

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

**ZONING HEARING BOARD  
Tuesday, August 13, 2019  
7:00 P.M.**

The Board of Zoning Appeals held a duly advertised meeting on Tuesday, August 13, 2019 at 7:00 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. Geoff Brock, Mr. Joe Axtell, Mr. John Jeffrey, Solicitor Robert Sheils, Code Enforcement Officer Jenn Basalyga, and Stenographer Nicole Pizarski. Recording Secretary Virginia Kehoe was absent from the meeting.

**1. APPROVAL OF AGENDA:**

John Jeffrey made the first motion to approve the agenda, seconded by Geoff Brock, vote was 3-0.

**2. APPROVAL OF MINUTES:**

**2/12/19: Not available**

John Kazista stated that they had the last meeting in June. The meeting was for a special exception. At the June meeting a continuance was requested and approved by all parties. Since the June meeting, the applicant has withdrawn their request for a special exception and therefore the ZHB no longer has the matter before the board.

**3. NEW BUSINESS:**

2019-05 Request for Variance –  
Danielle Weiler, 303 School Street, Clarks Summit, PA  
Ordinance 2017-01- Section 502.4 Lot Coverage and Pervious Surfaces  
- Item 4 Maximum Lot Coverage  
Tax ID #09019-040-01400

Code Enforcement Officer, Jenn Basalyga, was sworn in:

TO: Zoning Hearing Board

RE: Danielle Weiler-Variance Request

Owners – Danielle Weiler, 303 School Street, Clarks Summit, PA 18411

Applicant – Same  
Location – 303 School Street  
Tax Map # 09019 040 01400  
Zoning District – R2

The hearing was advertised in The Scranton Times on July 30, 2019 and August 4, 2019.

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

2019-05 Request for Variance –  
Danielle Weiler, 303 School Street, Clarks Summit, PA  
Ordinance 2002-01, Section 1107: Relief through Variance, Clarks Summit Borough Zoning Ordinance, as revised by Ordinance 2017-01 (Item 4) of 2017. Property owner is requesting a variance to increase the lot coverage for the property to 3,495 square feet, which is 984 square feet more than the maximum permitted under the current Zoning Ordinance.

Ordinance 2017-01, Item 4 – Maximum Lot Coverage for Single-Family and Two-Family Dwellings in All Districts.

Danielle Weiler was denied a permit to build 2 decks on her property located at 303 School Street in the Borough of Clarks Summit. The permit was denied due to the fact that the additional impervious surface would exceed the maximum lot coverage allowed. Ordinance #2017-01, Item 4: Maximum lot coverage for single-family and two-family dwellings in all districts provides a calculation for maximum lot coverage.

Total Lot Size: 6,640 square feet  
Total Lot Coverage Square Footage (already existing): 2582 square feet  
Total Square Footage of the Proposed Construction: 913 square feet  
Total Square Footage Existing and Proposed = 3,495 square feet

The equation to determine the total amount of lot coverage allowed is as follows:

$6,640 - 5,000 = 1,640$   
 $1,640/750 = 2.18$   
 $40 - 2.18 = 37.82$   
 $6640 \times 37.82 = 2,511$

The above calculation shows that 2,511 square feet of impervious surface is the maximum permitted. At this point, without the addition of the back decks, the maximum

lot coverage is already 71 square feet over. The applicant is asking for a variance that would allow her to exceed the maximum lot coverage by 984 square feet.

Attorney Scanlon presented the case to the ZHB. Attorney Scanlon stated that they are requesting a variance to allow for the construction of a wooden raised deck along the rear portion of the applicants home at 303 School Street in the Borough of Clarks Summit. The property is located in an R-2 zone. Ms. Weiler is the applicant, she purchased the home in 2006 and the previous owners had a survey conducted and her property is 6,645 square feet. The property is situated on a very steep hill which makes up most of the backyard of the property. The backyard is enclosed by a fence. Ms. Weiler is hoping to construct a deck into the slope of the back yard so that she and her family can better enjoy her property. They are looking for a variance under Section 1107 of the Clarks Summit Borough Ordinance and the relief they are requesting is to Ordinance 2017-01, Item 4, to increase the maximum lot coverage. Danielle Weiler, 303 School Street, was sworn in. Ms. Weiler stated that lives at the property with her fiancé, her mother, and her son. Ms. Weiler submitted a permit application and that was denied. She submitted her application for the Zoning Variance. Ms. Weiler stated that due to the nature of the slope in her backyard she is trying to construct a low deck, 2 sections with one step down to the lower section, leveled out so she can put a table and chairs and she can entertain. Ms. Weiler stated that she has a garage, driveway, house and sidewalk and her front porch, and a retaining wall. They presented a sketch to the ZHB. The size of the larger deck is 21x29, the smaller one is 16x19. The deck would be made out of wood. The backyard has a significant slope. She did look into excavating but it was too expensive. She talked to all of her neighbors and provided signed letters showing that they are all in favor of her plan for the back decks. She and her family will be building the deck with help and guidance from a professional. They began construction then when the permit was declined they stopped. Ms. Weiler stated that this is her last hope for them to be able to use their back yard area. The topography and slope of the back yard creates an unnecessary hardship. The physical characteristics of this property are not of her own creation. The property abuts a commercial zone. The decks will not alter the character of the neighborhood. If the variance is granted, this would allow the property owner better use her residence. They are asking for a wooden deck and she is not asking to include anything else. John Kazista asked about water runoff from the deck. If needed, they can put in a catch basin to re-route the water. Jenn Basalyga stated that generally a deck is considered impervious because of the velocity of the water. Geoff Brock asked about the lot size. It is 80x83. He asked how they decided on the sizes of the decks. Ms. Weiler stated that they tried to find the right about to be able to sit outside comfortably. She might get a gazebo for the grill and she would have tables and chairs. The ground underneath was discussed. She spoke to the contractor and he discussed PVC piping and catch basin drains and gravel. John Jeffrey asked if there are any issues with drainage on her property. The answer was no. The posts are cemented.

The ZHB went in to an executive session.

The ZHB returned from their executive session.

John Kazista review the request for the variance. John Jeffrey, Geoff Brock and John Kazista all voted yes to approve the variance.

John Kazista thanked Attorney Scanlon for her professionalism.

**4. OLD BUSINESS:**

~~Continuation:~~

~~2019-03 Request for Special Exception—~~

~~Keystone Independent Living, Inc, 320 Tulip Circle, Clarks Summit, PA~~

~~Ordinance 2002-01 Section 404.3 1102.0, 1108.3, 1108.7, 605.8 Group Home by  
Special Exception~~

~~Tax ID #10016-010-01400~~

**5. ADJOURNMENT:**

John Jeffrey made the first motion to adjourn, seconded by Geoff Brock, vote as 3-0.