

AGENDA
ZONING HEARING BOARD
Tuesday, October 3, 2023 – 3:30 p.m.

1. Call to order
2. Review of the Zoning Hearing procedural steps
3. Discuss the appeal from the residents of 1725 Dauphin Avenue for a Notice of Violation (NOV) issued by the Zoning Officer for construction of a 5Ft high retaining wall without the required approvals in violation of Section 801 of the Borough of Wyomissing Zoning Ordinance.
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 1725 Dauphin Avenue for a Notice of Violation (NOV) issued by the Zoning Officer for construction of a 5Ft high retaining wall without the required approvals in violation of Section 801 of the Borough of Wyomissing Zoning Ordinance.

June 28, 2022

MEMO To: Zoning Hearing Board
FROM: Joseph F. Neidert, Jr., Residential Zoning Officer
TOPIC: Lewis Residence – 1725 Dauphin Avenue

APPLICATION:

John and Anita Lewis, owners of a property located at 1725 Dauphin Ave. are appealing a Notice of Violation (NOV) issued by the Zoning Officer, for construction of a 5Ft high retaining wall without the required approvals in violation of Section 801 of the Borough of Wyomissing Zoning Ordinance.

COMMENTS:

1. The property is located in the R-1 Low Density Residential District. The property measures approximately 13504 s.f. and is conforming for the minimum lot size of 12,000 s.f.
2. The property has a frontage along Dauphin Avenue and is bordered by residential parcels on all remaining sides.
3. A Misc/Zoning Permit application was submitted to the Borough on August 16, 2021. The application received was for a shed, fence and retaining wall. (The retaining wall had a height in excess of 4Ft)
4. According to the Borough of Wyomissing's Zoning Ordinance, retaining walls are permitted within front, rear and side yards as long as they are not within or encroach on any street right-of-way.
5. Per Section 403.62 (c) of the PA Uniform Construction Code (UCC) regulations, a retaining wall in excess of 4Ft high is not a listed exception, and therefore, requires a building permit.
6. A permit denial letter was issued to the homeowners on August 31, 2023 advising them that the zoning permit application, as submitted, was denied based on the fact that a building permit would be required for the proposed 5Ft high retaining wall. A new UCC building permit application would be required.
7. Following communications with the applicant, a revised plot plan/scope of work was received by Kraft Municipal Group (KMG) on September 7, 2021. The applicants requested a zoning permit for the previously proposed shed and fence only. The revised scope no longer included a retaining wall.
8. A zoning permit was approved and issued for the proposed shed and fence on September 7, 2021.
9. On July 10, 2023, a phone call was received from a neighbor of an adjoining property at 1734 Delaware Avenue, complaining that storm water was being directed onto their property via a PVC pipe that was installed as part of a new retaining wall installed at 1734 Dauphin Avenue a couple of years prior.

As a result of a recent heavy rain, the neighbor's basement had been flooded.

10. A site visit and a review of KMG's permitting database, confirmed the retaining wall in question was constructed without a permit of any kind (building or zoning).
11. The aforementioned Zoning NOV was issued on July 18, 2023, citing lack of compliance with Section 801 of the Zoning Ordinance.

HEARING:

A hearing on the applicant's appeal is scheduled for Tuesday, October 3, 2023, at 3:30 PM, at Wyomissing Borough Hall. Applicants and their representatives, if applicable, must participate in the hearing to present testimony and evidence.

Cc: Daniel Becker, Zoning Hearing Board Solicitor
Michele Bare, Borough Manager/Zoning Hearing Board Secretary
Christopher Hartman, Borough Solicitor
Borough Council and the Mayor



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:

Ms. Federica Caloia, Esq., on behalf of her clients, John and Anita Lewis, owners of property located at 1725 Dauphin Avenue, is appealing an enforcement notice issued by the Zoning Officer related to Section 801, "Zoning Approval", of the Borough of Wyomissing Zoning Ordinance, regarding construction of a retaining wall at the property prior to permit approval

and a Public Hearing thereon will be held at the Wyomissing Borough Hall, 22 Reading Blvd., Wyomissing, PA, on Tuesday, October 3, 2023, at 3:30PM 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

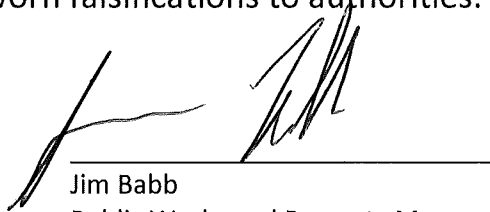
Mr. Daniel Becker, Esq., Solicitor

BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA
RE: ZONING HEARING APPLICATION OF JOHN AND ANITA LEWIS

AFFIDAVIT

I, Jim Babb, Public Works and Property Manager of the Borough of Wyomissing, Berks County, Pennsylvania, hereby certify that on 9/31/23, at about 8:00 A.M./P.M, a **Notice of Public Hearing** to be held by the Zoning Hearing Board of the Borough of Wyomissing relative to an application for an appeal from the Borough Zoning Ordinance, was posted on the property located at 1725 Dauphin Avenue, Borough of Wyomissing, Berks County, Pennsylvania.

I understand that false statements hereunder are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities.



Jim Babb
Public Works and Property Manager

BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA
RE: ZONING HEARING APPLICATION OF JOHN AND ANITA LEWIS

AFFIDAVIT

I, Michele Bare, Secretary to the Zoning Hearing Board of the Borough of Wyomissing, Berks County, Pennsylvania, hereby certify that on -
August 30, 2023, at about 1:30 A.M. (P.M.) a **Notice of Public Hearing** to be held by the Zoning Hearing Board of the Borough of Wyomissing relative to an application for an appeal from the Borough Zoning Ordinance, was mailed to all adjoining property owners located within three hundred feet of the subject property located at 1725 Dauphin Avenue, in the Borough of Wyomissing, Berks County, Pennsylvania, and said list of property owners is attached hereto.

I understand that false statements hereunder are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities.

Michele Bare
Zoning Hearing Board Secretary

SWOYER BARBARA A
6 AVONDALE DR
WYOMISSING, PA 19610

DOOLEY THOMAS W/CABOT ELISHA P
1754 GARFIELD AVE
WYOMISSING, PA 19610

KUHN MICHAEL R & RACHEL E
4 BLUEJAY DR
WYOMISSING, PA 19610

KUHN MICHAEL R & RACHEL E
4 BLUEJAY DR
WYOMISSING, PA 19610

RUHE THOMAS A & BERNADETTE D %
ACCUMATCH TAX PAYMENT SRVCS
2711 L B J FWY STE 1065
DALLAS, TX 75234

ZABINSKI BRANDON E & HEATHER L
1736 DELAWARE AVE
WYOMISSING, PA 19610

KUHN MICHAEL R & RACHEL E
4 BLUEJAY DR
WYOMISSING, PA 19610

AUMAN DANIEL L III & JENNIFER L & MACRINA
SAMUEL A
1734 DELAWARE AVE
WYOMISSING, PA 19610

GONZALEZ ESPERANZA
1730 DELAWARE AVE
WYOMISSING, PA 19610

HARMSSEN PIM P & KIMBERLY A
1751 GARFIELD AVE
WYOMISSING, PA 19610

BROWN HELEN STRATTON-
1745 GARFIELD AVE
WYOMISSING, PA 19610

ACHENBACH SARA S
1729 DAUPHIN AVE
WYOMISSING, PA 19610

LEWIS JOHN A & ANITA L
1725 DAUPHIN AVE
WYOMISSING, PA 19610

EHRlich IRVIN & ARLENE
1727 CLEVELAND AVE
WYOMISSING, PA 19610

FICK JAMES M II & TAMALYN R
1730 DAUPHIN AVE
WYOMISSING, PA 19610

WONDOWSKI JOHN A & CAROL C
1724 DAUPHIN AVE
WYOMISSING, PA 19610

WITMYER JONATHAN D
1717 DAUPHIN AVE
WYOMISSING, PA 19610

EVANS ROBERT T & JAMIE G
1723 CLEVELAND AVE
WYOMISSING, PA 19610

MINEAR ROGER L & LORETTA A
1718 DAUPHIN AVE
WYOMISSING, PA 19610

BUTLER JENNA R & NATHAN L
1717 CLEVELAND AVE
WYOMISSING, PA 19610

REITER THOMAS J & SUSAN M TRUSTEE OF
REITER FAMILY TRUST
1711 CLEVELAND AVE
WYOMISSING, PA 19610

HEMMERICH ABIGAIL J
1712 DAUPHIN AVE
WYOMISSING, PA 19610

QUINTANA CHRISTIAN
1705 CLEVELAND AVE
WYOMISSING, PA 19610

LECK DREW P & JENNIFER
1702 DAUPHIN AVE
READING, PA 19610

RICK ROBERT & PATRICIA
109 LAUERS LN
READING, PA 19610

DOERRMAN SCOTT D & JENNA L
115 LAUERS LN
WYOMISSING, PA 19610

FLORIANI THOMAS A B/ROSEMARI J
103 LAUERS LN
WYOMISSING, PA 19610

KAMBAKIS GREGORY & GEORGIA
101 LAUERS LN
WYOMISSING, PA 19610

CHEN LIN
9 WAGON WAY
OLEY, PA 19547

STALLONE JOSEPH P
1725 DELAWARE AVE
WYOMISSING, PA 19610

CULLEN JEFFREY S
1730 PALMER AVE
WYOMISSING, PA 19610

MCCARTNEY MICHELE
1432 OLD MILL RD
WYOMISSING, PA 19610

BUCCA KELLY M
1724 DELAWARE AVE
WYOMISSING, PA 19610

DUNCAN TANYA C
1646 DAUPHIN AVE
WYOMISSING, PA 19610

1204 W BEN FRANKLIN HWY LLC
840 PENN AV
WYOMISSING, PA 19610

DING SHENG & YUAN HONGYAN
137 LUCINDA LANE
WYOMISSING, PA 19610

MCNICHOL JENNIFER M
1721 DELAWARE AVE
WYOMISSING, PA 19610

WILSON AMANDA LOUISE
541 PERSHING BL
SHILLINGTON, PA 19607

WISNIEWSKI ROBERT
1712 PALMER AVE
WYOMISSING, PA 19610

OUILIKON-MALISSARA ALAIN & OUILIKON NEVA
41 EGRET CR
DENVER, PA 17517

ZETTMAYER MICHAEL
733 MARIETTA AVE
LANCASTER, PA 17603

LIVINGSTONE HOLDINGS LLC
28 MILL
RD BIRDSBORO, PA 19508

LIVINGSTONE HOLDINGS LLC
28 MILL RD
BIRDSBORO, PA 19508

YACONO DANIELLE
1709 DELAWARE AVE
WYOMISSING, PA 19610

ROMANO MICHAEL S & WOODRING ROXANNE E
1707 DELAWARE AVE
WYOMISSING, PA 19610

LEVENGOOD VERNON & SHIRLEY
52 CLAYTON AVE
WYOMISSING, PA 19610

SANTORO PHILLIP MCNEIL & MORGAN LEE
1709 DAUPHIN AVE
WYOMISSING, PA 19610

WEISS BRIAN L & DENISE L
1706 DELAWARE AVE
WYOMISSING, PA 19610

DALLAS JAMES M JR
517 AMHERST AVE
WEST LAWN, PA 19609

SOTOMAYOR PEDRO J & ESPINOSA MIRIAM
1702 DELAWARE AVE
WYOMISSING, PA 19610

SKORUPSKI KIMBERLY A & RICHARD J
1703 DAUPHIN AVE
WYOMISSING, PA 19610