

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of April 28, 2011

Members in Attendance

Richard Freeburn, Chairman  
Sara Jane Cate, Vice Chairperson  
Gregory Sirb  
David Dowling  
Jeffrey Staub

Also in Attendance

Dianne Moran, Planning & Zoning Officer  
James Turner, Solicitor

**Docket #1298**

Applicant: Christina L. Benner  
Address: 6026 Linglestown Road  
Property: 6026 Linglestown Road  
Interpretation: Minimum side yard setback for an accessory building is 5 feet.  
Applicant proposes a 4-foot setback on the west side and 0 foot setback on the east side.  
Grounds: Article 318.B.c, of the Lower Paxton Township Zoning Ordinance pertains to this application.  
Fees Paid: March 31, 2011  
Property Posted: April 20, 2011  
Advertisement: Appeared in The Paxton Herald on April 13 & 20, 2011  
The hearing began at 7:03 pm.

The following were sworn in: Christina Benner 6026 Linglestown Road, owner and Richard Fleisher 7749 Graybill Drive, boyfriend of the property owner, Applicants; and Dianne Moran, Planning & Zoning Officer.

Mr. Freeburn stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

Mr. Freeburn asked about the zero lot line comment in the application. Ms. Benner explained that her house is the same width as the lot, and the rear yard goes from fence to fence. Mr. Freeburn asked if the variance request is for both sides. Ms. Benner answered yes. The wooden picket fence is along the Leo's Pizza property, and the chain link fence is on the western side. The proposed structure will be at the property line on the east and at the edge of the sidewalk shown in the picture, which is four feet from the property line.

Mr. Sirb asked if the Village District has different setback requirements than the R-1 District and if they are more restrictive. Ms. Moran answered that they are different, but actually are less restrictive because the ordinance takes into consideration that many lots within the Village are very small and/or narrow. The setback for an accessory structure is the same for the Village District and the R-1 District.

Mr. Freeburn asked if the proposal is an expansion of a preexisting nonconforming use, since there is a shed there now. Ms. Moran answered no, because they are removing the structure and putting up a new one that is a different size.

Ms. Benner stated that she has a 5'x8' shed now, and that is very small. She would like to take that down, and get a larger one that is twelve feet wide. They would like to put a car in this one, as well as storage and a workbench.

Mr. Freeburn stated the application says the shed would be 58 feet back from the alley. Mr. Freeburn asked about a driveway. Ms. Benner stated there is a stone and dirt driveway now and it ends at the end of the sidewalk. Mr. Fleisher stated the shed would start 8 feet back from the end of the sidewalk, or 4 feet further in than the current shed.

Mr. Staub asked the length of the proposed shed. Mr. Fleisher stated it will probably be 32 feet, but it depends on the cost. One factor in the cost, is if it can be delivered (because of the Linglestown Square construction) or if it has to be built on-site. At the most, it will be 32 feet by 12 feet.

Mr. Sirb asked about the location of the shed in relation to the alley. Mr. Fleisher stated they will be able to put one car in the garage, then stack two vehicles behind it so there would be no cars parked on the alley or anywhere else. The vehicles will be stacked in such a way that there will be four feet between the cars and between the last car and the alley.

Ms. Cate stated that if they are putting a car in it, it is called a garage.

Mr. Freeburn asked if it would be built on a footer or foundation. Mr. Fleisher stated it will be placed on stone. It will be a moveable structure. Mr. Freeburn asked if there will be a concrete pad under it. Mr. Fleisher answered no. Mr. Freeburn asked if the structure is stable enough to house a vehicle. Mr. Fleisher stated they are built in such a way to support a vehicle with no problem.

Ms. Cate stated she didn't see any other garages off of the alley. Mr. Fleisher stated that the person a few houses to the east has a garage, about 10'x20' or 10'x'24'. Mr. Sirb asked if it is common to have a garage at the end of the property in the Village. Mr. Fleisher answered yes. Ms. Cate asked about the parking lot. Mr. Fleisher stated that Leo's has a parking lot next to the property and there is a municipal parking lot for the businesses on the Square.

Ms. Cate asked about the fence. Mr. Fleisher stated that Mr. Leo told him it belongs to the 6026 property.

There was no comment from the audience.

The Township had no position on the application.

Mr. Freeburn asked if there are construction rules from the Building Department. Ms. Moran stated it is not regulated since there is no permit required for an accessory building under 1,000 square feet.

Mr. Freeburn asked if the applicants have spoken to the neighbors. Mr. Fleisher stated he has spoken to Mr. Leo twice, and he told him basically that it is his property and he can do whatever he wants. Mr. Leo indicated he was going to come to the hearing but had a death in the family so he could not be here. The house on the other side is vacant.

Mr. Freeburn stated that this property is very narrow. Mr. Fleisher stated that from what he could see on the maps, it appears to be the narrowest lot. Mr. Staub stated there are many that are 30 feet wide, but this is the narrowest. Mr. Freeburn noted that with the width, it is almost impossible to meet setbacks and have anything useful.

Mr. Freeburn asked about the appearance of the garage. Mr. Fleisher presented a picture of the shed from the manufacturer. It will be white with red trim to match the house and will have a barn-style roof. The exterior will either be vinyl coated T-111 or vinyl siding. Mr. Freeburn asked if there will be electricity to the building. Mr. Fleisher stated no, at least they do not have plans to do it at this time.

Mr. Staub made a motion to approve the variance request as submitted. Mr. Sirb seconded the motion. A roll call vote followed: Mr. Staub-Aye ; Mr. Sirb-Aye; Ms. Cate-Aye; Mr. Freeburn-Aye.

The hearing ended at 7:23 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary