Maidencreek Township Planning Commission

P.O. Box 319, Blandon, PA 19510

Joan London
Kozloff Stoudt Attorneys
2640 Westview Drive
Wyomissing, PA 19610

November 3, 2017

Dear Joan,

The Maidencreek Township Planning Commission met on Wednesday, November 1, 2017. At that meeting they reviewed the variance request for 363 East Wesner Road, Blandon. The Commission does not oppose the granting of the variance but questioned whether the variance was needed. They asked that the Zoning Officer review section 220-57 (c) of the Maidencreek Township Zoning Ordinance to see if the structure would meet the exemption for projections into a yard.

Terrence Naugle of Great Valley Consultants did review the section of the ordinance and felt the variance was still needed. His letter is attached for the Zoning Hearing Board's review.

Sincerely,

Diane Hollenbach

Diane Hollenbach
Manager
Maidencreek Township

CC: Zoning Hearing Board
David and Rita Reed

GREAT VALLEY CONSULTANTS
75 COMMERCE DRIVE ♦ WYOMISSING, PA 19610-3323
PHONE: (610) 375-8822
1-800-733-4821
FAX: (610) 375-8977

November 3, 2017

Diane Hollenbach, Manager
Township of Maidencreek
1 Quarry Road
Blandon, PA 19510

Re: Maidencreek Township, Berks County, PA
363 East Wesner Road
Variance request by David and Rita Reed
GVC File No.: 3026-007

Dear Diane:

We have received the questions from the Planning Commission regarding the variance application of David and Rita Reed of 363 East Wesner Road. We note the following information:

1. On September 25, 2017, Mr. and Mrs. Reed submitted an application for a permit for a deck, pool and patio installation in the rear of their property at 363 East Wesner Road. The information included with the permit application indicated that the stairs from the deck would encroach on the required fifteen (15') sideyard setback. We discussed this issue with the Reeds, and we processed the permit for the installation of the patio and pool without the deck.

   On October 9, 2017, we issued a letter to the Reeds noting the issue with the stairs from the proposed deck. A copy of that letter is attached to this letter. After some discussion with the Reeds, they decided to request a variance in lieu of reconfiguring the stairs so that they would not encroach on the sideyard setback.

2. The property is in the "R-2" Zoning District. Per Section 220-26(A) of the Zoning Ordinance the sideyard setback for accessory structures is to be a minimum of fifteen (15') feet. The information from the Reeds indicates that the stairs from the deck would extend out to be approximately ten feet seven inches (10'-7") from the side property line.

3. The question was raised asking if Section 220-57(C)(3) of the Zoning Ordinance would apply to this condition. This section states:

   C. Projections into yards.
   The following projections shall be permitted into required yards and shall not be considered in the determination of yard size:

   *(3) Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'6") in height, do not project more than five feet (5') into any required yard, **and** are not located closer than six feet (6') to any lot line (except lot lines which are the projection of common walls).*

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Our interpretation of this section is that all three of these conditions must be met in order to allow this exception to the side yard setback. The key word in this paragraph is the word "and" between the second and third requirements. While the proposed location of the stairs do not project more than five feet (5') into the side yard, and the proposed stairs are not closer than six feet (6') to the property line, the proposed stairs are definitely more than three feet six inches (3'6") in height. The information included with the permit applications and the subsequent information included from the applicant indicates that the stairs / deck will be approximately ten feet (10') above the grade at this location. Therefore, all three conditions are not met and the exception would not apply.

We believe that the Reeds are on the correct path in going to the Zoning Hearing Board for a variance to allow the stairs to encroach into the sideyard setback.

Please contact us if there are any other questions.

Sincerely,

TERRENCE J. NAUGLE, RA
Zoning Officer / Building Code Official

TJN:lam

Enclosure

File

GREAT VALLEY CONSULTANTS
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PHONE: (610) 375-8822
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October 9, 2017

David and Rita Reed
363 East Wesner Road
Blandon, PA 19510

Re: Maidencreek Township, Berks County, PA
Zoning Permit Application
363 East Wesner Road
GVC No. 3026-007

Dear Mr. and Mrs. Reed:

Great Valley Consultants is the Building Code Official and the Zoning Permit Officer for the Township of Maidencreek.

We have received the Zoning Application for the Proposed Accessory Structure, New Deck at 363 East Wesner Road. We note the following comments.

The Township of Maidencreek Zoning Ordinance 2017 as adopted on March 27, 2017 states:

1. The property is located in the R-2 Residential District
2. The drawing indicates that the proposed new deck will be ten feet, seven inches (10'7") from the property line.
3. Section 220-26.A state that accessory structures minimum side yard shall be fifteen feet (15') minimum.

It is our determination that this application does not comply with the Maidencreek Township Zoning Ordinance and cannot be processed as submitted. It appears that the plan may be modified slightly to comply, but as submitted the plan cannot be approved. You may submit a revised plan showing that the deck will comply with the side yard setback as we noted. We note that you have the right to appeal this determination to the Township's Zoning Hearing Board within thirty (30) calendar days of the receipt of this letter or you may seek relief by requesting a variance from the Zoning Hearing Board. The forms for the appeal are available at the Township Office.

Should you have any questions, please contact this office.

Sincerely,

TERRANCE J. NAUGLE
Building Code Official/Zoning Officer
Great Valley Consultants

TJN:bjc
cc: Ms. Diane Hollenbach, Township Manager

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