

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING
TUESDAY, OCTOBER 23, 2018
7:00 PM**

I. ATTENDENCE

The Zoning Hearing Board held its regular meeting on Tuesday, October 23, 2018 at the Ferguson Township Municipal Building. In attendance were:

Board:

Michael Twomley—Chairperson, absent
Michael MacNeely—Secretary
Swamy Anantheswaran, absent
Susan Buda
Irene Miller
Marc Friedenberg—Alternate, absent

Staff:

Jeffery Ressler, Zoning Administrator
Jeff Stover, ZHB Solicitor

Others in attendance included: Marcella Bell, Recording Secretary; Ray Stolinas, Planning & Zoning Director; Nicholas Yucchate, student; Ally Richards, student; Nick DiGuilio, student; Eden Roth, student; Courtney Wanson, student; and Zachary Maser, resident.

II. CITIZENS' INPUT

There was no citizens' input.

Prior to the hearing, due to Mr. Twomley's absence, Ms. Miller made a motion to nominate Mr. MacNeely as the Chairperson for tonight's meeting. Ms. Buda seconded. The motion carried unanimously.

III. ZACHARY MASER – VARIANCE REQUEST

Mr. Ressler stated that the property that is the subject of this hearing is located at 310 Marengo Lane, PA Furnace, tax parcel 24-006A-081-0000. Mr. Zachary Maser owns the property and the property is located in the R-1 district. The property is approximately 0.5 acres and the house size is approximately 1,260 square feet. A Zone A floodplain exists on the northeastern corner of the property. The Zone A floodplain does not show the elevation boundaries. The applicants are proposing an addition on the southwest corner of the existing house. The applicant is requesting a variance to Chapter 27-801.1 to not complete a detailed flood study but to be able to use the approximate Zone A as shown on the plans for location of the floodplain and to provide the required 50 foot buffer. The Zoning Ordinance in Chapter 27-801.1 permits the Township to request that the property owner complete and provide a detailed study to determine the elevation boundary of the floodplain. Chapter 27-808.1 requires that a 50 foot use buffer be provided from the edge of the flood plain and the permitted use. Mr. Ressler explained that the ordinance requires the detailed floodplain study because it is hard to apply the 50-foot use buffer when from approximate Zone A. There have been no other variances for this property.

The Zoning Hearing Board had a brief discussion regarding a detailed floodplain study. In response to a question from Mr. MacNeely, Mr. Ressler explained that there would be a hydraulic analysis of the property done by an engineer, which can be costly and time consuming. Attorney Stover added that it's an elevation issue—the map shows

the elevation, but the study determines where those elevations are on the ground. Mr. Ressler stated that these floodplain maps were last updated in 2009.

Mr. Maser introduced himself and stated that this summer was actually a really good opportunity to test the reliability of the floodplain due to all of the rain. Mr. Maser explained that where he wrote "floodplain" on the map, there was a lake on that part of the property in August. He went on to say that this home has been in his family for 35 years and the map is very accurate to how the surrounding properties flood. When there is a significant amount of rain, there is standing water near the end of his driveway on Marengo Lane, the end of the yard gets a little swampy, and the area around the mailbox sometimes has standing water. Mr. Maser added that on the side of the house where he'd like to construct the addition, there is a slope that goes up the back side of the house and the last the he would ever want to do is build an addition and have it flood. He stated that he feels confident based on his experience living in the house that it will not flood.

In response to a question from Mr. Ressler, Mr. Maser stated that no, his parents were never required to obtain flood insurance, and the house has never flooded. In 35 years, there has only been a minimal amount of water in the basement one time. As an extra precaution, the addition would not go below ground.

There was a lengthy discussion regarding the floodplain and the proposed addition onto the house. It was clarified that Mr. Maser's addition is not being built in the floodplain and is not being built any closer to the floodplain than the house already is. The Zoning Hearing Board wondered if he could construct the addition onto the back of the house instead of the side. Mr. Maser explained that they did consider that but decided against it because that area is their backyard and would require the removal of the deck. Attorney Stover noted that the Zoning Hearing Board has heard a similar case in prior hearings, the most recent one being the Guenot hearing on Old Gatesburg Road. The applicant had flood elevations going across his property but it was far away enough from what he was doing that it was obvious that it was no risk. Mr. Maser explained that his hardship is that his property is close to the floodplain and there is a slope behind his house that prevents him from building anywhere but the side and the back of the house. The Zoning Hearing Board discussed the requirement of the applicant using the national floodplain standards when constructing the addition to mitigate flooding issues.

A motion was made by Ms. Miller and seconded by Ms. Buda to grant the variance to Chapter 27-801.1 to not complete a detailed flood study with the addition that the applicant use the national floodplain standards and Chapter 27-801.1 F to use the Zone A flood boundary to determine the 50-foot buffer requirement. The motion carried 3-0.

IV. APPROVAL OF THE MEETING MINUTES FROM THE SEPTEMBER 28, 2018 REGULAR MEETING

A motion was made by Ms. Buda and seconded by Ms. Miller to approve the September 25, 2018 regular meeting minutes. The motion carried 3-0.

V. ADJOURNMENT

With no further business to come before the Zoning Hearing Board the October 23, 2018 meeting adjourned at 8:22 PM.

RESPECTFULLY SUBMITTED,


Michael MacNeely, Secretary
For the Zoning Hearing Board

Date approved by the Board: 12/18/18