

**APPROVED**

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
JANUARY 3, 2019**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
David Seiler, Vice Chairman  
Sande Cunningham, Secretary  
Chris Shuttlesworth  
Mark Bair, Alternate

**ALSO IN**

**ATTENDANCE:** Raphael Caloia, Assistant Planner  
Gavin Markey, Solicitor  
Jean Abrecht, Stenographer

**1. CALL TO ORDER:**

**A. Pledge of Allegiance**

Chairman Achenbach called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board.

**2. ACTION ON THE MINUTES**

**A. DECEMBER 6, 2018**

**MR. SEILER MOVED FOR APPROVAL OF THE DECEMBER 6, 2018 ZONING HEARING BOARD MINUTES AS SUBMITTED. MR. BAIR SECONDED. MOTION UNANIMOUSLY CARRIED.**

**B. REORGANIZATION**

**MS. CUNNINGHAM MOVED TO RECOMMEND APPOINTMENT OF THE FOLLOWING SLATE OF OFFICERS FOR 2019:**

**DALE ACHENBACH, CHAIRMAN  
DAVID SEILER, VICE CHAIRMAN  
SANDE CUNNINGHAM, SECRETARY**

**SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.**

Chairman Achenbach asked if the case was properly advertised. Mr. Caloia responded that notifications had been made.

**3. OLD BUSINESS – None**

**4. NEW BUSINESS**

**A. Case ZHB-18-20 – 601 Chronister Street**

Attorney Paul Minnich  
Lorenzo and Dalita Paul

All witnesses were sworn in.

Mr. Caloia indicated an in-law quarters is located within the existing single-family home. He noted on September 4, 2008 the Zoning Hearing Board approved a special exception to allow the in-laws quarters on the property for an existing family member. Since that time the property has been purchased by the new owners, who are seeking a special exception to continue to use the in-laws quarters for a family member. Mr. Caloia indicated part of the decision in 2008 was a condition that a second driveway be permitted on the property for use with the in-laws quarters, but must be removed once the in-laws quarters are no longer in use. The applicant requests that condition be removed and not be applicable, meaning if they were to cease using the in-laws quarters, they would not be required to remove their second driveway. Mr. Caloia stated Staff sees no issues with this request as the second driveway is currently spaced far enough from the intersection and other driveways, does not create any conflicts and there are no site distance issues. There is also a precedent since the second driveway has been in effect on the property for approximately 10 years with no record of any accidents or safety incidents.

Attorney Minnich stated Mr. and Mrs. Paul entered into a contract to acquire the 601 Chronister Street property. They only became aware immediately prior to closing, that there was a special exception attached which had a condition stating if the in-law quarters ever ceased to be used, the second driveway would have to be removed and the condition of the property restored. When questioning the seller as to why it has not been disclosed in a seller's disclosure statement, the seller indicated they were unaware of the condition. Upon investigation Attorney Minnich stated it appears it was well intentioned in 2008 that something would have been recorded to put on notice the special exception, to inform there was an economic risk to whoever bought the property that they would have to remove and restore the driveway. The day of the closing the Paul's were in a position where they had already sold their house and were moving on the same day so there was very little negotiating power over the situation. It was determined the best course of action would be to present the case to the Zoning Hearing Board to attempt to have that condition excused based on the circumstances. The house was ideal to Mr. and Mrs. Paul because it does have existing in-law quarters. Mrs. Paul's father lives there with them, and while they hope that continues in the future, the goal is to have that condition removed, since the driveway is not an unsafe condition and does add value to the property.

Attorney Minnich established the following testimony from Mr. Paul:

- Mr. Paul stated he moved into the property in March 2018, with his wife, his three children and father-in-law.
- He indicated at the time he investigated the potential purchase of the house he was not aware it was subject to any special exception conditions.
- He indicated he did receive a seller's property disclosure statement from the seller at the time he was negotiating the contract. There was no indication at that time there was any special exception condition.
- Prior to the closing he was made aware for the first time there was a special exception for the in-law quarters.
- He was informed at that time one of the conditions existing and in place was that, if the in-law quarters would ever be vacated, the second driveway would have to be removed and he was concerned about that as they were moving into closing. He also noted prior to finding this home they searched for almost a year to find a home that had suitable family quarters and found this home to be ideal because of access to the driveway.
- At the time he learned of the situation he had already negotiated the sale of his previous home.
- When they took possession of the house, his father-in-law occupied the in-law quarters and is currently living there.
- Mr. Paul reiterated the house has two separate driveways,
- He noted in the time they have occupied the home there have been no problems with the house having two driveways in terms of safety hazards, problems or issues.
- He noted one of his concerns he has in terms of the condition that was imposed and volunteered by the applicant in 2008, if his father-in-law would pass away or move out of the home, that he would have a duty imposed upon him to eliminate the second driveway.
- He investigated and determined eliminating the second driveway would create a significant expense.
- His request of the Board is while he is prepared to comply with all Township ordinances associated with having in-law quarters and maintaining them, he would like relief from the condition imposed in 2008 to allow if his in-law circumstances would change for any reason that neither he or subsequent purchasers would have to worry about the liability risks of removing the second driveway.

Attorney Minnich explained the reason for the original condition was in accordance with the minutes, there was a degree of controversy associated with the application at the time and it appeared the applicant offered this as a volunteer condition, since there is nothing in the Township ordinance that would have required it.

Attorney Markey stated he recalled the second driveway was generated by some controversy from surrounding neighbors who did not like the concept of an in-law quarters. He felt the applicant's request was fair. He recommended placing a condition on the approval of the special exception to be subject to continued compliance with all sections of 325-159 criteria

to ensure that the owner as well as future owners continue to maintain compliance with all specific criteria of the special exception. He also suggested to avoid past history on the property, a second condition that he and the attorney for the applicant agree on record to place future purchasers on notice there is a special exception in place and to consult with the Township if the in-law quarters are being used. Attorney Markey also recommended a condition to substantiate that the driveway is not required to be removed in the event the in-law quarters ceased to be used.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant. Hearing none, he called for a motion.

**MR. SEILER MOVED IN THE CASE OF ZHB-18-20 THAT THE SPECIAL EXCEPTION TO S.325-159 FOR 601 CHRONISTER STREET BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS AS IDENTIFIED BY ATTORNEY MARKEY:**

- 1. APPROVAL OF THE SPECIAL EXCEPTION TO BE SUBJECT TO CONTINUED COMPLIANCE WITH ALL SECTIONS OF 325-159 CRITERIA TO ENSURE THAT THE OWNER AS WELL AS FUTURE OWNERS CONTINUE TO MAINTAIN COMPLIANCE WITH ALL SPECIFIC CRITERIA OF THE SPECIAL EXCEPTION.**
- 2. ATTORNEY MARKEY AND THE ATTORNEY FOR THE APPLICANT AGREE ON RECORD TO PLACE FUTURE PURCHASERS ON NOTICE THERE IS A SPECIAL EXCEPTION IN PLACE AND TO CONSULT WITH THE TOWNSHIP IF THE IN-LAW QUARTERS ARE BEING USED.**
- 3. VERIFICATION THAT THE DRIVEWAY IS NOT REQUIRED TO BE REMOVED IN THE EVENT THE IN-LAW QUARTERS CEASE TO BE USED.**

**SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.**

**5. ADJOURNMENT**

**CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:40 P.M.**

Respectfully submitted,

Secretary  
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