

AGENDA
ZONING HEARING BOARD
Tuesday, March 7, 2023 – 2:00 p.m.

1. Call to order
2. Review of the Zoning Hearing procedural steps
3. Discuss the appeal from the residence of 48 Cardinal, as related to the Zoning Violation Notice dated December 5, 2022 for violation of Borough Code, Chapter 27, Zoning, Section 610 Driveways & Section 801 Zoning Approval. More specifically, partial construction of driveway at property in violation of Zoning ordinance requirements.
4. Swearing in of any parties to be examined or cross examined
5. Examinations and cross examinations by legal counsel, and questions by the Zoning Hearing Board
6. Public Comment - All public comments shall be related to the subject matter jurisdiction of the Zoning Hearing Board and shall be limited to matters of the Zoning Hearing being conducted.
7. Review of the Zoning Hearing administrative steps
8. Executive Session
9. A motion is needed to table, approve, or deny granting the appeal for 48 Cardinal, as related to the Zoning Violation Notice dated December 5, 2022 for violation of Borough Code, Chapter 27, Zoning, Section 610 Driveways & Section 801 Zoning Approval. More specifically, partial construction of driveway at property in violation of Zoning ordinance requirements.



BOROUGH OF WYOMISSING

BOROUGH HALL – 22 READING BLVD.

WYOMISSING, PA 19610-2083

TELEPHONE (610) 376-7481 FAX (610) 376-8470

www.wyomissingpa.org



NOTICE OF APPLICATION TO APPEAL AN ENFORCEMENT NOTICE ISSUED BY THE ZONING OFFICER RELATED TO THE REGULATIONS CONTAINED WITHIN THE BOROUGH OF WYOMISSING ZONING ORDINANCE

NOTICE is hereby given that an application to appeal an enforcement notice issued by the Zoning Officer related to the regulations contained within the Borough of Wyomissing Zoning Ordinance has been presented by:

Mr. Samuel Cortes, Esq., on behalf of his clients, Radu-Adrian and Ruxandra-Oana Jadic, owners of property located at 48 Cardinal Road, is appealing an enforcement notice issued by the Zoning Officer related to Section 610, "Driveways", and Section 801, "Zoning Approval", of the Borough of Wyomissing Zoning Ordinance, regarding an unfinished driveway at the property and an expired zoning permit;

and a Public Hearing thereon will be held at the Wyomissing Borough Hall, 22 Reading Blvd., Wyomissing, PA, on Tuesday, March 7, 2023, at 2:00PM to determine whether or not the applicant's request will be granted. The applicants, all other parties in interest, and all citizens with standing who appear will have an opportunity to be heard. If you require special accommodations in order to attend Borough meetings, please call the Borough Hall at (610) 376-7481. The Borough will make every reasonable effort to accommodate you.

ZONING HEARING BOARD

Michele E. Bare, Zoning Officer
Mr. Daniel Becker, Esq., Solicitor

February 23, 2023

Zoning Hearing Board
Borough of Wyomissing
22 Reading Blvd
Wyomissing, PA 19610

RE: 48 Cardinal Rd
Notice of Violation Appeal
Application

Dear Members of the Wyomissing Borough Zoning Hearing Board,

I have reviewed the application for Appeal before the Zoning Hearing Board, which was submitted by representatives of Mr. and Mrs. Adrian Jadic of 48 Cardinal Rd, Wyomissing, PA 19610. The applicant is appealing the attached Zoning Notice of Violation dated December 5, 2022. Based upon my review, I have the following comments.

1. The property is located in the R-1 Low Density Residential Zoning District in which the existing single-family detached residential use is permitted by right.
2. A Variance was granted on Tuesday, February 1st, 2011 for relief from Section 404 of the Zoning Ordinance, pertaining to Area, Yard and Height regulations in the R-1 Zoning District, for the construction of an attached garage. At this time, it was determined that no other proposed improvements would require Variance.
3. A driveway permit was submitted to the Borough on November 26th, 2013. The permit was approved the same day it was submitted. This permit indicated that pavers would be used to finish the driveway.
4. Per section 801.3 of the Borough of Wyomissing Zoning Ordinance, Zoning Approval will expire six (6) months from the date of Approval of a Zoning Permit Application unless an extension is granted by the Zoning Officer.
5. The Borough has no record of any extension requests related to this permit, nor does the Borough have any record of any extensions related to this permit being granted. Therefore, the aforementioned driveway permit would be considered expired as of May 26th 2014.
6. Section 609.7 of the Borough Zoning Ordinance states that "All off-street parking areas shall be paved." Per Section 201, a Paved Surface is defined as "hard material such as concrete, asphalt, brick or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot and shall also include decks, wooden or of composite material, placed not greater than thirty inches (30") above grade."

7. In late August of 2022, a determination was made that a crushed stone driveway, that has not been treated to decrease its permeability, does not comply with the definition of a Paved Surface as outlined in Section 201. Therefore, this stone driveway, which no longer has an open permit, was determined to be in violation of Section 609.7 of the Zoning Ordinance.
8. An informative letter was sent to the Jadic's on September 1st, 2022, informing them of this determination and requesting that they either complete the driveway in a manner which would comply with the Zoning Ordinance, or restore the area of the driveway to a stable condition within 60 days of the date on the letter.
9. Mr. Jadic requested additional time to complete the driveway in a letter dated October 25th. Borough Manager Michele Bare and I determined that in order to obtain this extension, Mr. Jadic should submit a new permit application for the driveway, which would give him 6 months from the date of issuance to complete the driveway. Mr. Jadic was informed of this proposed solution in an email dated November 3rd, 2022, which requested he submit the permit application by November 11th.
10. Mr. Jadic failed to respond to the email in the allotted timeframe due to the email going to his spam folder. In an effort to demonstrate our willingness to work with the Jadic's, we granted them a brief extension to submit the permit application by the end of November (11/30/2022).
11. In a letter dated November 30th 2022, Mr. Jadic informed our office that he would not be submitting the permit application.
12. The aforementioned Zoning Notice of Violation was issued to the Jadic's on December 5th, citing lack of compliance with Section 609.7 of the Borough Zoning Ordinance.

If you have any questions, please do not hesitate to contact me.

Respectfully,

Jeffrey Hogg
Zoning and Code Enforcement
Officer

cc: Adrian and Ruxandra Jadic, Applicants
Daniel Becker, Esq., Zoning Hearing Board Solicitor
Wyomissing Borough Council
Michele Bare, Borough Manager
Elizabeth Magovern, Esq., Borough Solicitor
Samuel W. Cortes, Esq., Applicants' Counsel