

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

**ZONING HEARING BOARD**

**Tuesday, July 11, 2017**

**7:00 P.M.**

The Board of Zoning Appeals held a duly advertised meeting on Tuesday, January 10, 2017 at 7:00 PM. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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 (arrived at 7:15), Mr. Geoff Brock, Solicitor Robert Sheils, Recording Secretary Virginia Kehoe, Code Enforcement Officer Jenn Basalyga, and Stenographer Nicole Pizarski. Absent from the meeting was Mr. Bill Dempsey.

**1. Approval of the agenda:** Geoff Brock made the first motion to accept the agenda, seconded by John Kazista, vote was unanimous 2-0.

**2. Approval of the Minutes:**

December 8, 2016: Geoff Brock made the first motion to approve the minutes, seconded by John Kazista, vote was 2-0.

December 13, 2016: Geoff Brock made the first motion to approve the minutes, seconded by John Kazista, vote was 2-0.

December 20, 2016: Geoff Brock made the first motion to approve the minutes, seconded by John Kazista, vote was 2-0.

January 10, 2017: Geoff Brock made the first motion to approve the minutes, seconded by Kazista, vote was 2-0.

**3. CORRESPONDENCE:**

N/A

**4. NEW BUSINESS:**

2017-01 Appeal – JCJ Realty Holdings LLC – appeal Ordinance 2002-01 Section 404.3 Part 6 Impervious Coverage as amended by Ordinance 2015-06 D in section II Maximum Lot Coverage 25% as amended by the variance from ZHB hearing dated 12/8/15, application 2015-02 to 47.47% on the property located at 215 Clarks Avenue, Clarks Summit, PA 18411 **POSTPONED, their attorney requested a continuance of the meeting. The board agreed. Move that meeting to August 1, 2017.** Attorney Bob Sheils stated that a Notice of Violation was sent out May 4, 2017 to JCJ Realty Holders LLC. They filed an appeal and

the appeal is documented 2017-01 on July 11, 2017. Attorney Moran of JCJ Holdings requested a continuance and the Borough of Clarks Summit has no objection to the continuance. The ZHB decided to grant the continuance.

2017-02 Variance – William Charles Wermuth – appeal Ordinance 2002-01 Section 404.3 Part 6 Impervious coverage as amended by Ordinance 2015-06D in section II Maximum Lot Coverage 20% on the property at 610 Oak Lane, Clarks Summit, PA 18411.

Jenn Basalyga was sworn in:

DATE: 07/10/17

FROM: Jenn Basalyga  
Code Enforcement Officer

TO: Zoning Hearing Board

RE: William Charles Wermuth, Variance Request

Owners – William Charles Wermuth, P.O. Box 70, Villanova 19085

Applicant – Same  
Location – 610 Oak Lane  
Tax Map # 10001-030-02900  
Zoning District – R1

The hearing was advertised in The Scranton Times on June 28, 2017 and July 7, 2017. All four corners of the property were posted on June 28, 2017.

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

Ordinance 2002-01 – Section 404.3 Part 4 Impervious coverage as amended by Ordinance 2015-06 D in Section II Maximum Lot Coverage 20% in an R1 Zone.

Mr. Wermuth's original deck area was measured at approximately 600 square feet and was made of both wood and concrete. As I understand it the concrete and the wooden deck have since been removed and the new proposed deck will measure 25x12 which comes to 300 square feet.

Ordinance 2015-06 restricts the lot coverage to a maximum of 20% in an R1 Zone. Mr. Wermuth's lot size is 80 x 125 which equals 10,000 square feet. His house is 26 x 50 which is 1,300 square feet of impervious coverage. The driveway is 51 x 20 which is 1,020 square feet of impervious coverage. The walkway is 24x4.5 which is 108 square feet of imperious coverage. The new proposed deck is 12 x 25 which is 300 square feet

of impervious coverage. The total amount of impervious surface without the new proposed deck comes to 2,428 square feet, that totals 24% of the lot coverage. With the addition of the new deck the total impervious surface goes up by 300 and that total is 2,728 square feet of impervious coverage. Therefore the total percentage of the impervious surface including the new proposed deck is 27%.

In conclusion, Mr. Wermuth is requesting a variance from the Zoning Hearing Board so he is able to put up a new deck on his property at 610 Oak Lane, Clarks Summit PA. He did remove his previous deck and a concrete pad measuring which all together measured 600 square feet and is looking to replace it with a 300 square foot deck made of wood. This will bring his total impervious square footage to 27% when the R1 Zone's maximum lot coverage is 20%.

William Wermuth was sworn in: Mr. Wermuth stated that he is the owner of 610 Oak Lane. He is seeking variance so he can build a deck on the back of his house to replace the existing deck that was there previously. The previous deck was made out of concrete, and the other half was made of wood. When he moved in it was determined that the previous deck was extremely unsafe and sinking. As soon as he bought the house he had the deck removed and he was planning on building a deck ½ the size. Mr. Wermuth found out that he would be over on impervious coverage. His new deck would have slats and he thinks it would improve the aesthetics of the neighborhood and it should last 20-25 years. There are decks on most of the houses around him. He is at 24% of impervious coverage. He is looking to go to 27%. Without a deck he does not have access outside of the dining room sliding door. There is a 3 foot drop. He tore the old deck down. He was afraid of someone getting hurt. Mr. Wermuth hired Perez Construction to install the deck. When they applied for the permit, that is when he found out that he was not able to obtain a permit because he was over the limit of lot coverage. John Jeffrey asked about the concrete on the deck that was settling. Mr. Wermuth stated that he does not know. He had a home inspector check this out and he was not able to give a reason. Perez stated that there were no concrete posts below the frost line and there was a crack in the middle. How tall is it going to be? It is meeting the house at the same dimensions but he does not have the exact dimensions. Jenn Basalyga stated that the information from Perez shows the deck is 33 inches high. Geoff Brock asked what was there under the concrete slab did it have footer walls or what was holding up that concrete slab. Possibly cinder blocks, not sure. John Kazista went over the 5 standards and asked his opinion on how he has complied with these reasons. Mr. Wermuth stated that his hardship is that he cannot leave the back of his house through his dining room. Mr. Kazista stated that Mr. Wermuth did take out the old deck so in that sense Mr. Wermuth did cause that situation. Mr. Wermuth stated that if a person went on the old the deck it was unsafe and he didn't want to have that situation happen. He was not willing to take that risk. Mr. Wermuth stated that he is currently at an R1 Zone which allows 20%, his house is currently non-conforming because as of right now he is over 24%. He is seeking to increase the non-conforming use by a couple percentage points. This is the least modification as possible. Mr. Kazista stated that there was a concrete pad and the proposed deck has wooden slats so that is good. Geoff Brock asked if Jenn Basalyga saw the original deck. She did not. Mr. Brock asked where the 600 square feet came from. Ms. Basalyga stated that it was

on the original permit application from Perez. Geoff Brock agrees with 361 square feet not 600. So he is going from 361 to 300 square feet. John Jeffrey asked what will be under the deck. Mr. Wermuth said it will be ground and crushed stone. Mr. Jeffrey asked about the pitch for the rainwater. Mr. Wermuth said the pitch will be away from the house towards the natural lowest point away from his neighbor's house. David Roslund from 611 Meadow Lane was sworn in. Mr. Roslund lives behind Mr. Wermuth and saw the zoning signs that were put out by the Borough. Mr. Roslund stated that he spoke with the person renting the house. He wondered why Mr. Wermuth would refurbish the house when he is not living there himself. John Kazista stated that the ZHB are there deciding whether or not the deck can be built and that is the extent of what they can do tonight. Mr. Wermuth stated that he has no intention of setting up a business. It will remain a single family home. He has spent quite a bit of money on this house and his intentions are good.

The ZHB went into an executive session at 7:40 pm

The ZHB reconvened at 7:48

John Kazista asked the Solicitor to clarify what is being voted on. Solicitor Sheils clarified with Mr. Wermuth that he is requesting a variance of 27% impervious surface for the R1 residential district. Mr. Wermuth agreed. Ms. Kehoe stated it is 27.28% exactly. Geoff Brock, John Jeffrey and John Kazista all voted yes. The variance was approved.

**5. PUBLIC COMMENT/INPUT:**

**6. ADJOURNMENT:**

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