

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of November 7, 2013

Members Present

Greg Sirb
Sara Jane Cate
Jeffrey Staub
David Dowling
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

SE 13-02

Applicant: New Hope Brethren in Christ Church

Address: 584 Colonial Club Drive
Harrisburg, PA 17112

Property: 584 Colonial Club Drive
Harrisburg, PA 17112

Interpretation: Article 306.B.1.(c) – Institutional/Semi Public Uses.
A place of worship requires a special exception approval in the R-1 Low Density Residential District. When New Hope Church was originally established, a church was a permitted use in the R-1, Low Density Residential District.

The applicant proposes a building addition of 6,264 square feet. The purpose of this addition is to provide for classrooms, a multi-purpose meeting room and office space.

Grounds: Article 3 of the Lower Paxton Township Zoning Ordinance pertains to this application.

Fees Paid: October 1, 2013

Property Posted: October 29, 2013

Advertisement: Appeared in The Paxton Herald on October 23 and 30, 2013.

The hearing began at 7:26 p.m.

Mr. Sirb swore in Vernon Bosserman, 584 Colonial Club Drive, Harrisburg, Pennsylvania, who explained that he is the Senior Minister for the Church, and Mr. Brent Saper of Skelly and Loy Engineers, 449 Eisenhower Boulevard, Harrisburg, PA, 17111.

Mr. Sirb noted that Ms. Moran, Planning and Zoning Officer for Lower Paxton Township was previously sworn in.

Ms. Dianne Moran advised that the appropriate fees were paid on October 1, 2013. The proper advertisements appeared in The Paxton Herald on October 23 and 30, 2013. The hearing notices were posed on October 29, 2013.

Ms. Moran noted that this special exception concerns Article 306.B.1.(c) – Institutional/Semi Public Uses. A place of worship requires a special exception approval in the R-1 Low Density Residential District. When New Hope Church was originally established, a church was a permitted use in the R-1, Low Density Residential District. The applicant proposes a building addition of 6,264 square feet. The purpose of this addition is to provide for classrooms, a multi-purpose meeting room and office space.

Mr. Paula J. Leicht noted that she was present to represent New Hope Brethren in Life Church. She distributed exhibit packets to the Board members.

Mr. Sirb questioned how long the church has been at this location. Rev. Bosserman answered that it has been eight years.

Mr. Sirb questioned when the zoning ordinance changed. Ms. Moran answered in 2006.

Ms. Leicht noted that the property is zoned R-1, and an addition is permitted by Special Exception only in the R-1 Zone. She noted that the church is proposing an expansion to their existing sanctuary building of approximately 6,200 square foot to the rear of the existing church building. She noted that the application has been filed under Section 306.B.1.(c) of the Zoning Ordinance. She noted that the specific section that is applicable is 402.A.(38).

Mr. Sirb questioned on which side of the building would the expansion be. Ms. Leicht answered if you are looking at the front of the church, using Exhibit A 3 and 4, the church is on the west side. Rev. Bosserman noted that the expansion is to the rear of the church.

Ms. Leicht noted that there will be no changes to the church.

Ms. Leicht noted that Rev. Bosserman is presently the Senior Minister for the Church and he will be her first witness.

Ms. Leicht noted that Rev. Bosserman stated his name and address for the record but she questioned if it is also the address for the church. Rev. Bosserman answered yes.

Ms. Leicht questioned Rev. Bosserman if he filed a special exception application for an addition to the existing church building. Rev. Bosserman answered yes.

Mr. Turner requested Ms. Leicht to make her presentation seated and to speak into the microphone. He noted that he as well as members of the Board were having trouble understanding what she was saying.

Ms. Leicht questioned if applicant's Exhibit A1 is true and correct information for the site plan. Rev. Bosserman answered yes.

Ms. Leicht questioned if Applicant's Exhibit A2 shows photographs of the front of the church, the main entrance to the church. Rev. Bosserman answered yes.

Ms. Leicht questioned if it faces toward Colonial Club Drive. Rev. Bosserman answered yes.

Ms. Leicht questioned if the driveway is off of Colonial Club Drive. Rev. Bosserman answered yes.

Ms. Leicht questioned if the proposal is for an addition to be situated on the western side of the church building, a proposal to add similarly design building consisting of approximately 6,200 square feet. Rev. Bosserman answered that was correct, noting that it would be the same roof line extending to the west.

Ms. Leicht questioned if Exhibit A1 also shows a patio near Route 81 that has a roof on the top. Rev. Bosserman answered yes.

Ms. Leicht noted Exhibit A3 and A 4 are photographs that show the western side of the church and questioned if this is the location where the addition is proposed. Rev. Bosserman answered yes.

Ms. Leicht questioned if Exhibit A4 is a close up. Rev. Bosserman answered yes.

Ms. Leicht questioned what is the reason the church needs the expansion what would the use be. Rev. Bosserman answered that he is proposing six classrooms, an office, and a small general meeting room that can seat 100 people. He noted that he has been using a modular unit, to the south side of the building, for a number of years and has children and their teachers going in and out. He explained that it is not convenient plus the church has grown some and it is crowded and they would like to propose an expansion at this time.

Ms. Leicht questioned if the purpose of the addition is to allow for religious instruction. Rev. Bosserman answered primarily religious instruction, Sunday school classes on Sunday morning and Wednesday evening club type classes for boys and girls.

Ms. Leicht noted that Section 306.B of the ordinance would reference what Rev. Bosserman just spoke to.

Ms. Leicht questioned if the addition will allow the church to conduct all of the Sunday school classes in the part of the building that will be attached to the main sanctuary. Rev. Bosserman noted that one of the objectives is exactly that, to keep everyone under one roof.

Ms. Leicht requested Rev. Bosserman to describe to the Board what Exhibit A5 shows. Rev. Bosserman noted that it looks at the south side of the building; to the left is the modular unit that he has been using for a number of years, as well as small playground to the back and on the right side of the building is where the expansion would be directly behind the structure. Ms. Leicht questioned if the modular building is to the left in the photograph. Rev. Bosserman answered yes, if you are looking from Colonial Club Drive.

Mr. Sirb questioned if the modular unit would be taken down. Rev. Bosserman answered that he had no plans to do that, possibly using it for storage, but no specific plans for its use.

Ms. Leicht noted that the modular building is in the area where the classrooms are that will be part of the addition. Rev. Bosserman answered that there are three rooms of different sizes inside and they are currently being used for grades one through six of the children's program.

Ms. Leicht noted that Section 38(c) of the ordinance asks if there are any proposed dwelling units on the church property. Rev. Bosserman answered no. Ms. Leicht noted that there are no dwelling units on the property now.

Ms. Leicht noted with respect to 38 (f), no new parking is proposed. Rev. Bosserman answered that there is no new parking proposed.

Ms. Leicht noted that Section 1116.c (2) for general criteria asks if the church will comply with all other laws, building permits, and other ordinances. Rev. Bosserman answered yes.

Ms. Leicht noted that Section 1116.c (3) talks about any additional traffic and questioned if any additional traffic is contemplated. Rev. Bosserman answered that he did not expect any significant different, but it is conceivable that there would be more children that may become involved; therefore a few more families may join, but this is not meant to be a general enlargement rather an attempt to bring the classrooms under one roof. He noted that he has some concerns about security in that regard.

Ms. Leicht noted that Section 1116. c (5) asks if the proposed addition would be used for the same purpose as the property is used now. Rev. Bosserman answered yes.

Ms. Leicht noted that Section 1116.c (2) noted that the church use will not create any significant patterns for traffic. Rev. Bosserman answered no.

Ms. Leicht questioned if the plan received approval from the Planning Commission. Rev. Bosserman answered yes.

Ms. Leicht noted that you met with the Planning Commission last evening and did they recommend approval subject to obtaining the zoning variance. Rev. Bosserman answered yes.

Ms. Leicht questioned if that concluded Rev. Bosserman's testimony. Rev. Bosserman answered that is all he knows.

Ms. Leicht questioned if any members of the Board had any questions. Ms. Cate questioned if there would be a parking change at all. Rev. Bosserman answered no. Ms. Cate noted that she was there the other day and could not remember if there was a road back to that back part of the building. Rev. Bosserman answered that there is, noting if you come down the main driveway and turn left as you approach the front of the parking there is a road that continues to the back. He noted that there are a handful of parking spaces that will not be disturbed as they are not directly behind the building.

Mr. Sirb questioned Ms. Moran if the church would need any new parking spaces. Ms. Moran answered no; they will not need any new parking spaces.

Mr. Staub questioned what the Planning Commission's recommendation was for the special exception. Ms. Moran answered that the special exception and land development plan were recommended for approval conditioned upon approval by the Zoning Hearing Board.

Mr. Staub noted the site plan looks like there is an existing loading and unloading zone to the west end of the building and he questioned if they are constructing the addition on top of that. Rev. Bosserman answered that there is no specific loading or unloading use back there. He noted that it is a rear entrance but not used only for things that could be loaded in the front of the building or side door. Mr. Staub noted if there were any deliveries, they could access the rear. Mr. Sapien noted that there is a door on the side of the proposed addition.

Mr. Staub questioned if there is a daycare or pre-school during the week at the facility. Rev. Bosserman answered no. Mr. Staub questioned if there were any plans for that. Rev. Bosserman answered no.

Ms. Leicht requested Mr. Sapien to state his name again for the record and also the company he works for. Mr. Brent Sapien noted that he works for Skelly and Loy Engineers, Harrisburg, PA.

Ms. Leicht questioned Mr. Sapien what his job title is and what type of work he does. Mr. Sapien answered that he is a Project Manager and Civil Design Specialist and has been with Skelly and Loy for 26 plus years. He noted that he does civil, site development, land development and plans, zoning applications and those kinds of things.

Ms. Leicht questioned Mr. Sapien if he was familiar with the property for the subject application. Mr. Sapien answered yes noting that he was the project manager and engineer in 2003 when it was before the Township for land development approval at that time. He noted that it received land development approval in 2003 but he suggested that the church went through a couple years of fundraising period in order to construct the church in 2006.

Ms. Leicht questioned Mr. Sapien if he was familiar with the Lower Paxton Township Zoning Ordinance. Mr. Sapien answered yes.

Ms. Leicht questioned if the extension of the church building is granted by Special Exception in the R-1 District for Section 306. B. 1. (c) . Mr. Sapien answered yes.

Ms. Leicht noted for applicants' Exhibit A1, would Mr. Sapien describe to the Board in detail what particular area of the addition and things that it would concern. Mr. Sapien answered that Exhibit A-1 is the site plan drawing showing the current building sitting in the south central portion of the property, with the parking to the right hand side between Colonial Club Drive. He noted that it is all existing. He noted behind the church building to the left or west is the proposed 6,264 square feet addition, with a small 28 by 58 foot patio with a roof over it to the southern side of the addition. He noted that it is encompassed behind the current building and does not extend out beyond the building width. He noted there is currently a dumpster with a screened wall fence around it; that would be relocated 20 to 30 feet further west as shown on the drawing. He noted in the area where the dumpster would be relocated is a shed and the shed will be relocated further west adjacent to the other existing shed. He noted that the current shed and dumpster and relocated shed and dumpster are shown on the plan. He noted that two features would be relocated in order to construct the proposed expansion. He noted that a driveway pavement is under part of the proposed expansion and the rest of the area is grass.

Mr. Sapien noted that he is also proposing a sidewalk that is currently on the south side of the building to extend further back to get to the proposed addition as shown on the lower part between the playground and the building. He noted that it is shown as two red lines for the sidewalk and an additional sidewalk on the northern side out of the two doors that are part of the proposed addition to tie into the pavement on the northern side. He noted that is all that is proposed, no parking expansion as the parking has 236 parking spaces and the current zoning ordinance only requires 100 parking spaces. He noted that there is plenty of parking as per the ordinance.

Ms. Leicht questioned if Exhibit A-1 was prepared by Mr. Sapien or under his supervision. Mr. Sapien answered yes.

Ms. Leicht requested Mr. Sapien to explain Exhibit A-6. Mr. Sapien noted that Exhibit A-6 is a architectural floor plan drawing prepared by S. E. Smoker, Inc. , the contractor for the New Hope Church. He noted that he took that footprint of the building and patio and placed it onto the site plan drawing that he prepared. He noted that the architectural drawing shows the six classrooms, a small 30 by 58 foot multi-purpose room/large conference room, an office on

the north side, and some miscellaneous rooms such as mechanical rooms and storage rooms.

Ms. Leicht noted with respect to the specific criteria for the church use as a special exception, is it covered in Section 402.A.(38) of the zoning ordinance. Mr. Sapien answered yes.

Ms. Leicht questioned if the church meets the minimum lot areas in a residential district of two acres or more for this project as required by Section 38(a). Mr. Sapien answered yes.

Ms. Leicht questioned how many acres does the church have. Mr. Sapien answered that the church property contains 14.31 acres net, which is outside of the roadway. He suggested that it is 14.67 acres to include the roadway.

Ms. Leicht noted Exhibit A-7, the last exhibit, concerns Section 38.(e). She questioned if the location of the addition meet the minimum setback line from a lot line of an existing dwelling of 60 feet. Mr. Sapien answered yes.

Ms. Leicht requested Mr. Sapien to describe Exhibit A-7 which is a photograph. Mr. Sapien noted that he took the photograph, standing 58 feet from the back of the current facility. He noted that it would put you at the back of the new addition. He noted that he was looking west, noting there are a couple of homes that border the site plan, he suggested that it is 750 plus feet to the property line of those homes from the back of the church. Ms. Leicht questioned if it is well in excess of the 60 foot requirement. Mr. Sapien answered yes.

Ms. Leicht questioned in Mr. Sapien's professional opinion does this application meet the specifics of criteria applicable to church use. Mr. Sapien answered yes.

Ms. Leicht questioned if Exhibit A-1 shows the original site conditions and the specific layout for the conditions as required by Section 116.c (4) of the Zoning Ordinance. Mr. Sapien answered yes.

Ms. Leicht noted in discussions about the photographs that show where the addition will be located on the property, she questioned if the addition and construction zone are already on an existing graded area and will it disturb any natural features. Mr. Sapien answered that Exhibit A3 shows the rear of the church. He noted that the church was constructed in a relatively flat area extending out from the rear of the church. He noted that it is already graded off at the floor elevation of the current facility. He noted that the main expansion will go over a relatively flat area already graded off, with minimal grading to do, over grass and some existing pavement as shown in Exhibit A 4, the drive to the back. He noted that some of the 6,264 square foot area is already an impervious area but it is basically grass with no other natural features, woods, wetlands, or anything like that.

Ms. Leicht questioned if that concluded Mr. Sapien's testimony. Mr. Sapien answered yes.

Mr. Dowling questioned how you determine how many restrooms are required for the addition. Mr. Sapien answered that he is not an architect but he noted in the current facility from what he was told, it has enough bathrooms based on the square footage for the entire facility. He noted that the current bathrooms are located in the eastern end of the building on the other side of the main entrance. He noted that the added a few bathrooms in the addition for the classrooms. He noted that there are sufficient bathrooms for the entire facility but he added a few in the new building to be closer to the area. He noted that he is not sure how it was calculated.

Mr. Sirb noted that Rev. Bosserman stated as part of the testimony for Section 38. (B) that the proposed addition is for weekly religious educational rooms. He questioned if there are any other uses proposed. Rev. Bosserman answered none that would be routine. He noted that the building is rented once a month for a wedding or funeral but these are exceptional things and rare. Mr. Sirb noted that he would not consider that to be outside the realm of a religious use, but it concerns him, in this Township, when a religious building may not be making its necessary revenue, the next thing you know, it is being rented out to anyone just to make a revenue stream. He noted that he wants to go on the record that Rev. Bosserman stated in his testimony at two points that the proposed addition will be for the same use for the property that currently exists. Rev. Bosserman replied yes.

Mr. Sirb questioned if members of the Board had any questions for the applicants.

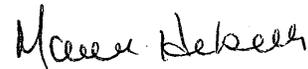
Mr. Sirb questioned if anyone in the audience had anything to say on this application. No response was heard.

Mr. Dowling questioned if there were any objections from the surrounding neighbors. Ms. Moran answered no.

Mr. Dowling made a motion to approve Docket #SE 13-02 as submitted. Ms. Cate seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Hansen, aye; Mr. Staub, aye; Mr. Dowling, aye; Mrs. Cate, nay; and Mr. Sirb, aye. Mr. Turner noted that the motion carried.

The hearing ended at 7:55 p.m.

Submitted by:



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
NEW HOPE BRETHERN IN : DOCKET NO. 13-02
CHRIST CHURCH

DECISION GRANTING SPECIAL EXCEPTION

The applicant seeks a special exception to expand an existing church which is located in an R-1 Residential Zoning District. A hearing on the application was held on November 7, 2013.

Facts

1. The applicant and owner of the property in question is New Hope Brethren in Christ Church of 584 Colonial Club Drive, Harrisburg, Pennsylvania. The applicant was represented at the hearing by Vernon Bosserman, Pastor, Brent Sapen, Project Engineer, and Paula Leicht, Esq.

2. The property in question is located on the west side of Colonial Road and is bounded on the south by Interstate 81. The parcel consists of 14 plus acres and is zoned Residential, R-1. The parcel is improved with a church and associated parking. The existing building is 17,178 square feet and is used for worship and religious education. There is no commercial activity in the building.

3. The applicant proposes erect a 6,400 square foot addition on the rear of the existing church building. The addition would follow the roof lines of the existing church building and would be constructed of similar materials. The addition would provide space for additional classrooms as well as a multi-use room. The addition would not be visible from Colonial Club Drive, and would be several hundred feet from the nearest residence.

4. Erection of the addition would allow the church to discontinue use of a modular type building for class room space. This building requires users to leave the church building and go outside to access it.

5. Notice of the hearing was posted and advertisement made as required by the ordinance.

5. No one other than the applicant's representatives appeared to testify in favor of or against the proposed special exception.

Conclusions

1. Article 306.B.1 of the ordinance allows places of worship as a conditional use in the R-1 Low Density Residential District. The existing church was built under an earlier ordinance which allowed places of worship as a permitted use in the district.

2. Article 116.B grants to the Zoning Hearing Board the power to grant special exceptions where the conditions set forth in Article 116.C. are met.

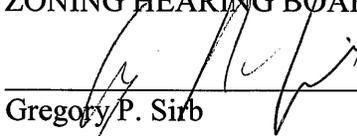
3. The Board finds that the applicant meets the standards set forth in Section 116.C. The traffic generated by the addition will be no greater than the existing church facility. The use is generally compatible with a residential neighborhood and will not generate noise. Hours of greatest activity are compatible with the residential character of the neighborhood and no safety concerns exist. Ample open space remains on the lot and no new parking is proposed so there will be no impact on the natural features. The applicant will be able to meet other applicable laws and regulations. The Board also notes that the plan was reviewed and recommended for approval by the Planning Commission.

Decision

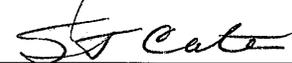
In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the Special Exception should be and is hereby granted allowing the erection of a 6,400 square foot addition to the existing church in strict accord with the plans and testimony presented to the Board and with the normal requirements of the land development process.

Date: 12/5/13

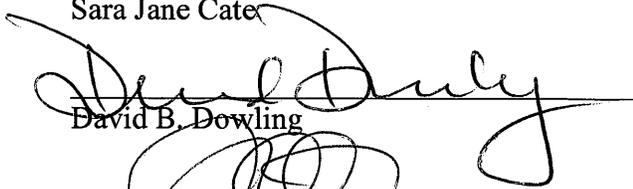
LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



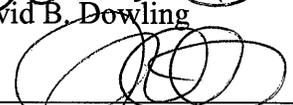
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