

**BOROUGH OF CLARKS SUMMIT
304 SOUTH STATE STREET
CLARKS SUMMIT, PENNSYLVANIA 18411**

**ZONING HEARING BOARD
Tuesday, January 8, 2019
7:00 P.M.**

The Board of Zoning Appeals held a duly advertised meeting on Tuesday, January 8, 2019 at 7:08 PM. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania.

Chair Mr. John Kazista called the meeting to order and recording secretary, Ms. Virginia Kehoe, called the roll.

Present: Mr. John Kazista, Mr. John Jeffrey, Mr. Geoff Brock, Joe Axtell, Solicitor Robert Sheils (arrived at 7:10), Recording Secretary Virginia Kehoe, Code Enforcement Officer Jenn Basalyga and Stenographer Nicole Pizarski.

- 1. APPROVAL OF AGENDA:** John Jeffrey made the first motion to approve the agenda, Geoff Brock seconded the motion, vote was 3-0.

- 2. APPROVAL OF MINUTES:**

n/a

- 3. NEW BUSINESS:**

2019-01 Request for Variance –
Michael Ziemer, 314 Tulip Circle, Clarks Summit, PA
Ordinance 2017-01 Item 3 - Amend Part 2 of the Schedule of Development Standards in §404.3 of the 2002-01 Zoning Ordinance requiring a minimum lot width of 120'
Tax ID #10016-010-01000

DATE: 01/08/2019

FROM: Jenn Basalyga
Code Enforcement Officer

TO: Zoning Hearing Board

RE: Michael Ziemer, Variance Request

Owners – Michael & Adrienne Ziemer, 314 Tulip Circle, Clarks Summit, PA
18411

Applicant – Same
Location – 314 Tulip Circle
Tax Map # 1001601001000
Zoning District – R1

The hearing was advertised in The Scranton Times on December 23, 2018 and December 30, 2018. All four corners of the property were posted on December 28, 2018.

The applicant is requesting relief through variance of the following Zoning Ordinance:

2019-01 Request for Variance: Ordinance 2017-01, Item 3- Amend Part 2 of the Schedule of Development Standards in 404.3 of the 2002-01 Zoning Ordinance requiring a minimum lot width of 120 square feet.

Ordinance 2017-01, Item 3 – The Lot Dimensions for Single-Family and Two-Family Dwellings in R1 District: Minimum lot width in feet required is 120 square feet. Mr. Ziemer's property frontage is 96 square feet which does not meet the 120 square foot requirement.

Mr. Ziemer is requesting a variance on his lot frontage based on the hardship caused by the change in the zoning ordinance/prior non-conforming use.

John Kazista asked about the address of the lot in question. The vacant lot is at 314 Tulip Circle, lot 310 has nothing to do with this.

Atty. Tressler stated that this lot that is vacant is a separate and distinct lot. They were seeking an opinion from the ZHB that this is a non-conforming use and that this lot be allowed to continue. They are also seeking a variance. Every lot on Tulip Circle has 96 linear feet of frontage. The land only assessment is higher because it is larger than the lot where the home is located. Mr. Ziemer is the applicant and there is a divorce and Mrs. Ziemer will be signing off her ownership in the property. This lot is 11,800sq. ft.. They want to market the lot as a vacant and buildable lot. Virginia Kehoe was sworn in and stated that it is located in an R1 and that would be a single home requirement.

Carol Rubel, 310 Tulip Circle had comments for the ZHB. From the time that the Ziemers purchased the property in 2009 they made changes which drastically altered the topography of the lot in question. Their changes caused ice flow

damage that landed at the end of 310 Tulip Circle. It required her retaining a Civil Engineer to finally rectify the problem because the Ziemers would not have anything to do with that. Ms. Rubel stated that the Ziemers installed a bizarre drainage system without permits in that vacant lot. Ms. Rubel has concerns as to what kind and size of structure that could be erected on that property. She asks that the character of the neighborhood is something that they need to be mindful of. Ms. Rubel stated that she and others at the meeting are long time permanent members of the community. What affect will building on this vacant lot have on water runoff issues? She thinks that developing this lot will affect the overall character in Floral Park. Solicitor Tressler stated that anyone who buys this land to build on will have to go through the Borough for land development and stormwater management. Tonight's meeting is only about the road frontage. Ms. Rubel has the same measurements which is 96 linear feet. The lot in question is not smaller than the other lots. Brad Smith, 507 Tulip Circle was sworn in. Mr. Smith asked about the road frontage. Mr. Smith is concerned with the integrity of the neighborhood. Ms. Kehoe stated that anyone who wants to build there has to follow the Borough ordinances. The ZHB will only consider the variance.

ZHB went into an executive session.

ZHB returned from the executive.

Solicitor Sheils stated that the advertisement was for a variance request for Ordinance 2017-01 as amended for a single family home in the R1 Zone. The ordinance now requires a 120 linear foot frontage. The variance request is for a 96 linear foot adjustment. Geoff Brock voted yes, John Jeffrey voted yes, and John Kazista voted yes. This was a unanimous vote.

Ms. Kehoe stated that Council has requested that a representative come to a meeting to update them.

4. PUBLIC COMMENT/INPUT:

5. ADJOURNMENT:

John Jeffrey made the first motion to adjourn, seconded by Geoff Brock, vote was unanimous