

Minutes of Meeting
Perkasie Borough Zoning Hearing Board
August 22, 2022

620 W. Chestnut Street
Perkasie, Pa 18944

Attendance:

Zoning Hearing Board Members:

Dave Barndt
Dennis Hurchalla
John Yannacone
John Wilcox
Tim Rimmer (Absent)

ZHB Solicitor: Colby Grim

The Zoning Hearing Board public hearing was convened @ 7:30pm.

Meeting Minutes:

Upon motion by John Wilcox, seconded by Dennis Hurchalla, the Zoning Hearing Board unanimously agreed to approve meeting minutes from July 25, 2022.

Old Business

File 2022-10

Appellant: Marcio & Lissarai Escape
Property Location: 404 E. Spruce St
TMP# 33-009-030

This case was continued from the July 25, 2022 meeting.

Party Status was given to:

Deborah Golebiewski
312 E. Spruce St
Perkasie, PA 18944

Philip & Phyllis Minninger
412 E. Spruce St
Perkasie, PA 18944

Present were all exhibits, the application and notices concerning the file.

Background The Appellant, Marcio A. and Lissarai Escapa, is the Owner of Legal Title of Tax Parcel No. 33-009-030 located at 404 E. Spruce Street in Perkasio Borough, PA. The Appellant proposes to relocate a previously approved “No-Impact Home-Based Business” from the existing garage attached to the single-family detached dwelling to a proposed detached accessory building to be located in the rear of the property. The Appellant is requesting a Special Exception and six (6) variances from the Borough’s Zoning Ordinance. The Special Exception is to permit the “Home Occupation” (H4) use, while the variances are to permit a machine shop as an accessory home occupation, to permit the accessory home occupation to be carried on partially outdoors, to increase the maximum amount of floor area devoted to an accessory home occupation to be more than 25% of the ground floor area of the principal residential structure, and to permit the detached garage to exceed the maximum accessory building height of 15 feet.

Request Zoning Relief: The Appellant is seeking a Special Exception and variances from the following sections of the Zoning Ordinance: §186-18.H.(4)(a), §186-18.H.(4)(b), §186-18.H.(4)(e), §186-18.H.(4)(f), §186-20.A.(1)(c), §186-20.A.(2), and §186-41.

Mr. & Mrs. Escapa and their Attorney Mr. Gavin Laboski presented to the Board their request for a Special Exception to permit a “Home Occupation” use at their residence. And also were asking for six (6) variances. Mr. Escapa has been operating a small business from his garage since June 2020; he has never had any of the neighbors complain about noise or traffic. He has no employees and does not plan on having any once he moves into the bigger building. He is now working out of a space that 286 SF and would like to build a 2400 SF Pole barn to the rear of his property. He is also planning to extend the driveway, 350 feet. The building would be climate controlled due to the nature of the work that he does. This would also help with any noise that would be coming from the building. Mr. Escapa stated that he would only be using the build for his business for two (2) years and then would like to be moving to a commercial property. He said that he was looking before the Covid pandemic for a commercial property, but because of Covid decided to build on his property. Once the business moves to a different location he will use the building as a garage for the family’s vehicles.

Deborah Golebiewski from 312 E. Spruce St. was concerned that the building would decrease the value of the surrounding properties. She was also concerned about the size of the building stating that she felt it was too big. Mr. Escapa stated that the building needs to be that size for safety and movability. Mr. Grim told her that the size of the building was not an issue.

Philip Minninger from 412 E. Spruce St was concerned about what a large barn would do for the view of the neighbors. He also stated that their property was not shown on one of the exhibits. Phyllis Minninger was concerned about what kind of outdoor lighting the building would have on it and if they would be on all night. Mr. Escapa stated that the lighting would be landscape lighting not large commercial lights. She was also concerned that this would lower the value of her property. Mr. Minninger did make the statement that the business was quiet.

Stephen Straw from 416 E. Spruce had some questions about how supplies would be delivered, would there be large trucks coming and going. No, Mr. Escapa picks up the supplies with his pick-up truck only a few supplies get delivered. Mr. Straw wanted to know how much more trash would be generated. He was told that most of the materials that are used get recycled.

Perkasie Borough Zoning Hearing Board hereby grants Applicant's request for a Special Exception and variances from the Borough's Zoning Ordinance subject to the following conditions:

1. Special Exception granted for a Home Occupation in an Accessory Structure
2. Applicant shall otherwise comply with all applicable Borough, County, State Codes, laws, regulations and ordinances with respect to the construction and use of the property.
3. Applicant will improve the property in a manner consistent with the testimony and plans submitted with the application.
4. No other employees other than the current residents of the property shall work there.
5. All work shall be completed inside the accessory structure. No work for the business shall be completed outside. No Storage shall be outside of the accessory structure.
6. The business shall be permitted for 5 years after getting a Certificate of Occupancy from the Borough.

On a motion made by John Yannacone and seconded by Dennis Hurchalla, the Zoning Hearing Board granted the applicants' requests for a Special Exception for a Home Occupation in an Accessory Structure and Variances from the following sections of the Zoning Ordinance: §186-18.H.(4)(a), §186-18.H.(4) (b) and §186-18.H.(4)(f).

File No 2022-08

Appellant: Thomas Price
Property Location: 510 S. 4th St
TMP#: 33-004-088

This file case has been closed, due to the fact that the plans came back from the builder and the height of the building is below 15 feet.

New Business

File No. 2022-9
Laura Miner
19 N. 5th St
TMP# 33-005-598

Party Status –There was no one from the public requesting party status.

Present were all exhibits, the application and notices concerning the file.

Background: The Appellant, Laura Miner, is the Owner of Legal Title of Tax Parcel No. 33-005-598 located at 19 N. 5th Street on the southwest corner of the intersection of N. 5th Street and Arch Street in Perkasie Borough, PA. The subject property contains two (2) structures. The primary structure is half of a twin dwelling with the current use of a "TwoFamily, Twin Dwelling" (B2a), which is a use permitted by right in the R-2 Zoning District. The accessory structure is a barn with access to a private alley off of Arch Street. The Appellant proposes to convert their half of the twin dwelling into a multifamily dwelling with three (3) apartments through Residential Conversion. In the Town Center Overlay District, any conversion of an existing building into three or more

dwelling units in the R-2 District shall contain a minimum lot area per dwelling unit of 3,000 square feet. Based on county records, the lot size is approximately 8,886 square feet where a minimum of 9,000 square feet is required for three (3) units. According to the Applicant, the site can accommodate two (2) parking stalls. The Zoning Ordinance requires six (6) off-street parking stalls for three (3) 2-bedroom dwelling units. The subject property is located within the Two Family Residential (R-2) Zoning District with Town Center (TC) Overlay and the surrounding properties within 100 feet are located within the Two Family Residential (R-2) Zoning District with Town Center (TC) Overlay and Multi-Family Residential (R-3) Zoning District with Residential Infill Overlay District (RIOD). The parcel currently contains a use permitted by right. The intended use is a "Residential Conversion" (B6) residential use, which is a use permitted as a Special Exception in the R-2 Zoning District. According to FEMA map 42017C0256J, dated March 16, 2015, the site is not located within a 100-year floodplain. In order to accomplish the items noted above, the Appellant is requesting a Special Exception and two (2) variances from the Borough's Zoning Ordinance. The Special Exception is to permit the "Residential Conversion" (B6) use, while the variances are to reduce the required number of off-street parking spaces and to reduce the minimum lot area per dwelling unit. Request Zoning Relief: The Appellant is seeking a Special Exception and variances from the following sections of the Zoning Ordinance: §186-18.B.(6)(c)[1], §186-20.C.(1)(c) and §186-20.J.(3)(b)[2].

Ms. Miner and her Attorney Gavin Laboski presented to the Board their request for a Special Exception for a Residential Conversion. Ms. Miner is planning on downsizing her home and would like to turn her home into 3 units and live in one of them. She is also requesting two variances, one to reduce the number of off-street parking and one to reduce the minimum lot area per dwelling unit.

Ms. Miner did a traffic study to show available parking near her home. There is no parking allowed on 5th St, so the only place to park is on Arch St along the side of her property. She does have 2 off street parking spots to the rear of her property by the barn,

Ms. Miner's lot is 8,886 square feet which is 114 square feet shy of the minimum of 9,000 square feet for the three units that she is asking for.

Perkasie Borough Zoning Hearing Board hereby grants Applicant's request for a Special Exception for a Residential Conversion (B6) use and the following variances §186-20.C.(1)(c) and §186-20.J.(3)(b)[2]. from the Borough's Zoning Ordinance subject to the following conditions:

1. Applicant shall otherwise comply with all applicable Borough, County, State Codes, laws, regulations and ordinances with respect to the construction and use of the property.
2. Applicant will improve the property in a manner consistent with the testimony and plans submitted with the application.
3. Applicant shall have two off street parking spots.

On a motion made by John Wilcox and seconded by John Yannacone, the Zoning Hearing Board granted the applicants' requests for a Special Exception for Residential Conversion and Variances from the following sections of the Zoning Ordinance: §186-20.C.(1)(c) and §186-20.J.(3)(b)[2].

There being no further business before the Zoning Hearing Board, the meeting was adjourned at 9:20PM.



Tim Rimmer, Secretary