

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – JANUARY 7, 2025

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 7, 2025. Mr. Flager called the meeting to order at 7:30 p.m. He noted that while only three Board members are present at this time, if a fourth Board member joins the meeting it would require three votes in favor for an Appeal to be approved; and if the vote is two to two, the Appeal would be denied. He stated Applicants can consider if they wish to proceed if a fourth member joins the meeting or wait until a future meeting when an odd number of Board members are present.

Those present:

Zoning Hearing Board:        James Dougherty, Chair  
                                     Peter Solor, Vice Chair  
                                     Christian Schwartz, Secretary  
                                     Judi Reiss, Member (joined meeting in progress)

Others:                         Dan McLoone, Planner  
                                     Adam Flager, Zoning Hearing Board Solicitor  
                                     Suzanne Blundi, Supervisor Liaison

Absent:                         Mike McVan, Zoning Hearing Board Member

REORGANIZATION OF THE BOARD

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to elect James Dougherty as Chair of the Zoning Hearing Board.

The meeting was turned over to Mr. Dougherty.

Mr. Dougherty moved, Mr. Schwartz seconded and it was unanimously carried to elect Peter Solor as Vice Chair of the Zoning Hearing Board.

Mr. Dougherty moved, Mr. Solor seconded and it was unanimously carried to elect Christian Schwartz as Secretary of the Zoning Hearing Board.

APPOINTMENT OF SOLICITOR

Mr. Dougherty moved and Mr. Solor seconded to appoint Flager & Associates particularly Adam Flager as Solicitor.

Mr. Solor stated an updated Fee Schedule was provided from Flager & Associates to the Township

Motion carried unanimously.

APPOINTMENT OF COURT REPORTER

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to appoint Ed McKenna as Court Reporter.

APPEAL #Z-24-31 – MCCUBBIN

(Continued from 11/19/24)

Tax Parcel #20-023-016

18 BROOK LANE, YARDLEY, PA 19067

Mr. Flager marked the Revised Plans as Exhibit A-4.

Mr. Rob McCubbin, Anthony Sylvan Pools, and Mr. Ernest Falco were sworn in.

Mr. McCubbin stated when they were previously before the Board there was an initial Plan to seek relief for impervious surface. He stated the maximum on the property is 24%, and they initially came in with a proposal of 35.47%. He stated Mr. Falco was unable to attend that meeting, and he did not want to make a decision relating to the impervious surface and what could be done to try to reduce it. Mr. McCubbin stated he then had discussions with Mr. Falco as to how to move forward, and a new Plan was submitted reducing the impervious area by 227 square feet. Instead of the 35.47%, they are proposing to increase the impervious surface to 33.82%. He stated they took pool decking away from two sides of the pool in order to get this reduction. He stated they did not change the stormwater management, and it is still sized for the larger amount that they initially came in with so they will be mitigating below the 24% with the stormwater management.

Mr. Solor thanked the Applicant for listening to the comments previously made by the Zoning Hearing Board. He added that they were starting out at 31.5%, and they are not asking for a huge increase. He stated they appreciate the stormwater management as there are a lot of water issues in the Township due to the clay soils.

Mr. Dougherty asked Mr. McLoone if he verified the numbers; and Mr. McLoone stated he did, and they will be bringing it back below the 24%. He stated the existing impervious is 31.6%, and they are going to 33.8%, and after doing a ratio he finds that they are well below the 24% which is allowable.

There was no one from the public wishing to make comment at this time.

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to approve the Appeal as adjusted to an increase in impervious surface to 33.82% and mitigation to an effective ratio of 22.5% or lower with the stormwater management subject to review and approval by the Township engineer.

APPEAL #Z-24-35 – MOSENDZ

(Continued from 12/3/24)

Tax Parcel #20-046-145

56 BLACK ROCK ROAD, YARDLEY, PA 19067

Mr. Flager marked the Permits submitted collectively as Exhibit A-5.

Mr. Aleksandr Mosendz was sworn in.

Mr. Bryce McGuigan, attorney, was present and stated Mr. Mosendz was before the Board early in December asking for relief related to the front yard fence which was constructed, unbeknownst to Mr. Mosendz, without a Permit. Mr. McGuigan stated he was able to watch that meeting which was Continued because of the concerns and questions raised by the Board and a local neighbor about the fence individually and what granting this would lead to in the future.

Mr. McGuigan stated Mr. Mosendz contacted him following that meeting to help with the Appeal. Mr. McGuigan stated tonight they are seeking relief that will hopefully address some of the issues that were raised last month. He stated there are reasons for restrictions on front yard fences with respect to height, and they are found in almost every Municipality in the area. He stated we do not want people to be able to construct Residential properties that would be



akin to “compounds” or when driving down the street would create tunnels of fencing all around or unfriendly neighborhoods which front yard fences can potentially lead to. Mr. McGuigan stated while they are good reasons to have these Ordinances in place, they sometimes have the effect of indirectly regulating the type or style of fence that can be installed; and that is what has happened in this case. He stated there is no way to create a modern or contemporary style front yard fence that would abide by a 3’ or 4’ requirement because it would look “silly” in front of a modern house. He stated they could not do a standard/picket fence because stylistically it would completely clash with what was built. He stated there are instances where the Ordinances are too restrictive, and he feels this is an instance where that is the case.

Mr. McGuigan stated even if the fence were not installed without the Permit, they would still be before the Zoning Hearing Board requesting the same relief.

Mr. McGuigan stated after the last Hearing, Mr. Mosendz looked at some options to better address some of the concerns raised. He stated because of the way the fence was constructed, it cannot be pulled back; and he does not know that would address the concerns raised anyway. He stated what they did discuss was possibly shortening the fence; and at this point what they are trying to do is conform more with the spirit of the Ordinance while also maintaining something that looks good on the property and that is to reduce the size of the fence to 5’. He stated that would be not just the slats, but also shear off the top. He stated the concrete would be reduced to 5’, and the wooden slats that are over and above that 5’ mark would be removed as well.

Mr. McGuigan stated they explored options that were even shorter than that; and while they could technically do that, it would not look good on the property. He stated the property before development was overgrown and “a mess,” and they transferred it into something that would be good for the property owner as well as the community. He stated they are trying to propose something that not only looks good but also abides by the spirit and intent of the Ordinance; and they feel a reduction to 5’ is a good balance because it complies more with the Ordinance, and it also makes the property still look contemporary and looks good. Mr. McGuigan stated they are still asking for the same relief as previous but conditioned on the Applicant reducing the very front of the fence down from the 6’ level to 5’ straight across. He stated by doing this, they feel that the negative impact that the Township is looking to prevent with Ordinances like this is avoided. Mr. McGuigan stated it will not look like a compound at the 5’ level and it is see-through as well. He stated it also does not create the tunneling look down the

road because it is set back a bit. He stated it is also a more-friendly design, and it does not look imposing or intimidating. He stated at 5', it will also be shorter than the fence that is directly next to the property that has a 6' fence.

Mr. McGuigan provided a photo of a standard 4' tall section of fencing which they placed over top of the existing fence so the Board would have a general idea of what a 4' fence would look like.

Ms. Reiss had joined the meeting by this time.

Mr. Flager marked the photo as Exhibit A-6.

Mr. McGuigan stated looking at the photo he hopes the Board can get a general idea that reducing the size of the fence to 4' would "look ridiculous," and they would still need a Variance. He stated they feel the 5' level would be a "good marriage" between the specific aesthetics here and also with the spirit and intent of the Ordinance as well.

Mr. Mosendz indicated that he heard and understood all the statements made by Mr. McGuigan this evening and that they were true and correct to the best of his knowledge. Mr. Mosendz stated he had nothing to change or add to the statements made by Mr. McGuigan. Mr. Mosendz stated he would be willing to adopt Mr. McGuigan's statements as his Testimony this evening, and that he would be happy to answer any questions from the Board.

Mr. Schwartz stated it is not just the fence in front of the house, it is also on the right-hand side going back to the front corner of the house which is also high. Mr. McGuigan stated they would be willing to agree to whatever the Board decides. He stated if the Board feels it would work better to reduce the size of that as well to 5', they would do that. He added he is not sure what practical purpose that would serve since there are no sight line issues, and it is a side yard fence; however, if the Board prefers, they would do that.

Mr. Schwartz stated when it was presented to the Board at the last meeting there was a desire expressed to house dogs in the yard, and that was the reason for the fence being so far out; however, everyone else in the Township sticks to the Ordinance and puts their high fence from the side of the house back. He stated the Board is being asked to make an exception to that. He stated he does not feel they even need to have a fence in the front if the side of the house has the 6' high fence where it is allowed, and the dogs



would have the whole back yard fenced in. Mr. McGuigan stated that could be said for any fence, and you could always pull a fence back. He stated looking at the neighboring properties, they all go back further than the subject property does, and they are longer properties that have more of a back yard. He stated they could move the fence back, but part of this is design related/aesthetics.

Mr. Schwartz stated the photo provided this evening gives a perception of the height, but not the style of the fence; and you can find many styles of fence, and he believes there is something that would work there. He stated while Variances can be granted by the Board, he would never approve the 6' fence as that would be double what is permitted. He stated while 5' is a little bit of a reduction, he would prefer a 4' fence in a style that would look good; and he would be open to that.

Mr. Schwartz stated his concern is that whatever the Board agrees to, a message is being sent out to the Township that you should build your fence how you like it, and then come in and "ask for forgiveness afterwards;" and the Board is trying to avoid that. He stated they also want to work with the Applicant. Mr. McGuigan stated he does not feel the Board is sending the message that you can build whatever you want and ask for relief after. He stated each case is decided on its own merits. He stated a lot of houses have front yard fences for different purposes. He stated this house is a much different type of house from what is seen on this road; and with the way the Ordinance is written, it does not contemplate something like this which is a nice, contemporary-style, front yard fence. He stated it cannot be done at 3' and have it look appropriate. Mr. McGuigan stated they even tried to get it down to 4.5', and it still did not look right. He stated he agrees that the fence was not built according to the Ordinance, and they are trying to balance that. He stated this process is costing the Applicant a lot of money, and the Board is not rubber-stamping anything.

Ms. Reiss stated she drove past the property, and she felt the fence "looked like a prison." She stated she has dogs and has a fence in her back yard and she stayed within the Township's regulation. She stated before putting in the fence, they are supposed to get a Permit. Ms. Reiss stated she spoke to several neighbors who live in that area and drive on Black Rock, and she did not get one complimentary response. She stated she feels the fence is too high, and they need to follow the Ordinance like the rest of us do. She stated she is willing to "wiggle a little bit" on the 3'; however, 5' and 6' is too high for what our Ordinances are.

Mr. Solor stated he drove by the property prior to the Appeal coming before the Board, and it stood out because it was taller. He stated it does not meet the intent the Ordinance.

There was no one from the public wishing to make public comment at this time.

Mr. Dougherty stated the last time this matter was before the Board there was a neighbor who did express the fact that she was against the height of the fence and against the Board granting a Variance.

Mr. Dougherty stated he drove by the house prior to the matter coming before the Board, and he was on Record at the last meeting indicating that he loved the fence and it goes great with the house. He stated he does agree with the rest of the Board that there cannot be a 5' or 6' fence in the front yard. He stated he does not even feel that there could be a 4' fence in the front yard. He stated he feels the 6' fence in the front should be removed, and it should be run off the two front points of the house and the dogs can stay in the side and back yards. Mr. Dougherty stated the Board is not asserting that the Applicant in this case tried to circumvent the Board by building it and asking for forgiveness later, and the Applicant did express that he was unaware of the need for a Variance when the fence was built. Mr. Dougherty stated it makes sense that that would be true since this is an expensive fence.

Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to deny the Appeal seeking to have a Variance for a 5' fence in the front of the home on Black Rock Road.

APPEAL #Z-24-36 – STILL/JUDGE

Tax Parcel #20-022-151

1309 UNIVERSITY DRIVE, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The two-sheet Site Plan was marked as Exhibit A-2. 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. Nick Judge was sworn in.

Mr. Judge stated they are looking to install a 494 square foot pool taking the impervious surface from 21% to 23%. He stated they are putting in a seepage bed that will take them back down to the original 21% impervious surface.

Mr. McLoone stated he reviewed the seepage bed specs and it is just below the 18%. He stated it is about 197 cubic feet required, and 202 cubic feet is proposed.

Mr. Solor stated they are not asking for a huge amount of pool coping or a big concrete patio. He stated it is within the property line boundaries. He stated the seepage bed is also downhill.

There was no one from the public wishing to make comment at this time.

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to approve the Appeal as presented with the stormwater mitigation subject to review and approval of the Township engineer.

APPEAL #Z-24-37 – MCCUBBIN

Tax Parcel #20-022-049

1275 YALE DRIVE, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plans were marked as Exhibit A-2. The Impervious Surface and Stormwater were collectively marked as Exhibit A-3. 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. Robb McCubbin and Ms. Jackie Starling were sworn in.

Mr. McCubbin stated they are seeking two Variances; however, Mr. McLoone and Mr. Flager indicated they need three Variances. Mr. McLoone stated they need a Variance for impervious surface, building a pool 27' from the right-of-way where a 100' arterial road setback is required, and to allow an existing 6' high fence constructed in the front yard on Fordham Drive where a 3' height is permitted.

The letter dated September 18, 1996 from Tom Scott when he was the Code Enforcement Officer was marked as Exhibit A-4.



Mr. McLoone stated to make sure that the Applicant would not have to come back, he and Mr. Majewski checked to make sure that all of the Variances were cited correctly. He stated since this is a corner lot, there are two front yards for the house, and the current Zoning Ordinance states that for a front yard you need to have a 3' fence. He stated they know that the fence is existing and it was permitted. He stated the first Permit was for the left side of the fence, and the second Permit was for the right side. He stated in the letter, the Code Enforcement Officer permitted it and stated "Fences which are built in the rear yard adjacent to the cross street right-of-way are to be treated as rear yard fences and not front yard fences; therefore the height limit for rear yard fences shall apply and not that are front yards."

Mr. McLoone stated when they permitted the fence here, they made a determination that 6' was okay and not 3'. Mr. McLoone stated we still might want the Applicant to obtain the Variance today because this was a determination made in 1996 not 2024.

Mr. McLoone stated the 6' fence is existing, and it is going to be used to fence in the pool. Mr. Dougherty asked if the 6' fence is currently on Fordham Drive and Newtown-Yardley Road, and Mr. McCubbin agreed.

Ms. Reiss stated she believes there is an Ordinance on how high a fence is to be around a pool, and Mr. McLoone stated it is in line with the National Code. Mr. McLoone stated there are also a lot of other specs such as self-latching, self-closing, and they are all notated on the Plans.

Mr. McCubbin stated this is a 21,474 square foot property. He stated because it is an older home built before 1987, the impervious maximum on the property is 18%. He stated if it had been built after 1987, it would have been 24% for this Zoning District. He stated the property is currently at 19.4%, and they are looking to increase it to 24.2%. He stated there is a plan to re-work the existing rear patio and then build a 769 square foot pool patio, 124 square feet of pool coping, and a 21 square foot pool equipment pad. He stated there is a Stormwater Management Plan proposed which mitigates everything over 18%.

Mr. McLoone stated he reviewed the Stormwater Management Plan and roughly 221 cubic feet is needed to bring it back to 18%, and they are doing 225 so they are below the 18%.

Mr. Solor stated while he appreciates the stormwater mitigation, there is a patio and concrete decks on both sides of the pool, and it seems like a lot of deck. Mr. Dougherty stated he agrees; and while they are mitigating back to an effective of 18% is great, there is a lot of concrete. Mr. McCubbin stated before they submitted the Plan, they removed the walkway across the whole back side of the pool; and the whole back side of the pool will just have landscaping to try to reduce some of the impact.

Mr. Schwartz asked which way the property slopes. Mr. McCubbin stated the top of the stormwater system is about 6" lower than the pool elevation. Mr. McCubbin stated there is also an inlet up towards the house towards the other patio that will capture water from that area and then pipe it back down into the infiltration bed behind the pool. Mr. McCubbin stated the yard is fairly flat in the rear although everything does slope slightly toward Newtown-Yardley Road.

Mr. McCubbin stated it is impossible to meet the arterial road setback of 100', and the arterial setback right now goes through the middle of the house. He stated the closest point of the house is 82' away. He added they feel that they have the pool positioned in the right part of the yard where it is not up against the house. Mr. McCubbin stated there is a good amount of tree coverage on the property so you cannot see into the property as the property is covered by older, mature, evergreen-type trees on Newtown-Yardley Road and on Fordham so you will not know that there is a pool there.

Mr. Schwartz asked Mr. McLoone for an explanation of the purpose of the 100' arterial road setback. Mr. McLoone stated it is a safety concern since an arterial road is typically a busier road than a small road in a subdivision. He stated it would also allow room for emergency vehicles if they needed to get into the back of a property. Mr. Schwartz asked if the designation were made long after these homes were constructed since it seems everything on that road is across the line. Mr. McLoone stated he believes that it has been an Ordinance for a long time.

Mr. McCubbin stated there is an existing 6' high wood stockade fence which was permitted in 1996. He stated they will be taking down a section of fence to get into the property, but they are not doing anything else to the fence. They will keep the existing fence which will enclose the pool. Mr. McCubbin stated all the safety alarms for the pool will be installed.



Ms. Reiss stated she assumes the front of the house is Yale Drive, and Ms. Starling agreed.

Mr. Solor stated it seems that the fence is partially on the neighboring property on the left side according to the Plans provided. Mr. Solor stated the existing fence is also up tight to the sidewalk on Fordham, and this is an entrance onto a pretty heavily-used State road; and he asked if it would be beneficial for the Township to have the diagonal section of the fence pulled back farther from the corner for sight lines given that the fact that the sidewalks are up tight against the fence on both sides and people are driving in and out of Fordham onto Yardley-Newtown. Mr. McLoone stated that could help the sight line. He stated the one Condition of the first Permit was that it not be in the right-of-way of Newtown-Yardley Road, but it does look like it is out of the right-of-way. Mr. Solor stated it looks like it is right on the right-of-way lines that are shown.

Mr. Solor asked the Applicant if they would be agreeable to the concept of pulling back the fence that is in the southeast diagonal 10' parallel to the line in order to provide more of a sight vision angle. Ms. Starling stated she makes that turn every day and does not feel there is any issue with the line of sight.

Mr. Solor stated they are supposed to be behind the sidewalk; and if there was a larger vehicle, it seems like it would present that situation. Mr. Dougherty stated it may be that the trees would be problematic for that proposal. Mr. Dougherty asked Mr. McLoone if there is a record of a higher level of accidents at this intersection, and Mr. McLoone stated he does not believe that this has been a problem intersection to his knowledge. Mr. McLoone stated it seems like it has been there for 28 years; and if there was a sight problem, it would probably have been recorded to a Code Enforcement Officer, and he does not believe that it has.

Mr. Dougherty stated he is concerned about the fence possibly encroaching on the neighbor's property. Ms. Reiss stated this is a common problem because fences are made at certain widths. Mr. Dougherty asked if the Zoning Hearing Board would have governance over this issue to include it in a Decision, and Mr. Flager stated for any Variance the Board can attach reasonable Conditions. Mr. Flager stated this could be seen as a neighbor issue as well rather than an issue for the Board. Mr. Schwartz stated he agrees it would be a neighborly issue as he has seen it happen routinely in the Township.

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



Mr. Dougherty stated what is proposed is to increase impervious surface to 24.2% but is being mitigated to 18% allowable. He stated Mr. Solor did bring up the fact that the patio around the pool itself probably could be made smaller so that there would be less mitigation; and Mr. McCubbin indicated that the existing patio, which is actually larger than what is going back in, is being removed.

Mr. Solor stated he reads in the impervious calculation that the patio is being increased from 454 square feet to 568 square feet, and on top of that there is the pool deck of 160 square feet. Mr. McCubbin agreed.

Mr. Schwartz noted the left side of the pool and asked if they could trim some of that decking down. Ms. Reiss agreed it could be cut down to match the other side.

Mr. McCubbin stated the left side is going to be for lounge chairs. He stated the other side is the deeper end of the pool, and it is now 9 by 24, and they could cut off 5' which would be 120 square feet.

Ms. Starling stated the goal of the hardscaping was to make sure that it was not just a pool "plopped down in the middle of the yard," with nothing around it. She stated she does not feel it would ruin the aesthetics if it were cut back a little bit.

Mr. McCubbin stated the patio extension off of Fordham Drive is currently 9 by 24; and they could take it to 4 by 24 which would trim off 5' which would be 120 square feet, and that would bring them to 23.66%. He added that they would keep the stormwater the same. This was acceptable to the Board.

Mr. Solor stated he heard that they took off a walkway on the other side as well.

Mr. Dougherty stated with regard to the pool being built within 27' of the right-of-way where 100' is required, he does not see this is a problem. The Board did not have a problem with this either.

Mr. Dougherty stated with regard to the existing fence, there were prior Permits giving permission for the fence. He stated Fordham Drive is considered a front yard based on our Code; however, he does not have a problem with the fence based on the principle of it being grandfathered. He stated he also does not have a problem with how it is currently configured diagonally, and he does not see how it could be moved in without impacting the trees. He stated he feels the trees that are on Newtown-Yardley Road in

the back yard are probably more of an issue than the 6' fence as it is currently configured. Ms. Reiss agreed adding if there was a sight line issue it would be because of a tree and not the fence.

Mr. Solor moved and Ms. Reiss seconded to approve the Appeal as written with the impervious coverage changed to a maximum percentage of 23.66% and the mitigation to be back to 17.5% effective with the stormwater detention to be reviewed and approved by the Township engineer.

Mr. Solor asked if "as written" includes the fence since there was discrepancy in the paperwork. It was noted the arterial setback is included in the "as written." Mr. Solor stated the Application did not have the 6' fence listed, but the Notice to the neighbors and the advertisement did include it. Mr. McLoone stated the fence was not included in the Application, but he and Mr. Majewski try to be as encompassing as possible.

Mr. Solor amended the Motion to include the allowance of the 6' fence as currently constructed. Motion as amended carried unanimously.

APPEAL #Z-24-38 – WOLFGANG

Tax Parcel #20-07-129

1401 BRIDLE COURT, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The two-sheet Site Plan was marked as Exhibit A-2. The Rendering Plan was marked as Exhibit A-3. 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. Vinit Kumar and Mr. Brian Wolfgang were sworn in.

Mr. Wolfgang stated they are proposing to put on an addition off the side of the home that is encroaching on the side yard setback. He stated it is a corner property and falls under two fronts. He stated when the home was built in the early 1990's the builder "squeezed" the house onto this corner property, and it is a very uniquely-shaped property; and coming off the side of the house makes the most sense. He stated if they were to put it out the rear, it would break up what the back yard is currently. Mr. Wolfgang stated there is still 23' to the side yard where the setback requirement is 35'. He stated the setback in that

development goes to the property side of the sidewalk so you still have another 8' to the street and there is no impediment on sight lines when you are at the intersection to pull out onto the street.

Mr. Dougherty stated there does not seem to be an issue with impervious surface, and Mr. Wolfgang stated they are within impervious and within building coverage. Mr. Wolfgang added that he believes that within the Township there is an Ordinance about disturbance of property, and on a drawing submitted to the Township it shows that they will be installing a trench. Mr. Solor stated that is a Code requirement which the Zoning Hearing Board does not have to review.

Mr. Solor asked if they considered doing the addition going to the rear; and Mr. Wolfgang stated there a kitchen window in the back, and the room would have to be smaller or they would have to disturb an existing patio that is there with a retaining wall which would incur additional costs. He stated as he noted previously putting it in the rear yard breaks up the little bit of the back yard that they have as it is. He stated the side yard is somewhat unusable space because it is tucked around the side and makes the most sense.

Ms. Reiss asked the size of the lot, and Mr. McLoone stated it is above the minimum lot size of 16,500 square feet. Mr. Flager stated it is 18,981 square feet. An aerial photo was shown. Mr. Wolfgang stated if it was a "normal" property, the side yard setbacks in this community are only 15' so they would be well within the side yard setback.

Mr. Roger Nielson was sworn in. Mr. Nielsen stated he lives next door at 1403 Bridle Court. He stated he has no problem with the proposal and feels it is well laid out. He stated the section where the addition is proposed is not usable, and he hopes that the Board will vote in favor of this.

Mr. Solor stated the neighbors who would see this would be those who live across Wheatsheaf from this property, and he asked if they have talked to those neighbors. Mr. Wolfgang stated while they have not, there is a tree line on the fence line at the street on both sides. He stated there is the distance to the fence, the street, and then the distance to those other homes so they are not really that close to them. He stated if this was a typical home the side yard would be 15' and be much more impactful on the neighbor than to those across the street. Mr. Solor stated in this case, they would be looking out the front door, and that is where the Board has received



comments in the past. Mr. Wolfgang stated the room is just going to be additional living/sunroom type space. Mr. Dougherty stated those neighbors did receive Notice, and Mr. McLoone agreed.

Mr. Flager asked if they will keep the trees, and Mr. Wolfgang agreed.

Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to approve the Appeal as written subject to the retention of the trees.

CANCEL JANUARY 21, 2025 MEETING

Due to lack of an Agenda, Mr. Schwartz moved, Mr. Solor seconded and it was unanimously carried to cancel the January 21, 2025 meeting.

There being no further business, Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,



Christian Schwartz, Secretary

