

Lower Paxton Township
Zoning Hearing Board

February 23, 2023

Members Present:

David Dowling

Allen Hansen

Greg Sirb

Jeff Staub

Ron Reeder

Joe Murphy

Also, In Attendance: Tucker Hull, Amanda Zerbe, Kristi Focht

Docket 1462

Applicant: Parke Hoover & Mary Spicher

Address: 2074 Doral Drive

Property Owner: Parke Hoover & Mary Spicher

Property: 2074 Doral Drive

Applicant: For a variance from minimum side yard requirements. The side yards must meet a minimum of 10' on one side and total side yard setback (both sides) to have an aggregate of 25'. The application is in association with a proposed garage expansion.

Advertised: February 9, 2023 & February 16, 2023

Posted: February 15, 2023

Mailings Sent: February 17, 2023.

The Hearing Began at 6:00 p.m.

Mr. Dowling swore in applicant Parke Hoover of 2074 Doral Drive.

Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in the Hummelstown Sun on February 9, 2023, and February 16, 2023; posted on February 15, 2023, and mailings were set to surrounding properties on February 17, 2023.

Mr. Dowling requested the applicant to begin testimony of why they are seeking a variance.

Mr. Hoover explained they are seeking to expand their garage for additional storage that would be accessible through the home and more secure than having a shed placed on the property.

Mr. Dowling questioned if any members of the Board had any questions for the applicant.

Mr. Reeder questioned the applicant if they had explored the possibility of expanding the garage straight through the back.

Mr. Hoover answered they had discussed that with the contractor but could not recall why they did not choose that option.

An unidentified woman spoke explaining if they build into the backyard that will encroach into the rear of the property and they would like to possibly expand the deck at a later date. She explained it would not give them enough room like it would if they would expand from the side.

Mr. Hoover noted he felt it was more aesthetically pleasing to have the addition on the side rather than the back.

Mr. Dowling noted to the Township Ordinance and the required setbacks. He questioned Ms. Zerbe on what was required.

Ms. Zerbe answered the minimum side is ten feet and then total side yard setback on both sides to be twenty-five feet.

Mr. Dowling noted the applicant is proposing a structure to be three feet from the side yard setback. He continued that for a variance to be granted there must be compelling evidence and is not sure that their testimony meets that requirement.

Mr. Dowling swore in Mary Spicher.

Ms. Spicher noted that as they are getting old in age and they are planning to build a primary bedroom on the first floor to keep everything on the first level.

Mr. Dowling noted their plan would change the character of the neighborhood.

Ms. Spicher commented there are some homes in the neighborhood with a three car garage.

Mr. Dowling questioned if they were built their originally.

Ms. Spicher was not sure.

Mr. Sirb questioned if any concerns had come into the Township.

Ms. Zerbe answered no.

Mr. Sirb questioned if they had heard anything from any of the neighbors.

Ms. Spicher noted their builder had spoken to the neighbors.

Mr. Sirb questioned if the applicant had spoken to the home owner this would affect.

Ms. Spicher answered she had not met him yet.

Mr. Emery questioned the applicant when they purchased the home.

Ms. Spicher answered September of 2022 and they moved in November of 2022.

Mr. Staub questioned the applicant if they considered decreased the width from twelve feet to eight feet. He noted if the applicant would do that they are closer to the side yard setback.

Ms. Spicher answered if they lose space they cannot use the garage door to keep it looking like a garage and not just storage space.

Mr. Dowling questioned if any member of the audience wished to be heard.

No response was heard.

Mr. Dowling questioned if any member of the Board wish to make a motion on Docket 1462.

Mr. Sirb noted he does not see the hardship on this variance and made a motion to deny Docket 1462.

Mr. Emery seconded the motion.

Mr. Dowling requested Mr. Hull for a roll call vote. Mr. Hansen, Aye; Mr. Sirb, Aye; Mr. Emery, Aye; Mr. Staub, Aye; Mr. Dowling, Aye.

Mr. Dowling noted the motion was denied.

The meeting ended at 6:20 p.m.

Respectfully Submitted,

Kristi Focht

Kristi Focht, Recording Secretary

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Docket 1463

Applicant: Harrisburg T5 CGP, LLC

Address: 361 Summit Blvd. Suite 110 Birmingham, AL 35243

Property Owner: The 4013 Group

Property: 4013 Victoria Ave

Applicant: For a variance from planting strip requirements to be at least 20' outside the existing right-of-way. For a variance from the requirement that all accessory structures be placed outside the required front yard.

Fees: February 7, 2023

Advertised: February 9, 2023 & February 16, 2023

Posted: February 15, 2023

Mailings Sent: February 17, 2023.

The Hearing Began at 6:21 p.m.

Mr. Dowling swore in applicants: Victor Mickel, developer and Alex Tweedy, Civil Engineer. Mr. Mickel noted he represents the applicant; they do not own the property yet but there is an agreement of sale.

Mr. Sirb questioned if the agreement of sale is based on the zoning.

Mr. Tweedy answered no.

Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in the Hummelstown Sun on February 9, 2023 and February 16, 2023; posted on September 15, 2022 and mailings were set to surrounding properties on February 17, 2023.

Mr. Dowling questioned the current zoning.

Ms. Zerbe answered Commercial General.

Mr. Dowling requested the applicant to begin their testimony.

Mr. Tweedy explained the property at 4013 Victoria Avenue and the roadway that wraps along the back of the property. He noted this property is located between two shopping centers with a storm water basin located in the front of the property. The property now is a single-family residence even though it is zoned commercial general. He continued that both variances relate to Victoria Avenue as a public roadway. He explained they are proposing to redevelop the property and construct a single story, 1700 square foot, quick lube oil change facility. The facility will have three bays that drivers will drive in and have the oil changed while they stay in their vehicle. He explained the drive pattern noting to a map on display. He explained the road that fronts the property is located on the side of the property. He noted the map to show where the hardship takes place and the planting would not comply with the code due to the offset right of way of Victoria Avenue.

Mr. Dowling noted it is not that the applicant does not have the thirty feet, it is where the thirty feet is located.

Mr. Tweedy continued to the second variance of the dumpster enclosure as an accessory structure. He explained that on the proposed plan the dumper structure is located on the rear of the property but by definition, Victoria Avenue would be classified in the front yard.

Mr. Sirb questioned the covering of the trash enclosure.

Mr. Tweedy explained the structure would have walls, gated enclosure and have a screened buffer to Victoria Avenue so it would not be seen.

Discussion followed with the construction of Victoria Avenue. Mr. Staub referred back before Lowe's was constructed there was housing properties and Lowe's purchased all the properties

but the property that is before them this evening and that is the reason for the issue of Victoria Avenue and the offset right-of-way.

Mr. Tweedy noted they have submitted their plan to Land Development and they did not require the road to be widened.

Mr. Dowling requested more information on the shading.

Mr. Tweedy reviewed the plan and showed where street trees would be planted along with shrubs to be planted for screening.

Mr. Hull requested to mark the proposed site plan and landscape plan into evidence.

Mr. Dowling questioned if there were any other questions by the Board.

No response was heard.

Mr. Dowling questioned if any member of the Board wish to make a motion on Docket 1463.

Mr. Sirb motioned to approve Docket 1463 as submitted pending the remaining approval from Land Development.

Mr. Hansen seconded the motion.

Mr. Dowling requested Mr. Hull for a roll call vote. Mr. Hansen, Aye; Mr. Sirb, Aye; Mr. Emery, Aye; Mr. Staub, Aye; Mr. Dowling, Aye.

Mr. Dowling noted the motion was approved.

The meeting ended at 6:40 p.m.

Respectfully Submitted,

Kristi Focht

Kristi Focht, Recording Secretary