

**WARRINGTON TOWNSHIP ZONING HEARING BOARD  
MINUTES FOR THE OCTOBER 26, 2009, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on October 29, 2009, at the Township Building located at 852 Easton Road, Warrington PA 18976.

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

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

|                     |                |
|---------------------|----------------|
| Frank Shelly        | Chair          |
| Janice DeVito       | Vice Chair     |
| Kevin Lawlor        | Secretary      |
| Wayne Bullock       | Member         |
| Fred Gaines         | Member         |
|                     |                |
| William Bolla, Esq. | Solicitor      |
| Michael 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.

**Public Comment:** None

**Hearing 1      Ich Kien Tran**  
**Premises: 525 Easton Road, Warrington, PA 18976**  
**TMP: 50-032-044**  
**Zoned: C2**

The applicants are requesting a special exception to permit a combination of a dwelling and business pursuant to section 1104.A of the Warrington Zoning Ordinance. This matter was continued from a previous hearing.

**Parties Requesting Party Status: none**

**Ronald Isgate, Esq. – Attorney for applicant**

Attorney Isgate requested a postponement of the hearing to allow his applicant's new design professionals time to revise plans. A motion was made by Janice Devito, seconded by Kevin Lawlor, and passed 5-0 to grant the applicant's request to continue the hearing until November 26, 2009.

**Hearing 2      Metro PCS, LLC**  
**320 Lower State Road**  
**TMP: 50-004-088**  
**Zoning: PI-2**

The applicants are requesting a dimensional variance from the rear yard setback to further encroach an additional three feet, pursuant to section 1205.E (3).

**Nick Cuce, Esq. – Attorney for applicant**  
**Thomas Dynant – Site Acquisition Consultant for applicant**  
**William Gilmore – Project Engineer for the applicant**

**Parties Requesting Party Status: none**

**B 1 – Application**  
**B 2 – Affidavit of advertising**  
**B 3 – Notice letters provided for the hearing**  
**B 4 - Posting**  
**B 5 - Letter of 9-26-2009 granting a waiver of timing for the hearing**  
**A-1 through A-13 packet of evidence**  
**A-14 – Outline of Evidence**

The applicant's attorney, Mr. Cuce, gave background on the matter and explained the nature of the dimensional variance relief requested. Mr. Dynant confirmed that the applicant was trying to co-locate on an existing wireless communication tower and that the applicant had a lease with the tower's owner. Mr. Gilmore discussed the site plan explained the need to increase the non-conforming setback and the hardship presented. The Board asked if other options had been considered and the applicant had. The Board also asked about the nature of the original variance.

A motion was made by Janice Devito, seconded by Wayne Bullock to grant the requested relief of three (3) feet additional setback. The vote to grant was 5-0.

**Hearing 3     Jessica Hallowell and Gerald Laird**  
**1082 Stump Road**  
**TMP: 50-004-026**  
**Zoning: RA**

The applicants are appealing from the action of the zoning officer in a violation notice July 27, 2009, prohibiting a vehicular dwelling unit from being occupied as a living facility in the RA Zoning District.

**Parties Requesting Party Status: none**

**Kurt Schaffer, Esq. – Attorney for applicant**  
**Michele Mintz, Esq. – Attorney for Township**

**Parties Requesting Party Status: none**

**B 1 – Application and violation notice**  
**B 2 – Affidavit of advertising**  
**B 3 – Notice letters provided for the hearing**  
**B 4 - Posting**

- T-1 – Violation notice dated 7-27-2009**
- T-2 - Pictures**
- T-3 - Permit application**
- T-4 - Letter from Hallowell**
- T-5 - Temporary permit**
- T-6 [missing reference]**
- T-7 - Bucks County Health Department letter**

Attorney Mintz presented opening argument in behalf of the Township. The testimony of Michael Mrozinski, Zoning Officer, and then that Jessica Hallowell, property owner, was then offered. Attorney Schaffer questioned both witnesses. The Board then adjourned into an executive session. Solicitor Bolla Discussed legal issues involved. A motion was made by Janice Devito and seconded by Wayne Bullock to deny the appeal of the Zoning Officer's violation notice, to require the applicant to apply for and obtain a Use and Occupancy for the trailer within forty-five (45) days, and that the applicant must vacate and remove the trailer from the property within eighteen (18) months. The motion was approved 5-0.

The Board's minutes of September 28, 2009 were approved.

Respectfully submitted,

Kevin Lawlor  
Recording Secretary