevin Lawlor  
Recording Secretary