

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
FEBRUARY 15, 2022

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 15, 2022. Mr. Zamparelli called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Anthony Zamparelli, Chair
 Peter Solor, Vice Chair
 Matthew Connors, Secretary
 James Dougherty, Member
 Judi Reiss, Member

Others: James Majewski, Community Development Director
 Adam Flager, Zoning Hearing Board Solicitor
 Fredric K. Weiss, Supervisor Liaison

APPEAL #22-1949 – ERIC RUDOLF
Tax Parcel #20-050-089
46 W CROWN TERRACE, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. An old Plot Plan was marked as Exhibit A-2. A two-sheet Site Plan was marked as Exhibit A-3. The Impervious Surface Breakdown Calculations and Stormwater Management Small Project Volume Control was marked as Exhibit A-4. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Eric Rudolf, Mr. Robert Galack, contractor, and Mr. Ralph Finelli, architect were sworn in.

Mr. Galack stated they are proposing to build a 16' by 20' four-season addition on the back of the home. They are asking for an additional 3' on the side yard setback. Mr. Zamparelli stated the required setback is 15', and they are already at 9'. Mr. Majewski stated the house was built in 1950, and at that time there was an Ordinance that allowed for a smaller setback on one side and a larger setback on the other provided that between the two, it came up to be 25', and that is how they have 9' on one side and 16' on the other. He stated if they

had gone in line with the 9', they would not need that Variance as it would be a non-conformity; but since they are going further toward the property line into the setback, they need a Variance.

Mr. Zamparelli asked if there is an existing deck or is that a deck that they are going to add on. Mr. Galack stated there is an existing deck that will adjoin the room. Mr. Majewski stated that it does say "proposed" but that is because they used an older Site Plan for when they built the deck.

Mr. Dougherty asked the size of the proposed four-season room, and Mr. Galack stated it is 16' by 20'. Mr. Dougherty asked if it will be 20' wide, and Mr. Galack agreed. Mr. Dougherty asked the rationale for not coming straight down the wall and keeping the 9' side setback. Mr. Rudolf stated for the amount of money they are spending, they wanted to get as much use out of the room as they could especially given COVID since he and his wife now work from home; and they wanted that room to serve multi-purposes and still hold a dining room table. He noted the end of the house is where the table would go; and rather than trying to bump it out which would then make it directly in the path of the entrance into the room, they would be able to keep it away and then still have room to walk around the table on all sides. He stated that would allow them to have the rest of the room to put a small seating area, desks for the kids, and maybe even a desk for he and his wife to work at. He stated it would make it easier to utilize the room better rather than trying to push the table more into the middle of the room and have it be only a dining room.

Mr. Dougherty noted the neighbor who abuts the property on the side where they would be pushing 3' closer, and he asked if they spoke to that neighbor or relied on public advertising; and Mr. Rudolf stated they relied on public advertising. Mr. Rudolf added that neighbor has a small structure that they built up against his property, and he did not say anything to them about that. Mr. Zamparelli asked how close is their structure to Mr. Rudolf's property, and Mr. Rudolf stated their house is quite a bit further away. He added they built a shed with a deck-type house that is about 6' or less from his property line. Mr. Rudolf showed the location of his neighbor's home and the cedar-shingled "hut" with lights that they built which is less than 6' from his property line. He stated their house is quite far away, and he does not know why they built something so close to his property line; but it does not bother him.

Mr. Rudolf stated the reason he wanted the addition where he has proposed was so that he could get something to “bump out” a little bit further than his air conditioner and chimney. He stated they will not be removing any of the trees.

Mr. Zamparelli stated the adjoining neighbor is not aware of what he is proposing, and Mr. Rudolf stated he did not speak to them. Mr. Zamparelli stated the neighbor was sent the Notice, and Mr. Majewski agreed. Mr. Rudolf stated he did discuss this with the neighbors on the other side because they built a large addition on their property. Mr. Zamparelli stated that neighbor is not on the side that the proposed addition is encroaching on.

There was no one from the public wishing to speak on this matter.

Mr. Dougherty noted the location of the downspout and the seepage bed, and he asked if they are planning on running the downspout underground. Mr. Galack stated there will be water management in the back yard, and he added that was part of the Application.

Mr. Zamparelli asked if there are any impervious issues, and Mr. Majewski stated that there are not. It was noted a dry well will be installed.

Mr. Connors stated he does have concerns about being so close to the adjoining neighbor, and Mr. Zamparelli agreed. Ms. Reiss stated she also had questions about it being so close to the adjoining property.

Mr. Connors asked if there is a reason that they could not shift over the whole footprint so that they could maintain the 9’ setback. Mr. Rudolf stated one reason is that there is a window in the kitchen, and they would like to be able to see the deck and through the yard. He stated it would also not alleviate the issue trying to put a dining room table in that room because then instead of having it parallel with that side you would have a table running over where you would only have 30” to get into the back room and it would block the flow into the room. He stated he wanted to keep a dining area, a seating area, and a work area in the room. He stated if it were shifted it would not get rid of the issue not being wide enough. He showed the end of his kitchen and stated they need more for the refrigerator. He stated a table could not go against the wall so it would end up being in the middle. He stated he did not want the room to just be a dining room as he and his children would be working in there, and he also wanted to have some seating.

Mr. Zamparelli asked if they could not move it 3' to the left, and Mr. Rudolf stated if they did that they would still have the issue of the table blocking the way to get into the room. Mr. Galack stated there is a window and a door on the left side looking at the drawing; and if the wall were brought over, it would cut right to the middle of a window or a door. Mr. Zamparelli stated he does not see a hardship, and it seems close to the neighbor; and he feels that there are options.

Mr. Rudolf stated they were also looking for a window for cross ventilation. Mr. Zamparelli stated the windows on that side are also close to the neighbors. Mr. Galack stated the windows on that side are higher so that there is privacy. Mr. Rudolf stated they are also not taking any trees out.

Mr. Dougherty stated he understands about the utility and the traffic flow, but asked if they could change it so that it goes back 20' and have it be 16' wide. He stated that would provide the same room size and they could re-design the furniture on the inside and still capture the same square footage. He stated that may be a viable solution. Mr. Zamparelli stated he would be in favor of that as well, but he asked if that would impact the rear yard setback; and it was noted that it did not appear to. Mr. Connors stated there would be sufficient rear yard.

Mr. Rudolf stated he does not understand why both of his neighbors on either side have structures that are much closer to his property than what he is going to do. Mr. Rudolf stated his one neighbor has a huge addition, and they had to move their fence into his property. He stated he does not want them to change that, and they get along, but that is a three-story huge addition which is probably 4' from the property line. He stated the neighbors on the other side have built a structure which, while not part of their house, has footers that were built. Mr. Zamparelli asked if that is not just a shed, and Mr. Rudolf stated it is more than a shed and it looks like a little house. He stated it has a deck and there is furniture on it. Mr. Zamparelli asked Mr. Rudolf if that was there when he moved in, and Mr. Rudolf stated it was; but he is between these, but he cannot do this.

Mr. Dougherty stated there are non-conformities all over the Township. Mr. Rudolf stated there are also people who do not even approach the Board to do certain work. He stated their home is not that wide, and this will make their house look a little bit wider. He stated the house on that

side is further away, and they almost have double lot with the house all the way on the other side. Mr. Rudolf stated he has no plan to take down any trees. He stated the point of the room is to have privacy.

Aerial photos from various years were shown.

Mr. Zamparelli stated he would like to hear from the neighbor. Mr. Dougherty stated the Board could Continue the matter and see if the neighbor would affirm that they are okay with this. Mr. Zamparelli asked if Mr. Rudolf would be interested in a Continuance and ask the neighbor to make comment. Mr. Rudolf asked when the neighbor would have to come in and asked if they could write a letter. Mr. Connors stated he feels a letter would be sufficient as he would just like to know that they are aware of this, and Mr. Zamparelli agreed. Mr. Connors stated they could also call in to the meeting. Mr. Rudolf stated he will talk to his neighbor. Mr. Majewski stated they could also just send him an e-mail.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to Continue the matter to March 1, 2022.

There being no further business, Mr. Connors moved, Mr. Solor seconded and it was unanimously carried to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,

Matthew Connors, Secretary