

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of February 25, 2016

Members Present

Jeff Staub  
Greg Sirb  
Alan Hansen  
Watson Fisher  
Sara Jane Cate

Also in Attendance

James Turner  
Amanda Zerbe  
Kristi Focht  
Mark Emory

**Docket 1383**

Applicant: Franklin & Judith Beskid

Address: 2192 Parkway West  
Harrisburg, PA 17112

Property Owner: Franklin & Judith Beskid

Property: 2192 Parkway West  
Harrisburg, PA

Section 307.A, – Frontage requirement in the AR-agricultural residential district. The requirement for a minimum of 140' of frontage along an improved street for a newly created lot

Fees Paid: January 19, 2016

Property Posted: February 16, 2016

Advertisement: Appeared in the Paxton Herald on February 10, 2016 and February 17, 2016

The hearing began at 7:01 p.m.

Mr. Staub noted that it is customary for the Board to enter a copy of the application and any site plans as Township exhibits. He questioned Mr. Akens if they had any objection to that. Mr. Askens answered no.

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

Mr. Sirb questioned if the appropriate fees have been paid for this docket. Ms. Zerbe answered that the applicant paid the fee on January 19, 2016. Mr. Staub questioned if the application has been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in The Paxton Herald on February 10, 2016 and February 17, 2016, and it was posted on January 16, 2016.

Mr. Sirb asked Ms. Zerbe to explain what ordinances pertain to this request. Ms. Zerbe noted that it has to do with Section 307.A, – Frontage requirement in the AR-agricultural residential district. The requirement for a minimum of 140' of frontage along an improved street.

Mr. Staub swore in Scott Akens, 219 East Main Street, Shiremanstown, PA, 17011, Akens Engineering.

Mr. Staub noted that in discussion with the Township Solicitor that they enter into the record the previous testimony.

Mr. Turner asked if that would be acceptable to the applicant. Mr. Turner noted if the applicant could give a brief thumbnail of the work and to highlight the changes.

Mr. Sirb commented to emphasize a highlight on the changes. Mr. Akens replied no problem.

Mr. Akens explained that they are intending to do is subdivide a new residential single family residential lot and acquire a waiver or variance for the road frontage requirements to create a new lot. There is only enough frontage in the existing property for one conforming lot. Mr. Akens noted they were here in December and got an approval to do that. Once the septic testing was done they had to shift the property lines a little bit. Mr. Akens noted since they had to come back for that change adding the bulk of the property to the new lot and the existing home lot became the smaller lot. Mr. Akens mentioned that with shifting the property lines with the septic testing this plan made more sense to the property owners.

Mr. Sirb questioned what the frontage is right now. He noted the minimum is one hundred and forty. Mr. Akens answered it was one hundred and forty two feet just over the requirement of one hundred and forty feet.

Mr. Staub noted that in both instances there would have been one long line. Mr. Akens answered that Mr. Staub was correct and that it has just been flip flopped around because the lot line that runs between the septic.

Mr. Sirb questioned Mr. Akens on having 8.2 acres. Mr. Akens answered yes. That the existing will be knocked down to 1.9 acres and the new lot will be 6.5 acres.

Mr. Sirb questioned the parking lot and if things would have to be moved forward. Mr. Akens noted that with the septic area that is why a new property line had to be drawn.

Mr. Staub questioned if the township had a position on the application. Ms. Zerbe replied we do not.

Mr. Staub questioned if Mr. Akens had any further testimony. Mr. Akens answered no.

Mr. Staub questioned the board if they had any further questions. No response was heard.

Mr. Staub questioned if anyone in the audience wished to be heard on this variance. No response was heard.

Mr. Sirb questioned if the owners would own both lots. Mr. Akens answered the 1.9 acre lot will eventually be sold.

Ms. Cate questioned if a house would be built there. Mr. Akens answered yes.

Ms. Cate questioned where they will be placing the house. Mr. Akens answered that the house would sit towards the east of the existing home and north of the driveway. Mr. Akens noted a subdivision plan is currently into the township and that would address the physical site and storm water.

Mr. Turner noted that this variance is very similar to the variance that was in before. With the change that was made was the reason for them to come back.

Mr. Staub noted that the Board has 45 days to render a decision; he questioned if the board wished to take action on Docket 1383.

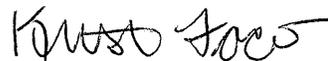
Mr. Sirb made a motion to approved Docket 1383 as presented. Mr. Hansen seconded the motion.

Mr. Staub requested Mr. Turner to conduct a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; Ms. Cate, aye; Mr. Sirb, aye; and Mr. Staub; aye.

Mr. Staub noted that Docket 1383 variance was granted.

The hearing ended at 7:14 p.m.

Respectfully submitted,



Kristi Focht  
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON  
: TOWNSHIP ZONING HEARING BOARD  
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA  
:  
FRANKLIN D and JUDITH R. : DOCKET NO. 1383  
BESKID :

### **DECISION GRANTING VARIANCE**

The applicants seek a variance from lot frontage requirements in connection with a proposed subdivision in the Agricultural Residential Zoning District. A hearing on the application was held on February 25, 2016.

#### **Facts**

1. The applicants and owners of the property in question are Franklin D. and Judith R. Beskid of 2192 Parkway West, Harrisburg, Pennsylvania 17112. Appearing on behalf of the applicants was Scott W. Akens, project engineer and surveyor.

2. The property in question is located on the west side of Parkway West and consists of an irregularly shaped 8.31 acre parcel with approximately 75 feet of frontage on Parkway West. The parcel is improved with a dwelling located in the rear of the panhandle lot. The applicant was previously granted a variance docketed to No. 1378, however the proposed subdivision had to be reconfigured to accommodate septic system placement.

3. The applicants propose to subdivide a 1.93 acre parcel in the rear of the lot to create a new building lot. This parcel would be accessed by the existing driveway, over which a right of way will be granted. The proposed rear lot would have no road frontage.

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

5. No one other than the applicant appeared to testify either in favor of or against the proposed request for variance.

### Conclusions

1. Section 307(a) of the ordinance requires a minimum lot frontage of 140 feet along an improved street. The proposed new lot would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship consisting of its irregular shape and extremely limited frontage. Despite its large area the parcel lacks sufficient road frontage for any further subdivision.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The new proposed lot is isolated and adequate setbacks for the proposed structure can be maintained. Both resulting lots exceed minimum lot area for the district.

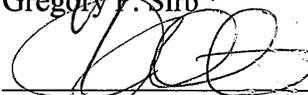
**Decision**

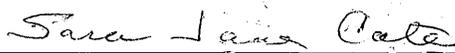
In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the creation of a new lot with zero road frontage. In all other respects the subdivision shall be in accord with the plans and testimony submitted to the Board and is subject to the Township's normal subdivision process except as modified herein. This grant of variance is further contingent upon the applicants developing a written agreement to provide for access and maintenance of the shared driveway to be approved by the Planning Commission. In all other respects the applicants shall proceed in strict accord with the plans and testimony presented to the Board.

Date: 4/1/16

LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD

  
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Gregory F. Sirb

  
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Jeffrey W. Staub

  
\_\_\_\_\_  
Sara Jane Cate

  
\_\_\_\_\_  
Allan Hansen

  
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Watson Fisher