

**Lower Paxton Township**  
**Zoning Hearing Board**

January 23, 2020

**Members Present:**

David Dowling

Allen Hansen

Jeff Staub

Greg Sirb

Mark Emery

Watson Fisher

Also, In Attendance: James Turner, Amanda Zerbe, Kristi Focht

**Docket 1428**

Applicant: George & Leah Lois

Address: 76 Millers Gap Road

Enola, PA 17025

Property Owner: George & Leah Lois

Property: 10 North Houcks Road

Applicant: For a Variance to allow an addition to encroach into the required side yard setback in the CG, Community General zoning district.

Fees Paid: November 27, 2019

Property Posted: January 15, 2020

Advertised: Appeared in the Paxton Herald on January 8, 2020 and January 15, 2020. And was advertised on the Township website and Township media accounts.

The Hearing Began at 7:04 p.m.

Mr. Dowling questioned if the applicant was present.

Mr. Tucker explained they were present for the applicant tonight.

Mr. Dowling questioned how they are connected to the applicant.

Ms. Edsall noted she is the General Operations Manager for Gilligan's Bar and Grill.

Mr. Dowling questioned the second applicant.

Mr. Tucker answered that he is the architect who did the drawings.

Mr. Dowling swore in applicants Louis Edsall and Stephen Tucker.

Mr. Dowling swore in Amanda Zerbe.

Mr. Dowling questioned Ms. Zerbe on what Township Ordinance is at issue.

Ms. Zerbe answered 307.A, dimensional requirements, dimensional regulations as required for the Commercial General District and the side yard setbacks.

Mr. Dowling questioned Ms. Zerbe if the appropriate fees have been paid.

Ms. Zerbe answered that the applicant paid the fees on November 27, 2019. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in the Paxton Herald on January 8, 2020 and November 15, 2020; and it was posted on January 15, 2020. She noted that it was also advertised on the Township website and Township media accounts.

Mr. Dowling requested the applicant to begin their testimony.

Mr. Tucker explained the reason they are asking for a variance is because the current Gillian's restaurant bathrooms are rather tight. He noted he believes they technically meet the letter of the law for handicapped accessibility. He contained that Mr. Louis would like to add a women's bathroom and take the other two which are beside each other and combine them into one men's room. He continued he believes the number of plumbing fixtures meets the code but noted he did not count. He noted they want to add a few extras. He noted that when they were looking over the plan, there is no place to put the second bathroom. He noted that Mr. Louis had pointed out a section to build on that was grass. He noted that looking at the site plan his building is exactly 15 feet back from the property line. Mr. Tucker noted on the plan there is a private road.

Mr. Dowling requested the applicant to explain the private road.

Mr. Tucker explained it comes around the restaurant. He noted he did not put the whole road on the plan.

Ms. Edsall explained that the private road runs all the way to Houcks Road, circling around to go to 22. She continued that the access road connects to the Verizon store and Taco Bell.

Mr. Dowling questioned if the restrooms are where they would like to go.

Mr. Tucker noted he should have drawn a floor plan. He continued that the existing bathrooms are central to the building and the proposed restroom would be filled across the other side of the dining room. He noted they would be visible from each other but not touching each other. He explained that he does not know where else to put the bathroom and knew they would need to talk to the Zoning Officer.

Mr. Sirb questioned Ms. Zerbe on the private road. He questioned who maintains that.

Ms. Zerbe answered it is not a Township Road.

Ms. Edsall explained that the access road that is shared between Verizon and Gilligan's has always been a gray area. She continued that if there has been a problem like potholes, Gilligan's has always taken the initiative to maintain and fix the road. She explained that when they would approach Verizon or Taco Bell, they would not know who to direct the issue to. She continued that Gilligan's would fix it to keep their customers happy.

Mr. Sirb questioned if the road is on their plot plan, lease or property.

Ms. Edsall answered she did not believe so.

Mr. Sirb noted that this is who they will infringe on.

Mr. Sirb requested Mr. Tucker to mark on the plan exactly where both new restrooms will be.

Mr. Tucker explained that the one portion that is a double hatch that is the new portion. He pointed out the 15-foot set back and the property line.

Mr. Sirb noted that right below the property line is the green area.

Mr. Tucker noted that all that green area is maintained by Gilligan's.

Mr. Sirb questioned if the double hatch area will be the men's or the women.

Mr. Tucker answered women.

Mr. Tucker noted on the map that years ago there was a courthouse that was enclosed. He noted where the men's bathroom is located.

Mr. Sirb noted it will only be the women bathroom that will encroach the side yard setback.

Mr. Tucker answered yes. Mr. Tucker noted it would be on the south side. He continued they are asking for 12 feet. He noted that from the face of the building to the curb it is 31 feet. He noted that this would be a 19-foot setback.

Mr. Staub noted that is more than the 15-foot setback.

Mr. Sirb noted he does not have an issue with the this, he continued he would just like to know who owns the property they will encroach on. Mr. Sirb noted he thought Gilligan's owned all the property.

Mr. Tucker noted that Gilligan's does all the maintenance on the private drive. He also noted that no one is going to build something on the grass area. He noted it will always be like that.

Mr. Dowling questioned if George owns the land that Gilligan's is on.

Mr. Tucker answered yes.

Mr. Dowling questioned their relationship to the building, he questioned if they are the landlords.

Mr. Tucker answered they are the owners of the restaurant.

Mr. Staub noted a few years ago they granted them the changeable copy sign.

Mr. Sirb questioned if on the real estate transactions that there is no one listed for who owns the green grass area would not be apart of the real estate development.

Ms. Edsall noted her understand is, George and herself thought that it was but when Mr. Tucker came in and reevaluated, he was the one who said all of the green grass was not.

Mr. Dowling questioned if there was a separate tax parcel.

Ms. Zerbe noted that she is looking to see if there is a tax parcel number.

Mr. Sirb noted that the private road had come up when they were working with the gas station.

Mr. Tucker noted he has the site plan and had the 15-foot set back.

Ms. Edsall noted that Gilligan's has always maintained the grass, has always paid for the plowing, and taken care of potholes and repaving.

Mr. Dowling noted that his instinct tells him Gilligan's may own it.

Mr. Sirb noted he is nervous to encroach onto someone's property.

Mr. Dowling noted they are not encroaching on property but the setback.

Mr. Turner noted a part of the private road does go onto the Gilligan's property.

Mr. Dowling questioned if the applicants had searched the title or the deed to see if they own it.

Mr. Dowling questioned if any members of the Board had any other comments or questions.

Mr. Hansen noted he feels there is a safety concern for the left turns onto Houcks Road.

Mr. Tucker agreed with Mr. Hansen.

Ms. Zerbe noted that the tax maps can be off but explained that it looks like the road and the building that sits next door to the gas station, that is who owns the road and the area below it.

Mr. Tucker noted that is the Verizon store.

Ms. Zerbe noted she feels the property line is off and each business may own half of the side of the road.

Mr. Dowling questioned if Gilligan's owns part of the strip they would encroach on.

Ms. Zerbe answered she thinks so.

Mr. Staub questioned Ms. Zerbe is Verizon was mailed a notice.

Ms. Zerbe answered no. She explained they only mail out notices when it is residential, explaining they do not get responses from commercial.

Mr. Sirb requested that what the Board was looking at would-be put-on record.

Mr. Turner noted for the record they Board was looking at the Dauphin County Tax Assessment Map.

Ms. Zerbe noted it was the 2018 tax map.

Mr. Dowling questioned if the Township had a position.

Ms. Zerbe answered no.

Mr. Dowling noted for the record there were no members in the audience.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1428.

Mr. Sirb motioned to approve Docket 1428 as submitted.

Mr. Dowling questioned if there is a second to that motion.

Mr. Hansen seconded the motion.

Mr. Dowling questioned if there is any further discussion by any member of the Board or audience.

No response was heard.

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

Mr. Dowling noted the application has been granted.

This hearing ended at 7:24 p.m.

Respectfully Submitted,

Kristi Focht

Recording Secretary