

## **Planning Commission Minutes – September 7, 2022**

**PRESENT:** Chairwoman Nancy Moore and Member(s): Diane Bernardo, Joe Becker, David Volpe, and Ed Andrulonis

**ABSENT:** None

**STAFF:** Code Enforcement/Zoning Officer, Zac Lawhead; City Solicitor, Tony Cherry; City Secretary, Bobbie Shaffer

The meeting was called to order at 4:15 p.m. by Planning Commission Chairwoman, Nancy Moore.

### **Approval of Minutes – June 6, 2022**

The motion was made by Becker and seconded by Volpe that the Planning Commission accept the minutes of July 6, 2022 as presented.

### **VOTE**

**AYES:** Commission Members: Andrulonis, Becker, Bernardo, Volpe, and Chairwoman Moore

**ABSTAIN:** None

**NAYS:** None

**MOTION PASSED:** 5-0

**Visitor's Comments:** None

**Old Business:** None

### **New Business:**

Dennis Raybuck – Modification Request – Front Yard Setback Reduction – 208 E. Sherman Avenue

Lional “Bucky” Alexander, Surveyor, and Bob Illo, Architect, presented the site plan and explained how the space will be used.

Mr. Alexander presented the Narrative requesting a modification of the SALDO requirements for a front yard setback. He stated that originally the house was built in a subdivision sold by the City in 1955. The house was built in compliance with the Land Development Ordinance; which required a 60’ setback from the center of the road to the building and 35’ from the property line.

Currently the setbacks are 35.5’ from the sidewalk to the garage and 29.5’ from the sidewalk to the building. That being said, the house is already 5.4’ out of compliance with current standards.

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They are asking for an addition 8' over the 5.4' for a total request of 13.3' variance for modification request.

Currently there is no outside access to the basement and the project needs an access point to the outside.

City Solicitor Cherry stated that a modification request needs to show a hardship in order to be approved. She asked why they are not looking at expanding on to the additional lot instead.

Mr. Illo stated that the International Residential Code requires an egress for a basement. There are only two possible walls in which to make an egress the East and Front. If they went out the rear, they would have to demolish the rear of the house. The front provides a corridor with the most public way out of the house. The front west would make the entrance closer to the driveway and the street. The front west would comply to the letter and spirit of the IRC code.

City Solicitor Cherry stated that you are not required to have an emergency escape from a basement.

Mr. Illo stated that Mr. & Mrs. Raybuck would like to build bedrooms in the basement.

Cherry asked, what about the adjoining lot makes it not an option to build. Illo stated that the plumbing comes out the back and the front west would provide a direct exit.

Cherry asked, is it more expensive to expand above ground?

Illo stated that there is no physical reason preventing them from expanding onto the other lot, except they would be losing their back yard.

Mr. Alexander said he believes if they are going to utilize the basement; therefore, they must comply with the IRC and have an outside entrance. He asked what Solicitor Cherry's concerns were.

Cherry stated she is concerned that the adjoining lot allows for expansion without Council having to grant a modification.

Alexander stated that Mr. Raybuck would like his kids to come and stay and the best use of space would be the basement.

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Member Andrulonis asked how this property is Deeded. Mr. Raybuck stated it is Deeded to their three children with Mr. & Mrs. Raybuck given life occupancy, but they do have standing.

The Planning Commission exited for a 20-minute Executive Session at 4:39 p.m.  
Reconvened at 5:23 p.m.

Solicitor Cherry apologized for the wait, she stated that the Commission was struggling with the language of the PA statue which reads as follows:

### 53 P.S. §10512.1. Modifications

- (a) *The governing body or the planning agency, if authorized to approve applications within the subdivision and land development ordinance, may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.*

Member Becker addressed the Raybuck's and stated that as you can build behind your existing house, he feels if they grant the request it could come back on them when the next person asks for a modification.

Member Andrulonis stated that it is difficult to approve given the additional lot.

The motion was made by Becker and seconded by Andrulonis that the Planning Commission recommend to City Council that they deny the request from Mr. & Mrs. Raybuck for a modification at 208 E. Sherman Avenue.

### **VOTE**

AYES: Commission Members: Andrulonis, Becker, Bernardo, Volpe, and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 5-0

### **Adjournment**

There being no further business to transaction, the motion was made by Volpe and seconded by Becker that the Planning Commission adjourn.

### **VOTE**

AYES: Commission Members: Andrulonis, Becker, Bernardo, Volpe, and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 5-0