

TINICUM TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MEETING
January 26, 2016

Chairperson Damon Aherne called the meeting to order at 7:00 p.m. Vice Chairperson Trevor McNeill was in attendance with members Tom Casola, John Cole, Peter Bickford, Laure Duval and Vincent Dotti.

ZONING HEARING BOARD APPLICATIONS:

Appeal #2-2016 scheduled for January 28, 2016 at 7:00 p.m. Property Owner/Applicant Tracy Anderson seeks relief from the Critical Recharge and Impervious surface regulations and requests a variance from Article VIII, Section 806 (d) of the Tinicum Township Zoning Ordinance to accommodate a 120 s.f. addition in order to provide a contemporary kitchen and dining layout within the residence. This property is identified as 44-011-022, located at 55 Durham Road, Ottsville, PA 18942. This is a 31,600 s.f. property located in the Village Residential (VR) Zoning District.

Property owner/Applicant Tracy Anderson was in attendance to review her application for a Variance with the Planning Commission. Anderson said that her home was a ranch style house built in 1966 located on a $\frac{3}{4}$ acre property, on Durham Road in the Village Residential District of Ottsville. She said that she was seeking a Variance from the impervious limits for a de minimis addition of 8 feet by 15 feet to update her kitchen and dining space.

Tom Casola reviewed the purpose of the Critical Recharge Overlay District and why the 15% impervious for the Village Residential District was reduced by 50% to 7.5% for properties located within Critical Recharge. He explained the purpose of ordinance as protecting groundwater resources by restricting impervious to promote groundwater recharge. He noted the requirement to govern stormwater management in the Critical Recharge Overlay by Best Management Practices.

The Planning Commission reviewed the requirements and standards of Section 1405 (c) 1-5 that the Zoning Hearing Board would be addressing as follows:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size of shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

The hardship is created by the provisions of the Zoning Ordinance in that house pre-dates Township zoning as it was built in 1966 and is a pre-existing non-conforming lot that is less than the 1 acre minimum lot size. The lot also pre-dates the 2005 Zoning Ordinance Critical Recharge Overlay standards.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property;

The property has obvious physical constraints as existing impervious is already 14% with a modest sized home and small shed.

(3) That such unnecessary hardship has not been created by the applicant, or that the applicant, at the time that he purchased the property was not aware or could not reasonably have been expected to be aware of the zoning classification and restrictions placed on the property or the circumstances giving rise to the hardship;

The hardship was not created by the applicant and the applicant could not reasonably have been expected to know the Critical Recharge impervious limitations.

(4) That the variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

The proposed addition is in keeping with the other homes in the neighborhood.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The proposed 125 s.f. addition is de minimis and represents a minor modification to the existing home.

Motion by T. McNeill, seconded by P. Bickford to recommend that the Zoning Hearing Board approve the application for a Variance with the condition that the applicant agrees to tie the existing downspouts at the rear of the house into a dry well of a size sufficient to retain the volume of the 1 year storm event. The PC also recommends that the ZHB waive 806 (d) (3) that requires Conditional Use approval for all proposed development.

Voted upon and passed.

Respectfully submitted,

Linda McNeill
Planning Commission Secretary