

WARREN COUNTY ZONING HEARING BOARD

MINUTES

August 16, 2023

10:00 a.m.

Commissioners' Conference Room
Warren County Courthouse

MEMBERS PRESENT: Edwin W. Atwood, Dennis Johnson, Donald C. Saporito, Sr., Patrick Soliday

MEMBERS ABSENT: David Miller

STAFF PRESENT: Michael Lyon, Deputy Planning Director/Zoning Officer;
Laurie Burdick, Planning & Zoning Department Secretary;
Timothy Bevevino, Esq., Solicitor

STENOGRAPHER: Olivia P. Mailliard - The Sargent's Group, Johnstown, PA

GUESTS PRESENT: Kimberly Lawson, Sebastian Lawson, Lance N. Mohney, Rochelle Mohney, Linnea M. Rossey, Michael Homola, Karin Cook

10:00 a.m. - Variance: K. Lawson - Reduction in the minimum front yard setback requirement in the R1 Residential Zoned District - 783 Jackson Run Rd., Warren, PA, Conewango Township - Tax Parcel ID #WN-544-319100

Vice-Chair Edwin Atwood called the meeting to order at 10:00 a.m.

Mr. Atwood stated that, presented to the Board for consideration is a request for a Variance by Kim Lawson (applicant) of Warren, PA. The property is located in Conewango Township and is zoned "R1-Residential". The Tax Parcel Number is WN-544-319100 consisting of .42 acres.

Mr. Atwood further stated that the issue before the Board is Section 303, Table 303, Article III "R1 District" requiring a minimum front yard setback of 30 feet. The applicant is requesting a reduction in the front yard setback to "0" feet to accommodate building a detached garage.

Mr. Atwood asked Zoning Officer, Michael Lyon, if all property owners within 300 feet were notified by mail, if the hearing was properly advertised in the newspaper, and if the property was posted. Mr. Lyon responded in the affirmative to all three questions.

Parties to the hearing were identified as follows: Kim Lawson, applicant/property owner; Conewango Township; and Warren County represented by Michael Lyon, Deputy Planning Director.

Karin Cook wished to be a party to the hearing.

Mr. Atwood explained the procedure to be followed during the hearing.

Kim Lawson and Karin Cook were sworn-in by Edwin Atwood.

The applicant gave her presentation and stated that she wants to build a garage and wants to put a driveway in back of her house, off of Kidder St. She explained the hardships on the lot for selecting the location of the garage, including electric lines and the sewer line. She presented a photograph to the Board of her lot and a site plan drawing.

There were no questions from the Board.

Michael Lyon, Deputy Planning Director/Zoning Officer, explained the subject lot, including the private right-of-way, to the Board. He referred to the aerial photograph and stated that there is no other area to build the garage without building over the sewer line or too close to the electric lines. From a zoning perspective, he said he doesn't like to see a 0 setback, but it's a private right of way and not a municipal road, Conewango Township doesn't have any objections with it, and he doesn't have any issues with it from a zoning perspective. He further stated that the garage is not entering directly into the right-of-way, and he sees that as beneficial.

Karin Cook stated that she has no objections with the construction of the garage, she just wanted to ask what was proposed because she owns property at the end of Kidder.

Solicitor Timothy Bevevino, Esq. said he would like to see more documentation of the right-of-way, but said as long as the Zoning Officer is confident that they are not authorizing an encroachment on the right-of-way, then he had no issues with the Variance request.

The Board engaged in a discussion regarding the concern of the right-of-way.

Dennis Johnson made a motion, with a second by Patrick Soliday, to approve the Variance request as is. A vote was taken and all were in favor; motion carried.

The hearing was unanimously adjourned at 10:22 a.m. with a motion by Dennis Johnson.

Variance granted.

Respectfully submitted,



Laurie A. Burdick
Department Secretary
Warren County Planning & Zoning
204 Fourth Avenue
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814-728-3512
814-728-3517 (fax)

WARREN COUNTY ZONING HEARING BOARD

MINUTES

August 16, 2023

10:15 a.m.

Commissioners' Conference Room
Warren County Courthouse

MEMBERS PRESENT: Edwin W. Atwood, Dennis Johnson, Donald C. Saporito, Sr., Patrick Soliday

MEMBERS ABSENT: David Miller

STAFF PRESENT: Michael Lyon, Deputy Planning Director/Zoning Officer;
Laurie Burdick, Planning & Zoning Department Secretary;
Timothy Bevevino, Esq., Solicitor

STENOGRAPHER: Olivia P. Mailliard - The Sargent's Group, Johnstown, PA

GUESTS PRESENT: Lance N. Mohney, Rochelle Mohney, Linnea M. Rossey,
Michael Homola

10:15 a.m. - Variance: M. Homala - Reduction in the minimum front yard setback requirement in the R1 Residential Zoned District - TBD Kinzua Rd., Warren, PA, Mead Township - Tax Parcel ID #WN-006-767440

Vice-Chair Edwin Atwood called the meeting to order at 10:23 a.m.

Mr. Atwood stated that, presented to the Board for consideration is a request for a Variance by Michael Homala (applicant) of Oxford, PA. The property is located in Mead Township and is zoned "R1-Residential". The Tax Parcel Number is WN-006-767440 consisting of .99 acres.

Mr. Atwood further stated that the issue before the Board is Section 303, Table 303, Article III "R1 District" requiring a minimum front yard setback of 40 feet (State Highway). The applicant is requesting a reduction in the front yard setback to "20" feet to accommodate building a dwelling, avoiding the flood zone and a very steep slope to the river's edge.

Mr. Atwood asked Zoning Officer, Michael Lyon, if all property owners within 300 feet were notified by mail, if the hearing was properly advertised in the newspaper, and if the property was posted. Mr. Lyon responded in the affirmative to all three questions.

Parties to the hearing were identified as follows: Michael Homala, applicant/property owner; Mead Township; and Warren County represented by Michael Lyon, Deputy Planning Director.

Michael Homala was sworn in by Edwin Atwood. In addition, Mr. Lance Mohney was sworn-in by Mr. Atwood.

Mr. Lance Mohney wanted to be a party to the hearing.

The applicant gave his presentation and stated that he wants to build a 1,000 square foot cabin but needs to stay away from a very steep slope, which would push him closer to the road, so he has to worry about the floodway and the steep bank, and those would be his hardships.

Michael Lyon, Deputy Planning Director/Zoning Officer, referred to the packet that he had presented to the Board members and referred them to the flood zone map for the area. Mr. Lyon explained the flood zone map and also explained the setbacks from a state highway. He has no issues with the request and explained that some of the other houses along that highway are even closer than the applicant's request.

Lance Mohny said he had no objections but wondered if anyone had been on the property, and Michael Lyon explained that he had been, and he then gave an explanation. Mr. Mohny was concerned about the number of accidents he had seen over the years near Mr. Homala's property.

Solicitor Timothy Bebevino, Esq. said he had no problem with the request.

Donald Saporito made a motion, with a second by Patrick Soliday, to approve the Variance request. A vote was taken and all were in favor; motion carried.

The hearing was unanimously adjourned at 10:35 a.m. with a motion by Dennis Johnson and second by Edwin Atwood.

Variance granted.

Respectfully submitted,



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