

The Richland Township Zoning Hearing Board met in the Richland Township meeting room, 322 Schoolhouse Road, Johnstown, PA 15904, on October 13, 2022, at 7:10 pm as per the request of John Przybyla of 1314 Scalp Ave who requested a rear yard setback variance of 6' to construct a lean-to on an existing garage.

Present:
Bill Patrick, Chairman
Pat Wess, Vice-chairman
Mark Rychak
PJ McGowan

Eric Hochfeld, Solicitor
Tiffany Shomo, Secretary

Not Present:
Rodney Kniss

Marie Spangler and Randy Cortese were sworn in by court stenographer Lori Behe.

Attorney Hochfeld read the following deed restrictions into the record. Under and subject to that reservation to Johnstown Poster Advertising Company, its successors and assigns, as more fully set forth in Deed Book Volume 958, page 360.

Subject to the following conditions and deed restrictions as set forth by the Richland Township Zoning Hearing Board on or about May 31, 2012 as to a variance on the property for the erection of an accessory building or structure by the Grantees herein:

- 1.) For so long as the property described herein is under common ownership of the Grantees herein and/or said Grantees' heirs, successors, and assigns with an adjacent parcel bearing Cambria County tax identification number 50-029.419.00 and/or commonly known or identified as "1314 Scalp Avenue, Johnstown, Pennsylvania", the owner of the property conveyed herein may erect an accessory structure as defined within Richland Township Code § 240-9 and subject to the requirements for same contained therein as well as all terms, conditions, or restrictions contained herein.
- 2.) The accessory structure to be constructed on the property hereby may not exceed the proposed aggregate dimensions of fifteen feet (15') by twenty-six feet (26') and shall not be used for any accessory use not presently expressly defined within Richland Township Code § 240. 9, including but not limited to a prohibition against any habitation, occupation, or other residential uses by persons within the accessory structure.
- 3.) The accessory structure to be constructed on the property pursuant hereto shall comply with all other mandates for the C-2 district in which it lies as set forth within Richland Township Code §240.61, et. seq., including but not limited to the accessory structure complying with the front yard setback of fifty feet (50') and rear yard setback of twenty-five feet (25').
- 4.) At the time the properties are no longer commonly owned by the Grantees herein and/or said Grantees heirs, successors, or assigns, the variance for the accessory building or structure set forth herein shall forever cease and be thereafter null and void and any accessory structure erected hereunder shall be wholly removed.

Marie Spangler, daughter of the applicant lives behind on Frances St. She explained that her father takes care of property and is 81 years old. They want the lean-to to harbor his truck. There are times he would be out multiple times a day and throughout the night to plow the apartment driveway and parking lot.

The lean-to would be attached to the existing garage. There is a metal roof on the apartment that the lean-to would match. It would have one closed in wall to keep wind and rain off his truck. They may close in the back and have a walkout door (36 inch. They don't need it but could have it.

No additional earthwork would need to be done to construct the lean-to. There is a retaining wall in the rear of the property. Mr. Cortese stated the back of the property drops off and the retaining wall is shown on Lot 20 on the survey.

The finished surface would be aggregate for now, but they have every intention of continuing the blacktop. That won't happen this year because of the weather.

The existing structure is currently housing all tools, a car, mowers, and ladders. It is the only garage for the property so anything to maintain the property is in there.

Ms. Spangler stated they would attach the lean-to to the garage right under fascia board. The roof would not be above the current garage. That area is dug out a little to meet the clearance. The existing garage, at the highest point, is about 12'.

Mr. Rychak stated that the original structure is non-conforming and was allowed prior. Attorney Hochfeld stated that based on the 2012 decision a variance to construct the structure on the vacant lot was approved. The properties are not combined due to a billboard being there. Lamar has an easement but do not use their curb cut and drives through the apartment parking lot, which is a separate issue.

The board took a brief recess.

Attorney Hochfeld mentioned the title block on the survey is dated August 15, 2020 but the signature block is dated August 15, 2022. Mr. Cortese stated that August 15, 2020 was an error.

Mr. Wess motioned to grant a variance to construct a shed roof extension along with a 6' rear yard setback. The dimensions of the shed roof extension would be what is shown on the exhibit provided as a site survey. The board would require an updated deed with restrictions per this approval, which will be reviewed by the zoning board solicitor prior to recording with Cambria County Recorder of Deeds.

At 7:55 pm, Mr. Wess motioned to adjourn the hearing. Seconded by Mr. Rychak. All in favor.

Respectfully submitted,

T. Shomo

Tiffany Shomo