

**DALLAS TOWNSHIP**  
**ZONING HEARING BOARD**  
**NOVEMBER 16, 2020**  
**\*\*MINUTES\*\***

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, November 16, 2020 at 6:30 pm at the Administration Building, located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

**PRESENT:** **Chairman** Robert Bayer, Board Member Nanda Palissery, Zoning Officer Carl M. Alber, Solicitor Donald G. Karpowich, Twp. Manager Martin Barry, Court Stenographer Carrie Kaufman, and Applicants. All were wearing masks, used hand sanitizer, temperatures were checked and sat 6 ft., apart. Those in attendance via Go To Meeting /phone included: Secretary Tammy Miller.

Absent were: Board Members Mary Rodriguez and Mary Barbara Gilligan.

**MINUTES and TREASURER'S REPORT**

R. Bayer, opened the November meeting followed by the pledge of allegiance. Motion by N. Palissery to approve the minutes and treasurer's report from October's meeting. Seconded by R. Bayer. MOTION CARRIED.

The two issues before the Board were continued from last month's meeting.

**Kenneth Johnson / Deborah Troy** of 78 Harris St. Dallas, PA., are seeking variances for side yard setback of 5ft., and a variance of 546 sq. ft., to construct a 36' x 36' garage. It does not meet the side yard setback of 15ft., or the floor area for an accessory residential structure of 750 sq. ft., pursuant to Section 302.2 (B) that is required by Dallas Township Zoning Ordinance. Property is Zoned S-1.

This is continued from October 19, 2020 Zoning Hearing. Solicitor Karpowich requested a scale drawing to show the layout of the subject property.

Ken Johnson/ Deborah Troy were granted the variance to allow the placement of an unattached accessory residential structure (private garage) in excess of 200 square feet (but no more than 750 square feet and at a height not to exceed 15 ft.) five (5') ft. from a side yard property line where 10 ft., is required in the location as depicted in the amended sketch plan entered into the record and filed in the zoning office.

The variance requested to allow the structure to be built at a size of 1,296 sq. ft., (36' x 36') where a maximum floor area of 750 sq. ft., is permitted, and at a height of 29 ft., where a maximum height of 15 ft., is permitted are hereby DENIED since the applicants/owners were unable to meet the variance criteria of Section 910.2 (a)(1)-(5) of the Pa MPC, 53 P.S. Section 10910.2, and Section 1509.2 of the Dallas Township Zoning Ordinance.

- There are unique physical circumstances or conditions peculiar to the subject property to allow for the granting of the variances.
- There is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variances is therefore necessary to enable the reasonable use of the subject property.
- Such unnecessary hardship has not been created by the applicants/owners.

- The variances, if authorized, will not alter the essential character of the neighborhood or district in which the subject property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- The variances, if authorized, will represent the minimum variances that will afford relief and will represent the least modification possible under Section 302.2(B) of the zoning ordinance.

Motion made by R. Bayer to deny the second variance, seconded by Nanda Palissery, Esq. Motion carried.

**Mack Martin** of 28 Glenview Ave., Dallas, Pa., is seeking variances for side yard setback of 4ft., and a variance for a rear yard setback of 6ft., pursuant to Section 302.2 (B), to construct a 12' x 8' shed. It does not meet the side yard or rear yard setback of 10ft., as required by Dallas Township Ordinance. Property is Zoned S-1.

Continued from last month's hearing; Solicitor Karpowich requested a scale drawing to show the layout of the subject property.

M. Martin stated they would like to place a 12' x 8' shed in their yard. They brought a scaled drawing that shows where they would like the shed to be placed in the yard.

The Board granted the variances from Section 302.2 (B) of to allow the placement of an unattached accessory residential structure (storage shed) less than 200 square feet (12' x 8' = 96 square feet) in the rear yard of the subject property five (5') feet from the rear yard property line and five (5') feet from a side yard property line where 10 feet is required from both property lines in accordance with the amended sketch plan entered into the record and filed in the zoning office.

R. Bayer made a Motion to grant the variance, seconded by Nanda Palissery, Esq. Motion carried.

#### **ADJOURNMENT**

N. Palissery made a Motion to adjourn the meeting, seconded by R. Bayer. MOTION CARRIED.  
The Meeting adjourned at 7:14 pm.

**Respectfully submitted,**

*Tammy L. Miller*  
**Tammy L. Miller,**  
**Secretary/Treasurer**