

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of May 29, 2008

Members in Attendance

David Dowling, Chairman
Sara Jane Cate, Vice Chairperson
Richard Freeburn
Allan Hansen

Also in Attendance

James Turner, Solicitor
Lori Wissler, Planning & Zoning Officer

Docket # 1245

Applicant: Child Evangelism Fellowship of Dauphin County, Inc.

Address: 16 South Mountain Road

Property: 16 South Mountain Road, Harrisburg, PA

Interpretation: 10 parking spaces are required.
Applicant proposes 4 parking spaces.

A minimum 30' wide buffer yard with plant screening is required along the rear and side lot lines.

Applicant proposes building within the side buffer yard and parking within the side and rear buffer yards.

Minimum aisle width of 20 feet.

Applicant is proposing an aisle width of 14.75 feet.

Off street loading is required.

Applicant is not proposing an off-street loading facility.

Grounds: Articles 601.C.13, 603.A, 803.D.1, 603.C, and 604.A of the Lower Paxton Township Codified Ordinances pertain to this application.

The following were sworn in: Brooke Morrison, Director of Ministry of Child Evangelism Fellowship of Dauphin County, Inc., home address of 504 Alden Street, 17109; and Lori Wissler, Lower Paxton Township Planning and Zoning Officer.

Ms. Cate stated that it is customary for the Board to enter the application and site plan as exhibits. The applicant had no objection to their doing so.

Ms. Wissler testified that the appropriate fees were paid on May 1, 2008. Proper advertisements were made in the Paxton Herald on May 14 and 21, 2008. The property was posted on May 19, 2008.

Ms. Wissler testified that Articles 601.C.13, 603.A, 803.D.1, 603.C, and 604.A of the Lower Paxton Township Codified Ordinances pertain to this application. Ten parking spaces are required and the applicant proposes four parking spaces. A minimum 30' wide buffer yard with plant screening is required along the rear and side lot lines and the applicant proposes building within the side buffer yard and parking within the side and rear buffer yards. There is a minimum aisle width of 20 feet and the applicant is proposing an aisle width of 14.75 feet. Off-street loading is required and the applicant is not proposing an off-street loading facility.

Mr. Morrison stated that Child Evangelism Fellowship, CEF, is a children based ministry, providing materials and encouragement training for volunteers. The volunteers go to homes, schools, and churches in the community to teach bible lessons, songs, games, stories, and memory verses. Part of the ministry is to prepare those materials for those individuals.

The building on South Mountain Road is used primarily for office work such as billing, receiving donors, sending out thank you letters, sending out a monthly prayer request to donors. There is a lending library in the facility where they prepare and store the 400 or more lessons for the volunteers.

There is a monthly meeting of the committee and there are eight individuals on the committee that meet the second Monday of the month for two hours. There is also another group of the same number of people that meets between September and February for the school year ministry that also meets for two hours, once a month, on the first Wednesday of the month.

Mr. Morrison stated he is proposing a 1,129 square foot addition. That would help the ministry be able to better lay out the materials and provide encouragement to the committee and volunteers. The area is needed to lay out things such as crafts, recreation and snack materials, for summer camps and day camps. All of this work is currently being done in the basement of the building. It is dark and damp, and in the winter it is cold. The addition would be one story, half brick with lots of windows, and matching siding. The addition would also provide the committee a meeting place. The variance is caused by the narrowness and the shallowness of the lot. These are the minimum variances that would afford relief.

Mr. Hansen asked how the size of the addition was determined. Mr. Morrison stated that the ministry uses 8-foot tables for preparing the materials and for the meetings. The ministry was in a home in the past, and put an addition on that home to accommodate the ministry of similar size. The dimensions would be in line with the current building. The brick and siding would tie in neatly to match the existing property.

Mr. Hansen asked the use of the upper level of the building. Mr. Morrison stated it is storage. Mr. Hansen asked about using the upper level for the preparing of materials and meetings. Mr. Morrison stated that the stairs are very narrow and challenging to maneuver.

Mr. Freeburn asked about the location of the parking spaces. Mr. Morrison stated that there are two in the buffer area, and two that meet the setback requirements.

Ms. Cate asked what is different about the application now as opposed to the last time CEF was before the Board. Mr. Morrison stated that he evaluated the items of concern from the last meeting. He noted that when questioned, he approximated his answers about number of visitors and deliveries. Since then, he has documented the information to be able to provide an accurate response. In the year and a half that they have been there, there have been 9 deliveries via UPS, such things as toner, colored paper. Most of the activity in the building takes place during the school year ministry, while the summer months are pretty isolated. In the last 8 months (during the school year), the number of visitors has been as high as 5 visits per month, and as low as 2. At the last meeting, there was a concern about two-way traffic. Mr. Morrison is the only full time employee. The possibility of two-way traffic is almost none.

Ms. Cate asked how many volunteers there are, and how often they come to the property. Mr. Morrison stated that once a month, on the first Monday of the month from 7:00 pm to 9:30 pm, the committee of eight people holds a meeting. During the school year, there is another committee of eight that meets on the first Wednesday of each of those eight months for about two hours. At those meetings, they get their materials. Ms. Cate asked about the volunteers that gather the materials. Mr. Morrison stated the only people who put together the materials are himself full-time, and occasionally his wife or Ms. Ginny. He further explained that there are people who will help cut out shapes or figures, that is accomplished by Mr. Morrison taking the items that need cut to church on Sunday and giving them to the person, who will do the cutting, and return the cut materials the following Sunday at church. No one actually comes to prepare the materials.

Mr. Morrison stated that there was a concern about the neighbors at the last meeting. He spoke to the Ricords, Koups, and the Fedetz's, they are very encouraged by what has been and what is being done on the property. Ms. Cate asked if Mr. Morrison had those neighbors sign anything. He answered no, but did have a letter from Mr. & Mrs. Ricords, 14 S Mountain Road:

I have met with Brooke of CEF and discussed the plans and addition to add an addition onto the existing property at 16 S Mountain Road. I have been made aware of the size of the addition and also the need for new parking. I look at any addition as being helpful to the neighborhood. There have never been any problems with noise pollution or trash at all. I also offer my own personal driveway to be at their disposal if they need it at any length of time. I have never had any problem or concern with CEF and fully support their plans for changes or modifications they plan to do to their current office. If anything, they have only improved on the modernization of the property. They are great neighbors, and have my full support in this matter. In the year they have been there, I have seen they have been warm and welcome to everyone in the neighborhood. I have seen the master blueprint map and support it 100%. If you need anything else, please do not hesitate to contact me at my address or via phone.

Mr. Turner marked the letter as applicant's exhibit #1.

The Ricords property is most affected by the variance requests. Mr. Morrison stated that CEF only knows the Ricords as neighbors since they have been in the building. This letter also reflects the feelings of the other neighbors.

Ms. Cate stated there are letters included with the application from Karns, Dr. Dahle at 12 S Mountain Rd, and Citizens Bank.

Mr. Freeburn stated the only change to the application from the previous hearing is the parking availability at other businesses. Mr. Morrison stated that is one thing they have done. They have evaluated the previous hearing minutes, and there were concerns about the parking that could be revoked at any time by the church. That was a real problem so they went to other neighbors. Karns has permitted them to park there, as well as the psychiatrist and Citizens Bank. The bank is down Mountain Road, but their parking lot comes behind the properties and up to the back of the subject property. Mr. Morrison stated that the major concerns the Township had were parking and affects on the neighborhood. He noted they have addressed the parking, and also spoke to all of the neighbors to get their input and see what their concerns would be.

Mr. Morrison stated that at the last meeting, the Board wanted to know why there was no sign and why there was a sand pile. A sign has been erected, and there is a sense of permanency. The operation was held in a house for 35 years. When they asked for a sign permit, the Township informed them they cannot operate out of a home. The Lord led them to this property. Without the addition, the ministry is hard-pressed to operate in the basement. The addition will provide for the health and stability of the ministry.

Mr. Freeburn asked about the square footage of the building. Mr. Morrison stated it is about 1,800 square feet.

Mr. Freeburn noted that the letter from Citizens Bank is for a one-year period, not indefinitely. The letters from Karns and Dr. Dahle do not indicate a time frame for use of their properties. The overflow parking has to be within 300 feet and for the duration of the use. Mr. Morrison stated that the letters purposely did not include a termination date. Mr. Freeburn stated the letters don't say that they won't revoke permission, so they could. Ms. Cate stated the bank lot is only for a year. Mr. Morrison stated that is only a safeguard for them, so that they can see that CEF will use it how they said they would. There has been no problem.

Mr. Freeburn did not have any objection to this particular use of the building, but it will expand the building in the CG zone with only 4 parking spaces, and future owners will be afforded the same variances.

Mr. Turner asked if a new user would need a CO from the Township. Ms. Wissler answered yes. Mr. Turner asked if someone wanted to put a different use in, the parking would be an issue. Ms. Wissler stated that most uses require more parking spaces, and would not be permitted in that site.

Ms. Wissler stated the variance could be conditioned upon off-site parking being available, and if that parking is not available, it would not be a viable option for that business.

Mr. Freeburn asked what would happen if Karns decided they didn't like the liability of having people cross Mountain Road and revoked their offer, or if the psychiatrist moved out and the new owner there didn't want to share his parking.

Mr. Morrison stated he did question the bank about the one-year time frame, and the bank manager stated there is nothing wrong or no reason for worry, but they wanted to make sure what they were told is accurate to cover themselves.

Mr. Morrison stated that the church next door revoked the use of their parking lot because the variances were denied. He speculated that if the variances were to be granted, they would allow parking on their lot. They suffered abuse when the drive-in was across the street, so they are cautious.

Mr. Freeburn asked if the building was donated. Mr. Morrison stated they purchased it.

Ms. Cate asked if the business might grow or expand. Mr. Morrison stated that the fellowship has operated for 58 years with one full-time person, and occasionally one part-time person. This is a ministry that is staffed by volunteers. The volunteers are Sunday school teachers, people who teach a club in their house, or in their church, or at the youth center.

Mr. Freeburn asked how many parking spaces are there now. Mr. Morrison stated there is a stone area for 4 parking spaces.

Mr. Freeburn asked how the situation is policed or how the Township would know if one of the neighbors withdrew their offer for parking. Ms. Wissler stated the Township would be notified through a complaint, otherwise would not be involved. She noted there have been no complaints since CEF has been in the building.

Mr. Turner suggested that if the variances were granted, they could require an annual recertification to the Township of the availability. The law allows reasonable conditions to be attached to a variance. The availability of overflow parking is certainly a reasonable condition for a parking variance. If a problem arose in the future, the applicant would have an unusable and unmarketable building.

Mr. Turner also suggested that the variances could be conditioned to this use, but not to this user. Should the use change, the new use would have to come to the Zoning Hearing Board at that time.

Mr. Freeburn asked if a variance could be granted in the future for a new user. Mr. Turner felt they would have to show they were a use that also required very little parking.

Mr. Morrison stated that there are two meetings, at the most, each month, with about 4-5 cars, and 4 businesses willing to share parking spaces with them.

Mr. Hansen asked about the part-time help. Mr. Morrison stated that Ms. Ginny is there part time, and his wife helps primarily from home.

Ms. Cate called for public comment.

Ross Reider, 530 Lopax Road, was sworn in. Pastor Reider asked the maximum number of cars that might be on-site at any given time. Mr. Morrison stated that, at a meeting with eight people, two of which are husband and wife, there will be at most 7 cars, 5 at the building, and Mr. Morrison and the treasurer at the Karns lot. Pastor Reider offered a long-term permanent agreement to allow CEF to utilize the parking at the New Love in Christ Church.

Pastor Reider suggested that since CEF does not operate on Sunday mornings, they could offer the use of its parking spaces to Charlton for Sunday services, in exchange for use of Charlton's lot during the week for CEF's meetings.

Richard E. Fortney, Jr., 6541 Leo Drive, was sworn in. Mr. Fortney stated he has been a Township resident for 25 years, and has served on the CEF committee from 1987 to 2000. Mr. Fortney was involved in the addition to the rear of the property on Chelton Avenue. The addition requested is very similar to the one put on the back of the house on Chelton Avenue. With regard to the marketability of the building, if the building were sold, the addition could easily be used as a nice sized family room and the building could be used as a house again. From a practical standpoint, the building, the addition, and the parking would be sufficient for a family.

Mr. Fortney stated that when he served on the board, they used the parking lot at Noah's Place, and never had a problem.

Wayne McCloud, 2413 Glendore Drive, was sworn in. Mr. McCloud stated he is the Associate State Director for Child Evangelism of Eastern Pennsylvania. There are 25 counties under this jurisdiction. He verified Mr. Morrison's testimony with regard to ministry, volunteers, and their history. He stated that the current location is a much better location, it is visible to the public.

Ms. Cate asked if the Township had a position on the application. Ms. Wissler answered no.

Mr. Freeburn asked if the lot requires 12 spaces. Ms. Wissler stated they would need ten.

Ms. Cate asked if any of the other variances are objectionable. Mr. Morrison stated that he showed the neighbors and helped them understand the plans for the addition and how it would affect their property line. They realize and appreciate that this is a ministry, and not a business with people in and out all day long, loading and unloading. They appreciate the quaintness of the ministry, and also the quality of the work that has been done to the building and work that is proposed.

Stephanie Mitchell, 3833 Durham Road, 17110, was sworn in. Ms. Mitchell stated that she is a volunteer teacher at Paxtonia Elementary. She explained that CEF is a benefit to the community and the children affected. She benefited as a child, and now teaches in a public school and sees children from broken homes who hear that God loves them. She hears that those children's behavior also improves in school. She felt it was important for the Board to hear that there is a significant benefit to the community.

Gary Hoffman, 2030 Blue Mountain Parkway, was sworn in. He has been a resident of the Township for 35 years. He suggested that there could be a stipulation or caveat attached to the approval making it clear to potential buyers that there are restrictions on the property.

Mr. Freeburn made a motion to grant the variance application with the following stipulations: no more than two employees, use be restricted to non-profit children's ministry, annual certification that there are at least 6 overflow parking spaces available for use (preferably not crossing Mountain Road). Mr. Hansen seconded the motion and a role call vote followed: Mr. Hansen-Aye; Mr. Freeburn-Aye; and Ms. Cate-Aye. The variance was granted.

The hearing ended at 8:06 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary