

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of January 28, 2016

Members Present

Greg Sirb
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe
Kristi Focht

Docket 1380

Applicant: Beaufort Hunt, Inc

Address: 2308 Stumpstown Road
Mechanicsburg, PA 17055

Property Owner: Beaufort Hunt, Inc

Property: 6660 Union Deposit Road
Harrisburg, Pennsylvania 17111

Section 402.A.27 – Requirement of a kennel to be six acres minimal lot.

Fees Paid: December 16, 2015

Property Posted: January 20, 2016

Advertisement: Appeared in the Paxton Herald on January 13, 2016 and January 20, 2016.

The hearing began at 7:04 p.m.

Mr. Staub noted that he has to recuse himself for this docket as he has a business relationship with the applicant. Mr. Tuner suggested that Mr. Sirb should take over as the Vice-Vice Chairman of the meeting at this time.

Mr. Sirb swore in Mary Ann K. Yahn and George Zimmerman. Mr. Sirb questioned what Ms. Yahn's position for the variance is. Ms. Yahn answered that she is one of the masters for the kennel. Mr. Zimmerman noted that he represents the sellers of the property that was sold, and the buyer.

Mr. Sirb swore in Amanda Zerbe, Zoning Officer for Lower Paxton Township.

Mr. Sirb noted that it was normal to enter the application and site plans as Township exhibit. He questioned if the applicants had any issue with this. Ms. Yahn and Mr. Zimmerman answered no.

Mr. Sirb questioned if the appropriate fees has been paid for this docket. Ms. Zerbe answered that the applicant paid the fee on December 16, 2015. Mr. Staub questioned if the application has been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in The Paxton Herald on January 13, 2016 and January 20, 2016, and it was posted on January 20, 2016. She noted that eight surrounding properties received a mailing on January 21, 2016.

Mr. Sirb requested Ms. Zerbe to explain what ordinances pertain to this request. Ms. Zerbe noted that it has to do with Section 402.A.27 – Requirement of a kennel to be six acres minimal lot. She noted that the applicant requested to reduce this to 1.99 acre. She noted in December of 2014, Docket 1355 was granted by the Board to reduce the restriction from six acres to 2.01 acres.

Mr. Sirb noted that technically they are asking for a reduction from 2.01 acres to 1.99 acres. Ms. Zerbe answered that was correct.

Mr. Sirb noted that the applicant can proceed with his testimony.

Ms. Yahn explained that the kennel received a variance in 2014 to run the kennel that has been there for 31 years. She noted that they have had no problems and the reason for this request is that there was an error in the calculations of what was needed for the Clean and Green for Cassel Family. She noted that originally we thought that it was two acres and that was fine and they were granted the variance; however they found out later that they lost their Clean and Green as it had to be under two acres, 1.99 acres. She noted that is why the kennel has come back for a variance to keep the kennel there in the old barn and to allow the Cassel's to keep their Clean and Green for the additional acreage that surrounds the property.

Mr. Sirb questioned how long has the kennel been at that location. Ms. Yahn answered that she has been a member of Beaufort Kennels since 1983 and the kennel has been there for some time as many others have used it as a kennel. He noted that it has been there for quite a while, and before that, it was Copperstone Farms which is now the development.

Mr. Sirb requested Ms. Yahn to provide a brief description of the kennel. Ms. Yahn answered that there are five runs, and a 100 x 100 outside run that is fenced. She noted that the kennels inside have wooden beds and they have water and electric. Mr. Sirb questioned how many dogs you can put there. Ms. Yahn answered that there are nine dogs at this time as she has 15 at her home in West Hanover Township. She noted that usually there are 15 housed but she has the puppies. She noted that they have had no problems noting the people who rent the farm house next door have been lovely and there have been no complaints. She noted that they want to keep it as is.

Mr. Sirb questioned if the Cassel's are selling the property. Ms. Yahn answered that they sold the property to us. Mr. Sirb questioned when that took place. Mr. Zimmerman answered in December 2014.

Mr. Sirb questioned Ms. Zerbe if that is when the ordinance was changed. Ms. Zerbe answered that the ordinance was not changed as it has been in effect since 2006; however, they got a variance from the six acres to the 2.01 acres in 2014.

Mr. Sirb noted that is why the sale went through as they received the variance. Mr. Zimmerman answered yes.

Mr. Turner noted that compared to the previously granted variance, all you are doing is shaving off a few square feet... Ms. Yahn noted that it is 12 inches around the perimeter. She explained, if we could shave it off the back of the property taking about a foot off of the 2,200 hundred feet that would be best.

Mr. Sirb questioned if the Board has any further questions. No response was heard.

Mr. Sirb questioned if anyone in the audience wished to be heard on this variance. No response was heard.

Mr. Sirb questioned if the Township has an opinion on this variance. Ms. Zerbe answered no.

Mr. Sirb questioned Ms. Yahn if she had any further testimony. Mr. Zimmerman and Ms. Yahn answered no.

Mr. Sirb noted that the Board has 45 days to render a decision; he questioned if the board wished to take action on Docket 1380.

Mr. Hansen made a motion to approved Docket 1380 as presented. Mr. Fisher seconded the motion.

Mr. Sirb requested Mr. Turner to conduct a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; and Mr. Sirb, aye.

Mr. Sirb noted that Docket 1380 variance was granted.

The hearing ended at 7:14 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of January 28, 2016

Members Present

Greg Sirb
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe
Kristi Focht

Docket 1381

Applicant: Schoffstall Associates/Martin Schoffstall

Address: 5790 Devonshire Road
Harrisburg, PA 17112

Property Owner: Schoffstall Associates/Martin Schoffstall

Property: 5940 Linglestown Road
Harrisburg, Pennsylvania 17112

Section 306.B.2 – The applicant requests to have a state licensed micro-brewery in the Village District. A micro-brewery is not a permitted use in the Village District.

Fees Paid: December 29, 2105

Property Posted: January 20, 2016

Advertisement: Appeared in the Paxton Herald on January 13, 2016 and January 20, 2016.

The hearing began at 7:14 p.m.

Mr. Staub noted that he had to recuse himself from the hearing as he has a business relationship with the client.

Mr. Sirb swore in Martin Schoffstall of 5790 Devonshire Road, owner, and Ryan Hannold of Hannold Associates, the architect.

Mr. Sirb questioned if the appropriate fees has been paid for this docket. Ms. Zerbe answered that the applicant paid the fee on December 29, 2015. Mr. Sirb questioned if the application has been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in The Paxton Herald on January 13, 2016 and January 20, 2016, and it was posted on January 20, 2016. She noted that 18 surrounding properties received a mailing on January 21, 2016.

Mr. Sirb requested Ms. Zerbe to explain what ordinances pertain to this request. Ms. Zerbe noted that it has to do with Section 306.B.2 – The applicant requests to have a state licensed micro-brewery in the Village District. A micro-brewery is not a permitted use in the Village District.

Mr. Sirb noted that he previously swore in Amanda Zerbe, Planning Officer for Lower Paxton Township.

Mr. Sirb noted that the applicant can proceed with his testimony.

Mr. Schoffstall explained that he wants to open a new restaurant in Linglestown at 5940 Linglestown Road adjacent to the current restaurant he has at 5948 Linglestown Road. He noted that he has a desire to see Linglestown improve based on what has gone on for the past 20 years. He noted that the model that he is proposing is that the restaurant would be an artisan model, meaning that it involves the production of things not just the retail of things. He noted since he opened a restaurant in the Village at 5948 Linglestown Road, he has wanted to do a Linglestown Artisan Trail, a monthly event with other businesses that are Artisan oriented in Linglestown and organizing them as best as possible with other classical hometown events from the lighting of the Christmas Tree to Memorial Day and New Year's Eve events.

Mr. Schoffstall noted that he is also looking to do a food trail. He noted that the second restaurant would have its own cuisine with an artisan twist. He noted that it would be a combination of the French and German cuisines with a brew pub license so that he could brew on site to make a Linglestown beer or two. He noted that 5940 Linglestown Road is commercially zoned and he has been operating a restaurant at 5948 adjacent to it with both a winery and brewery extension license. He noted that the Eagle Hotel operates a bar liquor license at the corner, 150 feet away, and this Board has approved, in the Village in residential section, both a brewery license to brew which is what he is asking to do and a winery license to ferment. He noted, in summary what he is requesting in a commercially zoned area what has already been granted by this Board for a residential section of the Village, the right to brew beer.

Mr. Sirb questioned if Mr. Schoffstall is looking to open up two restaurants. Mr. Schoffstall answered yes. Mr. Sirb noted that one would be the micro-brew. Mr. Schoffstall answered that the new one will be the micro-brew. Mr. Sirb questioned the restaurant that you have now... Mr. Schoffstall answered that it operates as an extension of the brewery and winery that he has in Paxtonia.

Mr. Turner requested Mr. Schoffstall to explain something about the production, how much volume is going to be produced, and what if any outside evidence there would for that a micro-brewery will there be in terms of the impact on the community. Mr. Schoffstall answered that the impact will be that it is a restaurant so there will be lots of people who hopefully come to the restaurant. He noted that he has to brew 250 barrels of beer by law as that is the requirement. Mr. Turner questioned if that is the minimum amount of beer. Mr. Schoffstall answered that is all he desires to brew.

Mr. Sirb questioned if that would be done on-site. Mr. Turner questioned what exterior evidence would there be that you are brewing beer there. Mr. Schoffstall answered as far as he knows, none. Mr. Turner noted that compared to a restaurant, if someone is passing by will it appear any different. Mr. Schoffstall answered no.

Mr. Hansen questioned what type of deliveries would be made for the brewing part of the business as opposed to the restaurant part of the business. Mr. Schoffstall answered, in regards to the grains, they would be delivered once a month during the day.

Mr. Hansen questioned what part of the building would the brewing occur. Mr. Schoffstall answered in the basement.

Mr. Sirb noted that Mr. Schoffstall has to do 200 gallons, how many will you do. Mr. Schoffstall answered that he will brew the minimum. He noted that Millbock is now defunct, and that person who lives in Linglestown will be the brewer of the Linglestown beer. Mr. Sirb questioned how much would it be per month; would be you be doing the 200 gallons or go above that. Mr. Schoffstall answered probably not.

Mr. Sirb questioned if the beer would be of some variety that would it be sold at the restaurant. Mr. Schoffstall answered correct. Mr. Sirb questioned if it would be in-house only or could it be taken out or carry out; does the Liquor Control Board (LCB) put restrictions on it. Mr. Schoffstall answered that they do not put restrictions on that.

Mr. Sirb questioned Mr. Schoffstall if he has the LCB approval to do the micro-brew. Mr. Schoffstall answered no, he noted that this is the last component of the issue for the LCB. Mr. Sirb noted if the Board approves this variance, then you would go before the LCB. Mr. Schoffstall answered yes.

Mr. Turner questioned if the production is intended for distribution anywhere other than onsite consumption or onsite sales. Mr. Schoffstall answered no, he noted that he has a brewery in Paxtonia which is much larger than this. He noted that he is talking about equipment that is not too different from the equipment that people use for home brewing. He noted that it is home brew equipment that we are making commercial beer with.

Mr. Hansen questioned if Mr. Schoffstall would have to make any modifications to the situation in the basement in the building. He questioned if it would be the same equipment he has in his garage. Mr. Schoffstall answered yes noting that he would be using electric whereas most brewers use propane.

Mr. Fisher questioned if the existing building will be demolished and you will be building a new building. Mr. Schoffstall answered yes. He noted that it is not financially viable to fix up the current building, so he has a design if the Board wants to see it, that will make it look similar to the church beside it. He noted that the materials that are inside the building, structural materials will be used as flooring and walls in the new building.

Mr. Fisher questioned if Mr. Schoffstall will have parking behind the building. Mr. Schoffstall answered yes. Mr. Fisher questioned if the footprint will be the same for the new building. Mr. Schoffstall answered yes.

Mr. Sirb questioned Ms. Zerbe if anyone else in the Village other than the Eagle Hotel has a liquor license. Ms. Zerbe answered only the Eagle Hotel. Mr. Schoffstall noted that they are the only one, but there are five alcohol licenses in the Village that are in operation. Mr. Sirb noted that the Eagle is the only one that has the bar and liquor. Mr. Schoffstall answered that is correct.

Mr. Sirb questioned if the Board has any further questions. No response was heard.

Mr. Sirb questioned if anyone in the audience wished to be heard on this variance.

Mr. Jerry Miller was sworn in by Mr. Sirb. Mr. Sirb questioned where Mr. Miller lives in regards to this application. Mr. Miller answered that he lives at 1510 Crestmont Drive but he and his wife have the property at 5950 Linglestown Road, next to this. He noted that his wife was unable to make this meeting as she did not have enough notice in regards to the hearing to change her client's appointments.

Mr. Miller noted that he and his wife's concerns are similar to what the Board is discussing. He noted that his main concern is if we allow liquor establishments to move in, a new one, are we not setting a precedent for other ones to come in. He noted that we already have the Eagle Hotel and a little further down the road is the Blue Moose. He explained that he does not think the possibility of having intoxicated drivers going in both directions is a good idea. He noted that he was a member of the Village of Linglestown Committee who prepared the improvements to be done, and some of the members did not want this.

Mr. Miller noted one of his other concerns is if you...Mr. Sirb explained that the Board is not granting a liquor license, talking about the difference between his license and the one at the Eagle Hotel. He noted that request is strictly for a micro-brew. He noted that it would allow him to brew 200 gallons a year.

Mr. Miller noted that it is alcohol. Mr. Sirb answered that is correct.

Mr. Miller noted that Mr. Schoffstall indicated that he would be brewing 200 gallons but there has to be a significant amount of waste with cooking the grain and hops; he questioned where that stuff goes. He questioned if he would be putting that stuff in the dumpster. Mr. Schoffstall answered that it would be put in the vineyard where he puts his grain as he uses it to feed chickens or as compost for the vineyard.

Mr. Sirb questioned how you would get it to the vineyard. Mr. Schoffstall answered by truck as it is not much in terms of weight. He noted that he does not know where 5950 is but he owns the building adjacent to this building. He is not sure where Mr. Miller is located. Mr. Miller noted that the business that his wife and he owns is Pamper You Salon and Day Spa and it is across the street. Mr. Turner noted if it is across the street it can't be 5950. He noted that you

can't have even numbers on both sides of the street. Mr. Turner noted that Mr. Schoffstall is saying that his business is 5940 and you are on opposite sides of the street. Mr. Schoffstall noted that he owns three properties, all with even numbers. Mr. Miller questioned if you are talking about the old church. He noted that he is across from the St. Thomas Roasters. Mr. Schoffstall noted that it is adjacent to his property that he owns and he has been granted both a beer and a wine license, and has been in operation since September. He noted that is not the property that he is seeking the variance for. Mr. Miller noted that it is still in the Village of Linglestown. Mr. Schoffstall answered yes.

Mr. Miller questioned what kind of odors he would have to put up with. He noted that he is concerned about the possibility of chemicals that would be used to clean the equipment kettles and kegs.

Mr. Miller questioned if the Township has verified that he has the qualified license to do this brewing. He noted that the ordinance specifically states no micro brewing and the people involved with making the ordinance considered this. He questioned if there is a need for it.

Mr. Sirb requested Mr. Schoffstall to answer those questions. Mr. Schoffstall answered that the cleaning is done through a steam process and it smell like bread.

Mr. Sirb noted that the wording was specific in the ordinance not to allow a micro-brewery. He questioned how Mr. Schoffstall could get around that. Mr. Schoffstall questioned if that is true. Ms. Zerbe explained that information was included in the Board's packet. Mr. Schoffstall noted that the 2007 changes were a horror for the development of Linglestown. He noted in talking with staff no one can roast coffee in the Village, noting that all artisan practices are actually forbidden in the Village. He noted that it has no parallel in Hummelstown, New Cumberland or any Village such as Lititz. He noted that it is a very backward set of ordinances.

Mr. Sirb questioned if this would come before the Planning Commission or Board of Supervisors. Ms. Zerbe answered no. Mr. Sirb noted that his next step would be to get the license from the LCB.

Mr. Miller noted that is all he has and he stated that he is not in favor of it.

Mr. Sirb questioned if anyone else in the audience wished to speak. No response was heard.

Mr. Hansen questioned if you brew beer at your winery, why can't you brew beer there and take it over to this establishment. Mr. Schoffstall answered that he can but he views the Linglestown beer is be important and the brew pub license allows him to brew unlike what he is not permitted to do on his premises in Paxtonia. He noted that he can do no catering at that location; only with a brew pub license can he do catering. He noted that he can't go to the American Cancer Society or Penn State events to caterer and he can't do any of those things with the license that he has on his farm.

Mr. Hansen questioned if that is for beer and wine. Mr. Schoffstall answered yes.

Mr. Turner questioned if the microbrewery will be serving food. Mr. Schoffstall answered yes as it will be a restaurant, a French/German restaurant. Mr. Turner noted under the ordinance, taverns are not permitted even though there is one but restaurants are permitted and a restaurant with a liquor license would be permitted in the Village. He noted that the ordinance doesn't seem to make a distinction between a restaurant that has a liquor license and a restaurant that doesn't have one. Ms. Zerbe answered yes. Mr. Turner noted that he can open a restaurant and have a liquor license for the restaurant and sell the same beer and sell hard liquor but he can't sell beer that he brews on the premises. Ms. Zerbe answered that it correct. Mr. Turner noted that there does seem to be some inconsistency there.

Mr. Sirb noted that a tavern doesn't make a restaurant. Mr. Turner noted that restaurants are permitted. Mr. Sirb noted what is not permitted is a tavern. Mr. Turner questioned what the difference between a tavern and a restaurant is. Mr. Schoffstall noted that he has five licenses. Mr. Sirb questioned what he means by that. Mr. Schoffstall answered that he has five wine and beer licenses. He noted that he could place them in this location and serve wine and beer that he produces on the farm.

Mr. Turner noted that the difference between a tavern as defined in the ordinance as a place where alcoholic beverages are served as a primary or substantial portion of the total trade, the sale of food may also occur, see definition of a restaurant. He noted that a restaurant may include the accessory sale of alcoholic beverages however if such sale is a primary or substantial portion of the total trade the requirements of a tavern must be met.

Mr. Sirb questioned if this is a tavern or a restaurant. Mr. Schoffstall answered that it is a restaurant; from his perspective he is talking about 200 square feet out of 5,000 square feet being used for this purpose for both making and serving.

Mr. Sirb questioned if Mr. Schoffstall will be selling wine at this location. Mr. Schoffstall answered yes.

Mr. Sirb noted that he hoped Mr. Miller sees the distinction between where we are with what he can do as a tavern and what he can do as a restaurant. He noted that it may be a play on words but if he has a restaurant that the majority of sales are food, technically he can sell beer, wine and alcohol. Mr. Miller questioned if he was opening a tavern. Mr. Sirb noted that everything in the Village to include the Eagle Hotel, the alcohol sales are not their primary sales as people are there to eat food. He noted if he opened a restaurant and was only selling food he would hope that he has good food. He noted that you will not make much money if you are only selling micro-brew.

Mr. Schoffstall explained that you can't go to this place and choose 75 well known beers that are manufactured from Rolling Rock to wherever. He noted that he is selling his beers and that is it. He noted that the food better be successful.

Ms. Zerbe noted that we need that to be Mr. Schoffstall's testimony, that the majority of sales will be from food as that is not what is occurring at the winery. Mr. Sirb answered that is correct. He questioned Mr. Schoffstall if that is his testimony that the majority of sales will be from food. Mr. Schoffstall affirmed that.

Mr. Sirb noted of the 5,000 square feet, 200 square feet would take up the micro-brewery. He noted that the majority of it will be geared to the making and preparing and the serving of food. Mr. Schoffstall answered that was correct.

Mr. Hansen noted if you wanted to extend the production you would not be able to do that due to the size of the facility. Mr. Schoffstall answered that was correct as this is sized appropriately to this production. He noted if he wanted to expand his operations he has 60 acres in Paxtonia where he could do that. He noted that this is for a particular reason, in Linglestown to be a caterer.

Mr. Turner noted if the Board was inclined to grant the variance, would there be a condition for some limitation on the maximum number so it doesn't not become a Budweiser factory in the middle of Linglestown. Mr. Schoffstall answered that he would have no problems but he would prefer if you would say whatever the minimum is. Mr. Turner noted that we don't want you to produce 20,000 barrels a year as it would be inconsistent with the neighborhood. He noted that Mr. Schoffstall would agree with that. Mr. Schoffstall agreed, but to do no more than the minimum requirement provided by the PLCB. Mr. Turner noted if you are comfortable with that as he thought that Mr. Schoffstall might want to brew more than 250 barrels per year. He noted if you are comfortable with that as the sealing and as well as the floor. Mr. Schoffstall answered that correct. He noted that it would be the floor for the State and a ceiling for the Township. Mr. Turner noted that it would keep it from becoming a factory that would have more off sight implications. He noted that the next guy that owns this 20 years from now may or may not look at things the same way. Mr. Schoffstall answered hopefully he does as it will be his sons.

Mr. Sirb questioned what would be the hours of operation. Mr. Schoffstall answered noon to ten, starting small probably Friday, Saturday and Sunday. He noted that it will never be seven days.

Mr. Sirb questioned if anyone else on the Board has any more questions. No response was heard.

Mr. Sirb questioned Mr. Schoffstall if he had any further testimony. Mr. Schoffstall answered no.

Mr. Sirb noted that the Board has 45 days to render a decision; he questioned if the board wished to take action on Docket 1381.

Mr. Hansen made a motion to approved Docket 1381 with the condition that the amount of brewed beer would be the minimum for what is allowed by the PLCB requirements. Mr. Sirb noted that the ceiling is 250 barrels per year. Mr. Fisher seconded the motion. Mr. Sirb noted

that he joined in on Mr. Miller's concern about getting around Linglestown Square as he still does not like the way he has to drive through there and he can appreciate the concern. He suggested what has happened so far in the square he likes. He noted that little shops are opening and it seems to be growing a little bit but not too fast. He suggested that the micro-brew is a normal progression but where it stops he doesn't know. He noted that it will add flavor and taste to the Village as it is very unique there. He noted that it is growing at a normal speed and not getting out of control and this Board will take that very seriously.

Mr. Hansen noted that he agrees, but he did not think this would be an issue with setting a precedent.

Mr. Sirb requested Mr. Turner to conduct a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; and Mr. Sirb, aye.

Mr. Sirb noted that variance for Docket 1381 has been approved.

The hearing ended at 7:47 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of January 28, 2016

Members Present

Jeff Staub
Greg Sirb
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe
Kristi Focht

Docket 1382

Applicant: Melanie T. Grissinger and Mitchell E. Peters

Address: 250 South Houcks Road
Harrisburg, PA 17109

Property Owner: Melanie T. Grissinger and Mitchell E. Peters

Property: 250 South Houcks Road
Harrisburg, Pennsylvania 17109

Section 307.A – Front Building Setbacks. The required setback in the C-G, Commercial General is a minimum of thirty feet. The applicant is requesting to reduce the required 30 foot rear yard setback.

Fees Paid: December 29, 2015

Property Posted: January 20, 2016

Advertisement: Appeared in the Paxton Herald on January 13, 2016 and January 20, 2016.

The hearing began at 7:48 p.m.

Mr. Staub noted that it is customary for the Board to enter a copy of the application and any site plans as Township exhibits. He questioned the applicant if they had any objection to that. Attorney Mike Peters answered no. He explained that he is the brother of Mitchell Peters and Melanie Grissinger is his sister-in-law. He noted that his practice is in Montgomery and Bucks Counties and he is thrill to help them with their zoning application. He noted that he will have two witnesses, Melanie Grissinger and Mitchell Peters that could be sworn in.

Mr. Staub questioned if the appropriate fees has been paid for this docket. Ms. Zerbe answered that the applicant paid the fee on December 29, 2015. Mr. Staub questioned if the application has been properly advertised and hearing notices posted. Ms. Zerbe answered that it

was advertised in The Paxton Herald on January 13, 2016 and January 20, 2016, and it was posted on January 20, 2016. She noted that 25 surrounding properties received a mailing on January 20, 2016.

Mr. Staub requested Ms. Zerbe to explain what ordinances pertain to this request. Ms. Zerbe noted that it has to do with Section 307.A – Front Building Setbacks. The required setback in the O-N, Office Neighborhood is a minimum of thirty feet. The applicant is requesting to encroach into the front yard 12 feet.

Mr. Staub noted that he previously swore in Amanda Zerbe, Zoning and Planning Officer for Lower Paxton Township.

Mr. Staub swore in Mitchell Peters and Melanie Grissinger, 250 South Houcks Road.

Mr. Staub noted that the applicant can proceed with his testimony.

Attorney Peters noted that this is a straightforward dimensional variance case. He handed out an exhibit package to all the Board members. He noted that the first exhibit is the deed from Albert E. Grissinger and Carol Grissinger to Melanie Grissinger. He noted that he asked that it serve for purposes of standing in this application. He noted if more testimony is needed he could provide it.

Mr. Staub requested Mr. Turner to make this an applicant's exhibit. Mr. Turner noted that he will mark the entire packet of three exhibits as Applicant's Exhibit 1. Attorney Peters answered that he was fine with that.

Attorney Peters requested Mr. Peters to explain to the Board what his profession is. Mr. Peters answered that he is a mechanical engineer in Harrisburg. Attorney Peters questioned where he worked. Mr. Peters answered that he works for Brinjac Engineering in downtown Harrisburg. Attorney Peters questioned Mr. Peters where he got his education. Mr. Peters answered that he went to Penn State and studied architectural engineering with a focus on mechanical systems.

Attorney Peters questioned Mr. Peters if he is the husband to the legal owner of the property. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters in connection to this application for your home, did you take a look at the zoning ordinance. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters if he prepared that site plan. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters if Exhibit A-2 shows that the lot area is 14,400 square feet. Mr. Peters answered that was correct.

Attorney Peters questioned Mr. Peters questioned what the existing improvements on the property are. Mr. Peters answered that there is a single family home and a detached garage.

Attorney Peters questioned Mr. Peters if the single family home is a two bedroom home. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters if it is one bath. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters what is the existing square footage of the homes. Mr. Peters answered that it is 1,050 square feet.

Attorney Peters questioned Mr. Peters if it is one story. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters what the existing front yard setback is. Mr. Peters answered to the front of the house, the porch, it is five foot six inches.

Attorney Peters requested Mr. Peters to explain to the Board how you proposed the addition. Mr. Peters answered that the addition would be 1,000 square foot addition to add additional bedroom, bathroom, and a great room with a study. Attorney Peters noted as a result of the addition, you would have a three bedroom, two bathroom home. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters if it would be 2,000 square feet. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters why he was proposing the addition. Mr. Peters answered that the current home would be too small if they start to expand our family.

Attorney Peters questioned Mr. Peters if a portion of the proposed 1,000 square foot addition in the front yard setback. Mr. Peters answered yes.

Attorney Peters requested Mr. Peters to explain how big the front yard would be. Mr. Peters answered that the requirements of the zoning ordinance is a 25 foot right of way and 30 feet from there. He noted that the current house in the front of the house is at 12 foot six inches off of the right of way so we are well within the setback.

Attorney Peters questioned Mr. Peters if his proposal is to align the addition. Mr. Peters answered that is correct.

Attorney Peters questioned Mr. Peters if this is in regard to section 307 of the zoning ordinance. Mr. Peters answered yes. Attorney Peters noted that this is because there is a 30 foot requirement and you are at 12 foot six inches. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters if the home was built in the 1940's. Mr. Peter answered yes. Attorney Peters noted that it predates the existing zoning regulations. Mr. Peters answered that is correct.

Attorney Peters noted if you look at that site plan where you can see the next door neighbor's home, it appears that the proposed addition will align with the neighboring house. Mr. Peters answered that is correct. Attorney Peters noted when these houses were built they were placed forward on the lots. Mr. Peters answered that is correct.

Attorney Peters questioned if the new materials going into the home will match the existing house. Mr. Peters answered yes.

Attorney Peters questioned, on the side of the building addition, is Mr. Peters making the required setback. Mr. Peters answered yes.

Attorney Peters questioned if Mr. Peters has had a chance to speak with the surrounding neighbors. Mr. Peters answered yes. He noted that he spoke to the direct neighbor to the side that they are building on to and they stated that they had no issues. He requested them to sign a letter to that fact and they did. He noted that he spoke with the neighbor to the rear and they also signed a letter to the fact that they had no issues. He noted that he attempted to speak to the dentist office on the left, but was unable to make contact with them as their business hours are during the day when he and his wife are not home. He noted that he provided them with a letter but did not hear back from them.

Attorney Peters noted the Exhibit A-3, consists of two letters, the letters that Mr. Peters wrote. Mr. Peters answered that was correct. Attorney Peters questioned if you explained to the neighbors what you intended to do and also presented the letter to them. Mr. Peters answered yes.

Attorney Peters noted that the first letter is from Krystal M. Stoner, 260 South Houcks Road. He questioned if that is the neighbor on the side of the property on which the addition is being built. Mr. Peters answered that is correct.

Attorney Peters questioned if it is a letter from Ms. Stoner indicating that she has no objection to the building application. Mr. Peters answered that was correct.

Attorney Peters noted that the homeowner behind Mr. Peters, page two of Exhibit Three, is the same letter signed by Shawn R. Mosely, 4702 Count Street; is this the neighbor behind Mr. Peters house. Mr. Peters answered yes. Attorney Peters noted that Mr. Mosely indicated that he had no objection to the addition. Mr. Peters answered yes.

Mr. Sirb noted that the first letter by Ms. Stoner, if he is looking at the exhibit it is the house to the right. Mr. Peters answered yes. Attorney Peters noted that it was very important for Mr. Peters to speak to the homeowner who is most affected by the addition.

Attorney Peters noted in living in your neighborhood and reviewing the feedback from your neighbors he questioned Mr. Peters if there would be any detriment to the neighborhood as a result of the addition. Mr. Peters answered no.

Attorney Peters questioned if it was Mr. Peters purpose to make the addition aesthetically pleasing and have it match with the rest of the house. Mr. Peters answered yes.

Attorney Peters questioned Mr. Peters if he believed that the proposed addition would in any manner be detrimental to the public health and public safety or welfare. Mr. Peters answered no.

Attorney Peters questioned Mr. Peters if the relief is not granted tonight, will you be able to remain in the house as it stands. Mr. Peters answered no. Attorney Peters questioned if that is because you need the added space to build your family. Mr. Peters answered that is correct.

Attorney Peters noted that he had no more questions for Mr. Peters.

Mr. Staub questioned, the neighbor to the opposite side, is that the dentist. Mr. Peters answered if you are looking at the plan he would be on the left side. He noted that you can't see his property on this drawing. Mr. Staub questioned if that is the parking lot that you can see. Mr. Peters answered yes. Mr. Staub noted that he did not get a chance to drive by the location.

Mr. Sirb requested Ms. Zerbe to explain the O-N Office designation. He assumed that a general office building such as a dentist would be allowed in this type of neighborhood. Ms. Zerbe answered that it is, a low density...Mr. Sirb noted three or four employees with low parking. Ms. Zerbe noted that it would include insurance, dentist, but not a big medical facility or large business.

Mr. Sirb noted that it seemed that every house is nonconforming to a front yard setback, is that general for that neighborhood. Ms. Zerbe noted in that block they are all nonconforming.

Mr. Turner noted that one of the drawings shows a 37 foot, 6 inch dimension, is that to the curb or what. Mr. Peters answered that it is to the center of the road to where the proposed property addition would be.

Mr. Sirb noted that the addition would match up with the current house. Mr. Peters answered yes. Mr. Sirb questioned if it goes any further that the Stoner property. Mr. Peters answered that it does not.

Mr. Staub noted that prior to the 2006 zoning ordinance, there was a provision in that ordinance recognized infill properties in those developments. He noted if there was an existing building line and you proposed to expand the home or office or structure and you did not encroach beyond that existing building line you did not need a variance. Attorney Peters noted that those provisions are in the ordinance for the rear and side setbacks but not for front. Mr. Staub noted that he looked for the front yard and could not find it.

Attorney Peters questioned Melanie Grissinger about her personal relationship to the house. Ms. Grissinger explained that she has owned the home for a little over three years but it has been a home to her for her whole life as her great-grandmother owned the home when she

was little and it was a place that we would get together for family gatherings. She noted that she would like to build her family at that location but to do it with only two bedrooms and one bathroom; they would require more room in their home. She noted that she has a strong connection to the home.

Attorney Peters noted that he had no more testimony to provide.

Mr. Staub questioned if the Board has any further questions. No response was heard.

Mr. Staub questioned if anyone in the audience wished to be heard on this variance. No response was heard.

Mr. Staub questioned if the Township has an opinion on this variance. Ms. Zerbe answered no.

Mr. Staub noted that the Board has 45 days to render a decision; he questioned if the board wished to take action on Docket 1382.

Mr. Sirb made a motion to approved Docket 1382 as submitted. Mr. Fisher seconded the motion.

Mr. Staub requested Mr. Turner to conduct a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Sirb, aye; and Mr. Staub, aye.

Mr. Staub noted that the variance has been granted.

The hearing ended at 8:03 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary