

WARRINGTON TOWNSHIP
Minutes of the Zoning Hearing Board Meeting
Held, pursuant to due notice, in the Municipal Building
3345 Rosstown Road, Wellsville, PA 17365
Tuesday, July 18, 2017, 7:00 PM

Presiding: Mr. Allan Winey, Chairman
Members Present: Mrs. Lisa Frye
Mr. Alvin Hayes
Ms. Jacqueline Van Pelt
Mr. Jason Weaver

Staff Present: Attorney Stacey MacNeal, Solicitor
Attorney Donald Hoyt, Township Solicitor
Mr. Michael Gasswint, Zoning Officer
Christine Fike, Court Reporter

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Mrs. Frye and seconded by Mr. Weaver to approve the minutes of the June 20, 2017 meeting. Motion carried.

ZONING HEARING CASES

Case 2017-002 - Greg Ryder, Charlene Shank 7100 Bull Road, Lewisberry, PA

The applicant is filing an appeal of the Zoning Officer's interpretation regarding a property owned by Joan Barrett and Christopher Mahoney at 200 Boring Bridge Road, Lewisberry concerning the definitions in Section 203 of the Township Zoning Ordinance to include: Domestic Pets; Dwelling; Agriculture; Kennel; Keeping of livestock, small animals, and/or poultry. An appeal of the Zoning Officer's interpretation of the requirements of Section 727 discussing kennel requirements. An appeal of the Zoning Officer's interpretation of the requirements of Section 802(a) regarding administration of Ordinance in accordance with its literal terms, etc.

Testimony

The audience was sworn in by Attorney MacNeal.

Attorney MacNeal said the first issue to be discussed is whether the application was filed asking for an interpretation or for an appeal. The Municipalities Planning Code and the Township Zoning Ordinance do not allow the Zoning Hearing Board to offer advisory opinions.

Attorney Amanda Snoke-Dubbs – Counsel for the applicant. Attorney Dubbs said the applicant is requesting six specific interpretations of the Warrington Township Zoning Ordinance. She said a complaint was filed September 24, 2013 concerning noise of barking dogs. A letter was sent May 20, 2016 questioning the issuance of building and zoning permits. The permits were not produced when a right to know request was filed. She said the Township would not respond to their letters.

Attorney Donald Hoyt, Township Solicitor. Attorney Hoyt said the Zoning Hearing Board cannot render advisory opinions or issue an interpretation and the application presented definitely requests interpretations. When Attorney MacNeal requested what relief the applicant is requesting of the Township, Attorney Dubs stated that they would like the Board of Supervisors to issue enforcement notices to the property owners.

Attorney MacNeal said the application did not include language that would challenge the legality of the Zoning Ordinance, The applicants declined to present the application as an appeal of the Zoning Officer's determination. The Municipality Planning Code does not allow the Zoning Board to issue an advisory opinion.

Motion was made by Mr. Hayes to receive the application as a request for interpretation which is outside the Zoning Board's authority to issue. Mrs. Frye seconded with an amendment to the motion to state that the Municipality Planning Code does not give jurisdiction to the Zoning Board to issue an advisory opinion. Motion carried with Ms. Van Pelt abstaining from voting due to lack of understanding the motion that was made.

ADJOURNMENT

Motion was made by Ms. Van Pelt and seconded by Mr. Weaver to adjourn the meeting. Motion carried.

The meeting was adjourned at 7:40 PM.

Rebecca Bradshaw
Township Secretary