

# Lower Paxton Township

## Zoning Hearing Board

April 22, 2021

### Members Present:

David Dowling

Allen Hansen

Jeff Staub

Mark Emery

Ron Reeder

Joe Murphy

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

### Docket 1440

Applicant: D&F Realty Holdings LP

Address: 2350 N. 7<sup>th</sup> Street Harrisburg, PA 17109

Property Owner: D&F Realty Holdings LP

Property: 6250 Jonestown Road

Applicant: For a Variance to subdivide the existing lot and duplex dwelling to create two separate properties with a twin dwelling.

Fees Paid: April 1, 2021

Property Posted:

Advertised: 12 mailing were sent to surrounding neighbors

The Hearing Began at 7:00 p.m.

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

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

Ms. Zerbe answered sections 306.B2, 307A minimum lot area required, 307A minimum lot width, 307A front yard setback, 307A side yard setback and 307A porch encroaching into a front yard.

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

Ms. Zerbe answered that the applicant paid the fees on April 1, 2021. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was posted, and 12 mailings were sent to surrounding neighbors.

Mr. Dowling swore in applicant David Teffley and Mary Dissinger.

Ms. Dissinger noted that Mr. Teffley is the owner of D&F Realty LP and has filed a request for the property at 6250 Jonestown Road in the CN district. She explained that there are twin dwellings that no longer meets the current ordinance. She continued that the applicant is asking to be able to draw a line down through the property through the parting wall. She noted they would be able to sell the properties since currently they cannot be used at all.

Mr. Dowling questioned if the property is a duplex.

Ms. Dissinger answered yes.

Mr. Dowling questioned that the applicant would like to split it and create two single family homes. Mr. Dowling questioned if this home meets any township requirements.

Ms. Dissinger answered the property does not meet any of them.

Mr. Dowling questioned why the applicant will not just sell the property or rent the units.

Mr. Teffley answered that he would prefer to sell them. He noted it would be better for the Township to have people owning their own houses. Mr. Teffley noted it would be easier to do that than to rent them out and deal with that.

Mr. Dowling questioned why they are not sold as a two-unit rental.

Mr. Teffley answered that for him it makes more sense to split them up.

Mr. Dowling questioned if they are rented currently.

Mr. Teffley answered no. He noted he has owned the property for two years and prior to that he does not know.

Mr. Dowling noted Mr. Teffley has not rented them and they have sat vacant.

Mr. Teffley answered yes.

Ms. Dissinger noted the properties both have separate entrances, blacktop driveways and garages and porches.

Mr. Teffley noted they have all the criteria for two separate houses except the address, water and sewer.

Mr. Dowling questioned if it can be sold or rented as a two unit why is there a hardship to grant a variance when it violates six different township ordinances.

Mr. Teffley answered that the neighbors and residents on the next do not have apartments.

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

Mr. Emery questioned if an effort to rent was made to rent the property.

Mr. Teffley answered none at all. He explained he purchased the property to flip it.

Mr. Reeder noted to the plan and the testimony given that both driveways are paved. He noted that the driveway is gravel not blacktop.

Mr. Turner noted for the record and the minimum lot width, it is measured at the setback line not at the street.

Mr. Staub questioned if an attempt was made to spruce up the property.

Mr. Teffley answered yes. He explained they started working but had to stop numerous times.

Mr. Dowling questioned if the Township had a position.

Ms. Zerbe answered no.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1440.

Mr. Reeder motioned to deny Docket 1440 as submitted.

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

Mr. Emery seconded the motion.

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

Mr. Dowling noted the application has been denied.

This hearing ended at 7:16 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht, Recording Secretary

# Lower Paxton Township

## Zoning Hearing Board

April 22, 2021

### Members Present:

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Jeff Staub

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Ron Reeder

Joe Murphy

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

### Docket 1441

Applicant: Fastsigns

Address: 2801 E. Market Street York

Property Owner: BRCC LLP

Property: 2057 EG Drive

Applicant: For a Variance from the number of permitted signs in connection with the proposed erection of a second sign on the property.

Fees Paid: April 1, 2021

Property Posted: April 13, 2021

Advertised: Mailings were sent to the adjoining property owners

The Hearing Began at 7:16 p.m.

Mr. Dowling swore in applicant John Toy.

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

Ms. Zerbe answered that the applicant paid the fees on April 1, 2021. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was posted on April 13, 2021, and mailings were sent to surrounding property owners.

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

Ms. Zerbe answered section 302.714 regulations for the permitted number of signs in the RRD District.

Mr. Toy noted he is representing his tenant and they will be occupying two tenant spaces and they are asking for two signs. He explained the applicant feels it would be better to have one sign above the space and the other sign facing the EG Drive.

Mr. Dowling questioned that the zoning officer said they are approved to have two signs, one above each entrance to the spaces.

Mr. Dowling questioned if there will be two entrances on the front.

Mr. Toy answered there will be one on the front and one on the other side. Mr. Toy explained the requested would be to take the sign that would be above glass and place it above the entrance on EG Drive. He noted they are following precedence from the Starbucks signage.

Ms. Zerbe noted this is interesting because they do occupy two suites so they would be entitled to two signs. She explained the applicant would like to move both signs on the same suite.

Mr. Dowling requested Mr. Toy to give the dimensions of the signs.

Mr. Toy noted the signs are 26 square feet, noting they are allowed 32 square feet. He noted the signs are 32 inches high by 120 inches wide.

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

Mr. Hansen questioned why the signs are the same size.

Mr. Toy answered for visibility. Mr. Toy noted his client is open to placing a different design for the sign if requested.

Mr. Dowling noted the Board is not requesting the applicant to change the design of the sign.

Mr. Dowling questioned Ms. Zerbe on the sign size of the other tenant spaces that are being used.

Ms. Zerbe noted the tenants have a maximum allowable sign to those tenant spaces.

Mr. Emery requested more information on the sign.

Mr. Toy noted the sign is internally illuminated and backlit.

Mr. Staub questioned the tenant space. He questioned if the variance is granted does the other space lose the ability to have a wall sign when the current tenant would leave.

Mr. Turner answered that if the Board was inclined to grant the variance, it could be conditioned on the tenant having two spaces and if the next tenant would not have both spaces the sign would have to go, the Board can attach reasonable conditions.

Mr. Dowling requested Mr. Turner to give a reasonable condition.

Mr. Turner answered that the reasonable condition would be the variance would only last as such time as a single tenant is occupying both front spaces and upon that not be the case the variance would disappear.

Mr. Dowling questioned if the Township had a position.

Ms. Zerbe answered no.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1441.

Mr. Staub motioned to approve Docket 1441 as submitted with the condition stated by Mr. Turner.

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

Mr. Hansen seconded the motion.

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

Mr. Dowling noted the application has been granted.

This hearing ended at 7:29 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht

Recording Secretary

# Lower Paxton Township

## Zoning Hearing Board

April 22, 2021

### Members Present:

David Dowling

Allen Hansen

Jeff Staub

Mark Emery

Ron Reeder

Joe Murphy

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

### Docket 1442

Applicant: Road to Emmaus Presbyterian Church

Address: 5050 Linglestown Road

Property Owner: Road to Emmaus Presbyterian Church

Property: 5050 Linglestown Road

Applicant: For a Variance from sign regulations in connection with the proposed installation of a full color video LED sign to be added to the existing freestanding sign

Fees Paid: April 1, 2021

Property Posted: April 13, 2021

Advertised: Mailing were sent to adjoining property owners.

The Hearing Began at 7:30 p.m.

Mr. Dowling swore in applicant John Foley and Ben Stimmel.

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

Ms. Zerbe answered 714 permitted free standing changeable copy in the Linglestown Overlay District.

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

Ms. Zerbe answered that the applicant paid the fees on April 1, 2021. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was posted, and mailings were sent to surrounding neighbors.

Mr. Foley explained they are seeking a variance to add a full color LED sign to the existing free-standing sign that is currently there. Mr. Foley noted the present sign measures 48 x 96 and is backlit and double sided. He noted the proposed LED structure would be mounted below measuring 40 x 66. Mr. Foley explained the LED sign would allow the church to get their name out to the public since they are fairly new to Linglestown Road. He continued the sign would help them to build their congregation, let the public know of the various charities they support and to be able to support the ongoing missions.

Mr. Dowling opened questioning up to members of the Board.

Mr. Emery requested what might be on the sign.

Mr. Foley explained the sign would allow the public to know of any upcoming programs or events.

Mr. Emery noted he is not sure if they are meeting the standards for a variance. He questioned if they have tried other ways to let the public know of events.

Mr. Foley explained they have tried mailings but that can cost \$2,000 and the sign is a one-time expense.

Mr. Emery questioned Ms. Zerbe on what size sign is allowable.

Ms. Zerbe answered a free-standing sign 40 square feet.

Mr. Dowling questioned if the existing sign exceeds that.

Mr. Foley answered no. He noted the sign is 4 x 8. Mr. Foley noted they have been a congregation for five years but had a hard time growing the congregation because for people to know about them they had to find them on the website. He explained the sign will invite the public to join them for services or events.

Mr. Dowling questioned the hours of the sign.

Mr. Foley answered the hours would be 7 a.m. to 9 p.m. or 10 p.m.

Mr. Dowling questioned Ms. Zerbe any restrictions on the Colonial Country Club sign.

Mr. Foley noted they are not looking to have the wording constantly changing.

Mr. Turner noted the sign may change wording every 60 seconds.

Mr. Foley explained the sign would help them to grow their congregation so they can help give more to the community in charitable gifts.

Mr. Reeder questioned if the height of the sign would change.

Mr. Foley answered the LED will be placed under the other existing sign.

Ms. Zerbe noted to the signage at Colonial Country Club and the sign must be dark from 11 p.m. to 6 a.m.

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

Mr. Dowling swore in Christina Ulrey, 8881 Jonestown Road

Ms. Ulrey noted she is a member of the church. She noted a variety of activities the church is apart of, CD Nutra Packs and most recently an egg hunt with a neighboring day care that was invited. Ms. Ulrey noted the churches mission is a love for the Harrisburg area, to grow new disciples for Jesus Christ. Ms. Ulrey supports the proposed sign for the church and community.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1442.

Mr. Hansen motioned to approve Docket 1442 as submitted with the condition that the hours be 7 a.m. to 10 p.m., seven days a week and the message must be displayed for at least sixty seconds.

Mr. Dowling seconded the motion with an additional condition that the signage is consistent with the diagram submitted and the signage can only be used as long as the building is a church.

Mr. Hansen agrees to Mr. Dowling's conditions.

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

Mr. Dowling noted the application has been granted.

This hearing ended at 7:52 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht

Recording Secretary

Lower Paxton Township  
Zoning Hearing Board

April 22, 2021

**Members Present:**

David Dowling

Allen Hansen

Jeff Staub

Mark Emery

Ron Reeder

Joe Murphy

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

**Docket 1443**

Applicant: Crosspoint United Methodist Church

Address: 430 Colonial Road

Property Owner: Crosspoint United Methodist Church

Property: 430 Colonial Road

Applicant: For a Variance from use requirements in connection with he proposed replacement of an existing digital sign near the corner or Crums Mill and Colonial Roads and the erection of an additional sign near the corner of Valley and Colonial Roads in a R3 Residential Zoning District.

Fees Paid: April 1, 2021

Property Posted: April 13, 2021

Advertised: Mailing were sent to surrounding neighbors

The Hearing Began at 7:52 p.m.

Mr. Dowling swore in applicants David Biser and Ken Wayatt.

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

Ms. Zerbe answered that the applicant paid the fees on April 1, 2021. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was posted, and mailings were sent to surrounding neighbors.

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

Ms. Zerbe answered 203.714 permitted uses for sign types.

Mr. Biser noted they are seeking to replace a static sign and replacing it with singular unit within the hardscape.

Mr. Dowling questioned where that sign is located.

Mr. Biser answered on the corner of Crums Mill Road and Colonial Road.

He noted that there were two signs on that corner and in 2005 they disassembled one of the signs with hopes to move the sign down to the Valley Road and Colonial Road corner and that process was delayed and they are seeking a variance for the second sign since they did not follow up on that. He continued that sign would be a brick and mortar sign with solar lights.

Mr. Dowling questioned if the church owns the property.

Mr. Biser answered that is correct.

Mr. Dowling questioned if the applicant is aware of Penn DOT changes.

Mr. Biser answered they are.

Mr. Dowling questioned why they need a sign down there.

Mr. Biser answered they do not have sign down there and the only way you will know who they are is to come up to Colonial Road and Crums Mill Road.

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

Mr. Hansen questioned which option on the diagram will they opt for.

Mr. Wayatt answered C noting it has a check mark.

Mr. Hansen checked the hours of operation of the sign.

Mr. Biser answered currently 24/7. He noted they would assume they could continue that since that have already been running the sign like that.

Mr. Dowling questioned the size of the church congregation.

Mr. Biser answered currently over 700 members with attendance of 385 a weekend.

Mr. Emery questioned the current sign that is part digital, what is the size of the digital portion.

Mr. Wayatt answered 1 x 7.

Mr. Emery questioned the size of the proposed digital sign.

Mr. Wayatt answered 41 inches by 8 feet.

Mr. Emery noted to the previous docket and the Board just put time limits on their sign. He questioned if the applicant would be agreeable to this with the larger multi color sign.

Mr. Biser noted he would struggle with that since they currently have their sign lit 24/7. He noted he will take it if that is all he can get.

Mr. Emery noted that is what he is asking.

Mr. Dowling noted that the sign up on Crums Mill is digital and the sign on Valley is static.

Mr. Turner requested the applicants to identify their positions with the church.

Mr. Biser noted he is the Senior Pastor.

Mr. Wayatt noted he is the Director of Operations.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1443.

Mr. Dowling motioned to approve Docket 1443 as submitted with the condition the application is consistent with the exhibits submitted, noting sign size and location.

Mr. Reeder seconded the motion.

Mr. Dowling questioned if there is any further discussion.

Mr. Hansen questioned the hours the digital sign will be lit.

Mr. Dowling questioned how the church got the hours to be 24/7 of the last digital sign.

Mr. Wayatt answered he does not know.

Mr. Biser noted that was in 2006 and he was not apart of that process.

Mr. Dowling noted he will attach a condition to be consistent with other digital boards in the area. Mr. Dowling noted to the times of 10 p.m. to 7 a.m.

Mr. Biser requested to discuss that. He noted to the business on the opposite corner that is well lit and gives more light. He questioned how to compare this church to another church on a different property and road when there are many churches that have signs on that are 24/7. He noted that the main parking lot lights go out at midnight. He noted that they would like to be available to the public 24/7.

Mr. Wayatt noted the LED lights are well lit but not blasting light into the street.

Mr. Reeder suggested to compromise by having a standard display from 10 p.m. to 7 a.m.

Mr. Biser noted he would have to check the software.

Mr. Dowling questioned where this would leave them for a vote.

Mr. Turner noted the condition could be counted as the best efforts.

Mr. Dowling motioned to grant the variance with the condition that the sign at Crums Mill Road/Colonial Road which is schedule to be all digital be restricted between the hours of 10 p.m. to 7 a.m., noting church name and phone number will remain on, and the church will use the best efforts to comply.

Mr. Reeder seconded.

Mr. Biser noted they can report back to the Township with their answer from the software company.

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

Mr. Dowling noted the application has been granted.

This hearing ended at 8:16 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht

Recording Secretary

# Lower Paxton Township

## Zoning Hearing Board

April 22, 2021

### Members Present:

David Dowling

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Mark Emery

Ron Reeder

Joe Murphy

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

### Docket 1444

Applicant: Rosa Santiago

Address: 6211 Blue Ridge Avenue

Property Owner: Rosa Santiago

Property: 6211 Blue Ridge Avenue

Applicant: For a Variance from maximum area regulations for a proposed accessory building of 1,500 square feet to be erected in the rear of the property.

Fees Paid: April 1, 2021

Property Posted:

Advertised: Mailing were sent to surrounding neighbors

The Hearing Began at 8:17 p.m.

Mr. Dowling swore in applicant Rosa Santiago.

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

Ms. Zerbe answered that the applicant paid the fees on April 1, 2021. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was posted, and mailings were sent to surrounding neighbors.

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

Ms. Zerbe answered is a variance for accessory structures for over 1,000 accessory structures..

Ms. Santiago noted she is seeking a variance to build a 30x50x12 storage building. She noted they have been living there for 9 years. She explained they have a travel RV that they have to pay to have stored and it is hard to access, and they are running out of space in their garage. She noted that proposed building would be able to store the travel trailer, motorcycle, golf cart, four-wheeler and that would be convenient for their family.

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

Mr. Hansen questioned where the driveway would go.

Mr. Santiago noted there is a small hill to level to come in and out.

Mr. Hansen questioned Ms. Santiago if she has spoken to any neighbors.

Ms. Santiago noted she spoke to her neighbor Nina and it will be more than 10 feet off the property line and she is ok with that.

Mr. Emery noted that is a extremely large structure. Mr. Emery questioned Ms. Santiago if she looked into a structure that complies with the ordinance.

Ms. Santiago answered that is the standard size.

Mr. Staub noted he has the same concern as Mr. Emery. He noted looking at the plan the applicant may be able to scale down the size and have room to store the RV.

Ms. Santiago replied they are a growing family, and they would like to have space.

Mr. Dowling noted the applicant is asking for a variance because they have a motorhome and that does not mean you cannot use your property. Mr. Dowling noted he does not want to be in the position of granting variances just for someone to store a motorhome and all the other toys as noted in the application.

Ms. Santiago answered why not.

Mr. Dowling noted the proposed structure looks like more of a commercial building that what you would find in a residential neighborhood.

Ms. Santiago noted she does not have an argument only that it will save us money.

Mr. Dowling noted he understood but that is not a compelling reason or hardship over convenience or saving money.

Mr. Dowling questioned if the Township had a position.

Ms. Zerbe answered no.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1444.

Mr. Emery motioned to deny Docket 1444 as submitted.

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

Mr. Hansen seconded the motion.

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

Mr. Dowling noted the application has been denied.

This hearing ended at 8:31 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht

Recording Secretary

# Lower Paxton Township

## Zoning Hearing Board

April 22, 2021

### Members Present:

David Dowling

Allen Hansen

Jeff Staub

Mark Emery

Ron Reeder

Joe Murphy

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

### Docket 1445

Applicant: Jeffrey B. Barnhart

Address: 216 S. Arlington Avenue

Property Owner: Jeffrey B. Barnhart

Property: 216 S. Arlington Avenue

Applicant: For a Variance from a side yard setback requirement in connection with a proposed addition to the existing dwelling.

Fees Paid: April 5, 2021

Property Posted: April 13, 2021

Advertised: Mailing were sent to surrounding neighbors

The Hearing Began at 8:31 p.m.

Mr. Dowling swore in applicant Jeffrey Barnhart and Kimberly Leshak.

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

Ms. Zerbe answered 307A dimensional requirements of the R1 district.

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

Ms. Zerbe answered that the applicant paid the fees on April 5, 2021. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was posted, and mailings were sent to surrounding neighbors.

Mr. Barnhart noted that they purchased the property in 2018 and recently his father passed away. He noted they are proposing an addition so that they can have her move in with them so that they can care for her since her health is on the decline.

Mr. Barnhart explained his drawing and photographs to the Board noting the dimensions of the lot and setback. He noted the addition would include a bathroom, bedroom, and sitting room. He noted that the addition will be current with the style of the home. Mr. Barnhart provided a photo of the style of the addition he would propose.

Ms. Zerbe noted Mr. Barnhart has a preexisting non-conforming lot.

Mr. Dowling questioned if there were any comments by the Board.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1445.

Mr. Hanse motioned to approve Docket 1445 as submitted.

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

Mr. Reeder seconded the motion.

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

Mr. Dowling noted the application has been granted.

This hearing ended at 8:49 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht

Recording Secretary

