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WEST NORRITON TOWNSHIP
ZONING HEARING BOARD
MONTGOMERY COUNTY, PA

- - -

Zoning Hearing No. 915: Donna Handel

- - -

Monday, March 28, 2022
Commencing at 7:00 p.m.

- - -

West Norriton Township Building
1630 West Marshall Street
Jeffersonville, PA

- - -

ORIGINAL

BOARD MEMBERS:

ALBERT ZONE, Chairman
EDWARD LINCUL, Secretary
JOAN GRAY, Alternate Member

- - -

COUNSEL APPEARED AS FOLLOWS:

MICHAEL E. FUREY, ESQUIRE
Solicitor for the Zoning Hearing Board

ALSO PRESENT:

ALLAN BOOZ
Director of Code Enforcement

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I N D E X

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APPLICANT'S EVIDENCE

<u>Witness</u>	<u>Dir.</u>	<u>Crs.</u>	<u>Redir.</u>	<u>Recrs.</u>
DONNA HANDEL	6	--	--	--
STEPHEN CHUBIN	7	--	--	--

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E X H I B I T S

BOARD'S

<u>Number</u>		<u>Marked</u>	<u>Rec'd</u>
B-1	Certificate of Posting	4	4
B-2	Proof of Publication	4	4

- - - -

APPLICANT'S

<u>Number</u>		<u>Marked</u>	<u>Rec'd</u>
A-1	Application	4	4
A-2	Site Plans	4	4
A-3	Garage Plans	4	4

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P R O C E E D I N G S

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THE CHAIRMAN: I would like to bring the regular zoning hearing board meeting to order for West Norriton Township. My name is Albert Zone. I am Chairman of the Zoning Board. To my extreme left is Allan Booz, our zoning officer. Edward Lincul is our board secretary. Michael Furey is our Board Solicitor, and Joan Gray who is a voting member tonight. Crystal Miller is unable to make it tonight; therefore, that is the reason that Joan is able to vote.

At this time I would like to open the meeting up and let Joan go ahead and read the notice.

MR. GRAY: "Zoning Hearing Number 915, Application of Donna Handel, 62 North Whitehall Road, West Norriton Township, Montgomery County, Pennsylvania. The property is located in the R-2 Residential Zoning District. The Applicant requests the following relief from the Zoning Ordinance:

"A variance from Section 27-301.7.A of the Zoning Ordinance to permit the construction of a private garage with a height of

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16 feet."

MR. FUREY: Mr. Chairman, with your permission we will mark the notice that was just read in by Ms. Gray into the record as B-1, Certificate of Posting.

We will also note when the Proof of Publication arrives at the Township Building we will mark that as Exhibit B-2.

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(Certificate of Posting marked Board Exhibit B-1, for identification and received into evidence).

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(Proof of Publication to be marked Board Exhibit B-2, for identification and received into evidence).

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MR. FUREY: The applicant also submitted some exhibits for the Board's consideration this evening. We will mark those exhibits as A-1, the application; A-2 is the site plan, and A-3 is the garage plan.

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(Above-described documents were

1
2 marked Applicant's Exhibits A-1, A-2 and A-3, for
3 identification and received into evidence).

4 - - -

5 MR. FUREY: I also should note,
6 Mr. Chairman, for the record this evening, the matter
7 of TowerCo was announced as a continuation for this
8 evening. We received an email from counsel for
9 TowerCo indicating a desire to withdraw that
10 application without prejudice. So we are just making
11 an announcement that if anyone happens to be here on
12 the TowerCo matter, that matter has been withdrawn and
13 will not be heard at this point.

14 THE CHAIRMAN: Very good. Now,
15 Ms. Handel, are you represented?

16 MS. HANDEL: No.

17 THE CHAIRMAN: Would you care to
18 come up and be sworn in and go over your application,
19 please?

20 MS. HANDEL: Sure.

21 - - -

22 APPLICANT'S EVIDENCE

23 - - -

24 DONNA HANDEL, having been duly
25 sworn, was examined and testified as follows:

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THE CHAIRMAN: The floor is yours.

MS. HANDEL: Okay. So we do have an existing garage presently on our property and it fits one car. I have a small, little car that is in there now, and some of our -- I'm sorry, I didn't realize I was going to speak, so I am not prepared for this, but I will do my best.

We have a snowblower, lawn mowers and all kinds of tools and we happen to have six cars, so we are hoping to put an addition on to our garage. Thomas Zeigler is the architect I hired to draft the plans. He drafted a plan with what it would look like at 14-foot, and I asked him if he could also draw what the roofline would look like at 16-foot.

The 16-foot can actually match -- I'm sorry. Let me jump back. We are putting on a 20 by 30 --

MR. CHUBIN: No, 24 by 30.

MS. HANDEL: So a 24 by 30 addition to the garage, and the way the roofline lays out it looks very awkward if we go with a 14-foot line.

MR. CHUBIN: It's going directly

1
2 behind the existing garage and then the other roof
3 would be behind it.

4 MR. FUREY: Excuse me just a
5 second. Let's have the gentleman sworn.

6 MS. HANDEL: That would be great.
7 Stephen is actually my ex-husband. We were divorced
8 for thirty years and we have been back together now
9 for seven and a half years.

10 - - -

11 STEPHEN CHUBIN, having been duly
12 sworn, was examined and testified as follows:

13 - - -

14 MR. CHUBIN: My name is Stephen
15 Chubin, C-h-u-b-i-n. I have been a retailer in King
16 of Prussia for thirty years selling vacuums and fixing
17 vacuum problems.

18 THE CHAIRMAN: Okay.

19 MR. CHUBIN: So, yes, for the
20 garage, the rules are 14 feet and we wanted to go to
21 16 feet, two feet higher on the garage. That is why
22 we are here, basically, for the two feet. The reason
23 being is so we can have 10-foot side walls, so then we
24 can build storage shelves like, say, six foot and
25 above. Then we can also park our cars in there and

1
2 have more space. It's just more space. We are not
3 going to have a second floor or anything.

4 MR. LINCUL: It says here you want
5 to put a lift in.

6 MR. CHUBIN: That would be
7 beautiful, yes. We want to put a lift in so we can
8 park our cars under and over. She has an old station
9 wagon and a couple of old cars.

10 MR. LINCUL: All right.

11 MS. HANDEL: We actually use
12 several of them for work. We both are business owners
13 and we are not that crazy to have six cars, especially
14 now.

15 I have a photograph, if that would
16 be helpful at all, of what the existing garage looks
17 like just so you can get the idea. I think you also
18 have architectural drawings from Thomas Zeigler.

19 MR. FUREY: Yes, we do.

20 MR. BOOZ: So I have a question on
21 this drawing here. You only have a garage height of
22 14 feet. He doesn't have a drawing showing 16 feet.

23 MR. CHUBIN: I think there are two
24 views of that. There was one at 14 and one at 16
25 where the lines would be the same.

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2 MR. BOOZ: I don't have the one
3 showing 16.

4 THE CHAIRMAN: I didn't see one in
5 mine either. I am just asking Mike.

6 MR. FUREY: I only have what you
7 have, Mr. Chairman.

8 MR. CHUBIN: He didn't make any of
9 the full plans, just a front view. He won't make the
10 full plans until we got done this.

11 MR. FUREY: So then you are
12 indicating that you will be submitting revised plans
13 if the Board grants you relief that would show a
14 16-foot height?

15 MS. HANDEL: Yes.

16 MR. CHUBIN: He said once we have
17 this, then he would have the full plans if you approve
18 it. He will just have front plans until we are
19 finished here.

20 MR. LINCUL: So you will be going
21 through the existing garage and that will be your
22 entrance to the second garage?

23 MR. CHUBIN: Yes. Can I approach
24 the bench as they say?

25 THE CHAIRMAN: Sure.

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2 MR. FUREY: Is this the plan that
3 is showing the 16-foot?

4 MR. LINCUL: This shows 14 feet
5 right here (indicating).

6 MS. HANDEL: Doesn't that say 16
7 feet?

8 MR. CHUBIN: No, 14 (indicating).

9 THE CHAIRMAN: Do you have
10 anything else you want to add?

11 MR. CHUBIN: Not really unless you
12 have any questions. I don't really know what to say.
13 We are not professionals.

14 MR. BOOZ: Can I ask a question?
15 On this drawing you also have a patio shown here.

16 MR. CHUBIN: Yes.

17 MR. BOOZ: Can you elaborate on
18 that or explain that a little bit more?

19 MR. CHUBIN: I think when we have
20 the full drawings, then I will be able to elaborate on
21 that. None of that is there. It's all dreams.

22 So what we have is like pavers on
23 the driveway. It's all pavers. We are planning at
24 the side where we open up these doors here, that we
25 have a patio out there.

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2 MS. HANDEL: If I can just add,
3 Allan, there is a patio that currently exists. That
4 is this large, round circle in the middle of the yard
5 that doesn't connect to anything. That is going to be
6 removed, and essentially we are going to take whatever
7 ground cover that already -- what is that called?

8 MR. BOOZ: Impervious.

9 MS. HANDEL: Impervious, thank
10 you, and we are going to move it over.

11 MR. CHUBIN: We have been there a
12 year and a half behind this house.

13 MS. HANDEL: Not even. It's just
14 over a year. The only thing that I would add is that
15 it would really help a lot. I am a very aesthetic
16 person, a very visual person, and I can tell you I
17 think it would look a lot nicer if the rooflines
18 matched one another but, quite honestly, it's much
19 more functional for us so we can pull the cars in and
20 then be able to have the storage above.

21 THE CHAIRMAN: There is only going
22 to be one way into the garage, one set of doors?

23 MR. CHUBIN: One set for cars.
24 The other doors are just walk-in doors, yes.

25 THE CHAIRMAN: Do you have any

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questions, Joan?

MR. GRAY: No.

THE CHAIRMAN: Is there anybody here on behalf of it or anybody against it?

MR. RADER: I have a question if I can.

THE CHAIRMAN: State your name and address, please.

MR. RADER: David Rader, R-a-d-e-r, 61 North Whitehall, right across the street.

The question is, from that description there is only going to be one entrance for six cars into that garage?

MR. CHUBIN: Yes.

MR. RADER: So sort of like the entrance that is there --

MR. CHUBIN: The original garage, yes. This would be put right behind that garage. You drive in through the original garage.

MR. RADER: These are my neighbors and I sort of know them. I have met them and everything. I have no reason to be in disagreement with them. They are small business owners and I do

1
2 support small business, and I think we should all do
3 that, but my only concern is, Would it be a commercial
4 space? That would be what I would be afraid of.

5 MS. HANDEL: No.

6 MR. RADER: I know our block is a
7 little bit tough on businesses happening on that
8 street that are sort of not supposed to. That is my
9 only question with that.

10 MR. CHUBIN: It's not for any
11 commercial use. I have a store in King of Prussia.
12 Her store is in Ardmore.

13 MR. LINCUL: Did you want to see
14 the drawing of it (indicating)?

15 MR. RADER: I tried to go on the
16 website but maybe I didn't know how to find it. I did
17 try to look at that.

18 MR. LINCUL: You will see the
19 original garage in the front (indicating).

20 MR. RADER: Oh, it's going to be
21 directly behind (indicating).

22 MR. LINCUL: Yes. That was going
23 to be one of our stipulations, by the way, that it
24 wouldn't be for commercial.

25 MR. RADER: Okay. That was my

1
2 only concern. I have no reason to disagree with these
3 guys.

4 MR. CHUBIN: We are here just
5 about the height of it. If it was two feet lower, we
6 wouldn't be here. It's not for commercial use.

7 MR. LINCUL: Well, we would
8 stipulate it because you could sell the property. We
9 want to make sure that even after the property is
10 sold, it will still remain residential.

11 MS. HANDEL: Yes.

12 MR. CHUBIN: And look good.

13 THE CHAIRMAN: Okay. Anybody
14 else?

15 (No response).

16 THE CHAIRMAN: We have no
17 questions. Allan, are you okay with what you have?

18 MR. BOOZ: I have something for us
19 to look at.

20 THE CHAIRMAN: They will resubmit
21 another set of drawings to you depending on the
22 outcome.

23 MR. BOOZ: They would have to
24 submit the building permit and full sets of
25 architecturals.

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THE CHAIRMAN: Let's take a few minutes and go in the back and discuss it.

MR. CHUBIN: And the guy that is doing the drawings, Thomas Zeigler, he was recommended by your woman out front here at the place where you get permits. We had no idea so we asked her and she said he has done work in the area before.

THE CHAIRMAN: All right. We will take a couple of minutes and be right back.

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(Recess)

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THE CHAIRMAN: I would like to bring the West Norriton Township Zoning Hearing Board meeting back to order.

We have a few questions in reference to your proposed garage. The fence that is there right now, is that your fence or your neighbor's fence?

MS. HANDEL: Which fence are you talking about?

THE CHAIRMAN: The fence that is next to your existing garage.

MR. BOOZ: So if you are looking

1
2 at this drawing here, this existing fence, is that
3 your fence or the neighbor's fence?

4 MR. CHUBIN: We are not really
5 sure. We have only been there for a year and a half
6 and nobody has ever said, "Oh, that's my fence," or
7 anything.

8 The other fence, we replaced a
9 couple of posts on the other side because they were
10 broken and he said, "Oh, that's my fence," and I am
11 like, Yeah, but the posts on the fence are broken.

12 He said, "Yeah, that's my fence.
13 I will help you on it."

14 MS. HANDEL: I am thinking -- and
15 we don't know for sure -- but I am thinking that it
16 might be our fence because we attached the gate to
17 enclose the yard to that fence.

18 MR. CHUBIN: And they never said
19 anything.

20 MS. HANDEL: So I believe that is
21 ours.

22 MR. CHUBIN: I know the back part
23 of our garage, they put up a privacy fence, a couple
24 sections of it, the people that were there before us
25 or the people that were there before them. They were

1
2 only there for three or four years and then it was a
3 landscape architect that owned it before that from
4 what I understand.

5 THE CHAIRMAN: Question Number 2:
6 Do you have a current plot plan or survey of it
7 showing the property line, where it is?

8 MR. CHUBIN: No. We have what we
9 measured out. We don't have any professional survey.

10 THE CHAIRMAN: According to Code,
11 your existing building and the new building, they have
12 to be four foot off the property line. You are not
13 asking for any relief to the property line.

14 MS. HANDEL: Correct. It is at
15 least four feet off of the property line.

16 THE CHAIRMAN: It is?

17 MR. CHUBIN: I believe so.

18 MS. HANDEL: Yes, we measured
19 that. Thomas Zeigler came and he --

20 THE CHAIRMAN: So you do know
21 where the property line is. So your existing
22 garage --

23 MS. HANDEL: I'm sorry. Four feet
24 from --

25 THE CHAIRMAN: -- from the

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existing side wall of your garage to the property line?

MR. LINCUL: The fence is actually on your property.

MR. CHUBIN: We don't know that. We measured from the fence over.

MR. FUREY: The Zoning Officer just indicated to us that he noticed it references 3 feet, 6 inches, from the fence to the existing garage, and then you are going to continue that line to the back?

MR. CHUBIN: Right.

MR. FUREY: So the problem is that if you were just replacing that one wall in a nonconforming location, you can replace this.

MR. CHUBIN: Right.

MR. FUREY: But you are extending it, which means you will be encroaching six inches into the setback if that dimension is correct. If that dimension is not correct, if it's four feet, then you would be complying.

MR. CHUBIN: Right.

MR. FUREY: So the question being brought up is it seems to be 3 feet, 6 inches, to the

1
2 fence. The question is, Are you at least going to be
3 four feet from the property line to the garage?

4 MR. CHUBIN: And that we don't
5 know and we can have it surveyed before we do this, or
6 we can actually move the garage in six inches. So it
7 is there.

8 MR. FUREY: We are trying to
9 figure out whether you might need additional relief
10 that you didn't apply for or didn't request.

11 MR. CHUBIN: No, that's fine,
12 six inches.

13 MR. BOOZ: Just so you understand,
14 the new garage that you want to build has to be four
15 foot off of the property line.

16 MR. CHUBIN: Right. So we should
17 get it surveyed so we know exactly, or move in six
18 inches from where we are at so that we have four feet
19 from the fence if we don't know.

20 We will pay the money to get it
21 surveyed and then we will know exactly. I had even
22 said to Donna that I really would like to get the
23 property surveyed because I would just like to know.
24 It's just nice to know.

25 MR. FUREY: The reason why we

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brought it up is we didn't want you to have to then apply again and then another fee and then come back.

What we would have done is if you felt you needed some type of setback relief, we would have just continued it this evening under the same application, readvertised you for the setback relief, and then brought you back for that.

MR. CHUBIN: Thank you. I appreciate your consideration but, no, we will just keep it easy. We will do a survey and then we will make sure it's four feet.

MR. FUREY: That's a good way to do it.

THE CHAIRMAN: We have the answers then.

MS. HANDEL: I apologize. I forgot this. I don't know if it would help at all to see what the garage currently looks like.

THE CHAIRMAN: We have already seen it.

MR. BOOZ: We have all driven by it.

THE CHAIRMAN: All right. We need to take a few more minutes.

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(Recess)

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THE CHAIRMAN: I would like to bring the meeting back to order. I am going to turn it over to Joan and I am going to go ahead and let Joan read our Decision, and then we will sit and vote on it.

MR. GRAY: I make a motion to grant a variance from Section 27-301.7.A of the Zoning Ordinance to permit construction of a private garage with a height of 16 feet in accordance with plans to be submitted. This motion is subject to the following conditions:

1. The use of the garage shall comply with the definition of a residential private garage, and the additional height shall not be used to establish a living quarters of any kind in the garage or for commercial use.

2. The Applicant shall comply with the requirements of the Township Engineer with respect to the installation of stormwater, controlled in conjunction with the proposed construction.

3. The approvals granted herein

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2 apply only to the proposed use and shall not apply to
3 any other uses or structures.

4 4. All use and development
5 permitted by this decision shall conform to the
6 exhibits and testimony presented by the Applicant
7 unless inconsistent with any specific conditions
8 imposed by this Board, in which case these specific
9 conditions shall take precedence.

10 5. The Applicant shall comply
11 with all requirements of West Norriton Township,
12 including all building codes, fire codes and all other
13 Zoning Ordinance provisions including all setback
14 requirements.

15 6. The relief shall expire within
16 one year of the date of this approval, and the
17 Applicant shall submit all plans and apply for and
18 obtain all permits as required within one year of the
19 date of this approval.

20 MR. LINCUL: I make a motion that
21 we accept this as read.

22 MR. GRAY: Second.

23 THE CHAIRMAN: All those in favor?

24 THE BOARD: Aye.

25 MR. FUREY: You will receive a

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written decision in the mail and then you can apply
for all of your permits, and get your survey done when
you apply for those permits.


MS. HANDEL: Thank you.

(At 7:45 p.m., the hearing was
concluded).

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.


THOMAS P. CORCORAN,
Court Reporter

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