

MIDDLETOWN TOWNSHIP
ZONING HEARING BOARD

Christian A. Davis

Thomas Danzi

Gerry Gebhart

Jacquelyn S. Goffney

Joseph Klodarska

Minutes of the Zoning Hearing Board

The regular meeting of the Middletown Township Zoning Hearing Board was held on **April 27, 2022**, beginning at 6:00 PM at the Middletown Township Building, 27 N. Pennell Road, Lima, PA.

Members Present: Tom Danzi, Christian Davis, Gerry Gebhart, Joseph Klodarska

Staff Present: Max O’Keefe, Solicitor, Meredith F. Merino, Zoning Officer

Approval of Minutes: Mr. Danzi made a motion to approve the minutes of the March 23, 2022 meeting, which was seconded by Mr. Klodarska. The minutes were approved as submitted by a vote of 4 – 0.

New Business:

Case No. 2022-06: An application of Kenneth H. Narzikul of 658 N. Heilbron Drive, zoned R-1. Applicant requests a Special Exception per Section 275-199.J.(4) to permit an existing basketball court to be located within the required rear yard setback under a proposed lot line change between 658 and 608 N. Heilbron, both of which are owned by the applicant. The court is currently located on the ground lot at 608; the lot line change would place the court on the property at 658 within 10 ft. of the rear property line.

The applicant was present along with Engineer Matthew Houtman, who explained that the court was constructed on Lot 19 in 2002. With the proposed lot line change (which will be submitted as a formal application for Township approval if the Special Exception is granted), the court will be 10 ft from the rear lot line. No construction is proposed for the reconfigured Lot 19 under the current proposal, but would allow Mr. Narzikul to sell the lot without any structures on it at some point in the future.

Charles Miller, Esq. was present on behalf of the Township. He stated that there was no position being taken by the Township on the application; he was present to monitor it.

After no further discussion, the hearing was closed. Mr. Gebhart made a motion to grant the Special Exception, which was seconded by Mr. Danzi. The Board voted 4-0 to approve the Special Exception.

Case No. 2022-07: An application of Tom Howard of 27 W. Knowlton Road, zoned R-2. Applicant requests variances from the side yard and aggregate side yard setback requirements of Section 275-26.A.(2)(g) and (h) in order to place a 24’ x 24’ detached garage to within 10’ of the side property line. Applicant also requests a variance from Section 275-203.C.(3) to place a Class B accessory structure in a side yard.

Zoning Hearing Board Solicitor Max O’Keefe explained to the applicant that he is a partner of Lamb McErlane, along with Township Councilmember Kathleen O’Connell Bell. Township Council voted to send the Township Solicitor to monitor this application, and Mr. O’Keefe wanted to make Mr. Howard aware of his affiliation with Ms. O’Connell-Bell. Mr. Howard stated that he has no objection to Mr. O’Keefe representing the Zoning Hearing Board.

Mr. Howard presented testimony and evidence in support of his application. He explained that the garage would be for storage of his classic car and would not have any plumbing or electric.

Charles Miller, Esq. was present on behalf of the Township. He stated that there was no position being taken by the Township on the application; he was present to monitor it.

After no further discussion, the hearing was closed. Mr. Danzi made a motion to grant the requested variances, which was seconded by Mr. Gebhart. The Board voted 4-0 to approve the variances.

Case No. 2022-08: An application of Sunnybrae Farm, LP for Wolff's Apple House located at 79 S. Pennell Road, zoned R-2. Applicant requests several variances for a 4,893 s.f. building expansion of the retail facility, including: Section 275-206.B.(3)(c) to permit increase in floor area of non-conforming use by more than 10%; Section 275-182.A. to permit continuation of existing non-conforming parking lot; Section 275-26.A.(2)(d) to permit increase of impervious coverage from 57.3% to 69.9% where 45% is allowed; Section 275-26.A.(2)(e) to permit increase of building coverage from 17.1% to 21.3% where 20% is permitted; and Section 275-200 to permit a fence height of 8'. A land development plan and conditional use application have simultaneously been filed with the Township.

Fran Wolff was present as a representative of the applicant and was represented by attorney Timothy Sullivan, Esq. Engineer Matthew Houtman provided testimony as the technical witness. Mr. Wolff explained that the proposal is intended to modernize the current retail facility to improve functionality by centralizing storage, receiving and creating space for an on-site kitchen. 10 sheds and trailers will be eliminated with the construction of the addition. The addition will not expand the sales area but will be used internally by employees only.

Charles Miller, Esq. was present on behalf of the Township. He stated that there was no position being taken by the Township on the application; he was present to monitor it. Mr. Miller asked about stormwater management and impacts to runoff from the proposed changes. Mr. Houtman explained that a stormwater seepage bed is proposed as part of the land development plan.

After no further discussion, the record was closed. Mr. Gebhart made a motion to approve the requested variances, with the fence variance conditioned upon it being made a requirement during the land development process. Mr. Danzi seconded the motion, and the board voted 4-0 to approve the application.

Case No. 2022-09: An application of Jim Peterkin of 17 Wynmoor Road, zoned R-2. Applicant requests a variance from Section 275-26.A.(2)(f) for minimum rear yard setback requirements in order to construct a 24' x 40' addition that will project to within 15' of the rear property line. An existing nonconforming 23' x 23' garage structure located 15' from the rear property line is being demolished to construct the addition in its place. A variance from Section 275-206.B.(1) is also being requested.

The applicant was present and entered testimony and evidence into the record. Mr. Peterkin explained that the rear of his property is heavily wooded, and that he plans to construct a 2-story addition containing a first-floor garage to create additional living space for his growing family.

Charles Miller, Esq. was present on behalf of the Township. He stated that there was no position being taken by the Township on the application; he was present to monitor it.

After no further discussion, Mr. Danzi made a motion to approve the requested variances, which was seconded by Mr. Klodarska. The board voted 3-0 to approve the variance request (Mr. Davis recused himself from the vote).

Adjournment: There being no further business, the meeting was adjourned at 8:00 PM.

The next meeting of the Zoning Hearing Board will be held on Wednesday, May 25, 2022 beginning at 6:00 PM.

Respectfully Submitted,

Meredith Merino, Zoning Officer