

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of May 26, 2011

Members in Attendance

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

Also in Attendance

Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor
Watson Fisher, Alternate

Docket #1299

Applicant: Jean Elizabeth Vary & Janice V. Fritz

Address: 6224 Elaine Avenue

Property: 6224 Elaine Avenue

Interpretation: Minimum front yard setback in the R-2 District is 25 feet. Applicant proposes a 2-foot encroachment into the setback for a proposed kitchen addition and a two-car garage.

Grounds: Article 307.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.

Fees Paid: April 28, 2011

Property Posted: May 16, 2011

Advertisement: Appeared in The Paxton Herald on May 11 & 18, 2011

The hearing began at 7:03 pm.

The following were sworn in Jean Elizabeth Vary, applicant; and Dianne Moran, Planning & Zoning Officer. Ms. Vary explained that her sister, Ms. Fritz could not attend the hearing because she is at home with their elderly mother during the storm.

Mr. Freeburn stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

Mr. Freeburn asked for testimony as to why the application should be granted. Ms. Vary stated that they have been renovating the house, and this will be phase 2 of the renovations. Phase 1 included a dormer in the back, two years ago. Now they are working on a double garage, an extended kitchen with a dinette, and a first-floor laundry room. The back space of the proposed arrangement is a sunroom. The wall that separates the kitchen and the living room should be extended straight so that the kitchen cabinets and dinette wall will continue the same straight line. That wall will become the back wall of the garage. There will not be enough length for the garage unless they build out front about eight feet. There is a need for an extra two feet to get the eight feet

needed. If the addition is built without the variance, the kitchen wall will zig-zag and the laundry room and dinette area will not be straight. Ms. Vary stated that the sunroom and patio will be basically unaffected.

Ms. Vary stated that her builder suggested she check with the Township to make sure there is enough of a setback. She noted she is very glad he told her about it, or she would not have known about the regulations.

If the variance is granted, Ms. Vary noted that there will still be 33 feet between the garage and the street, which seems pretty reasonable.

Mr. Dowling asked the applicant to show the existing area and the proposed area on the drawing. Ms. Vary drew on the layout the rectangle that is the existing house. She also demonstrated where the front of the house is, and where the garage will be, and the new driveway will be. There is no garage on the house now, only a one and a half car carport.

Ms. Vary explained that the measurements are accurate, but the drawing is not to scale.

Mr. Hansen asked what is on the back wall. Ms. Vary explained that the exterior is brick, but inside is the kitchen cabinets, sink, dishwasher and stove. Mr. Hansen noted that there is no way to move that wall back two feet. Ms. Vary agreed, because there is a cellar door (bilco door) outside that cannot be moved.

Mr. Turner identified the modified drawing as Applicants Exhibit #1, and added it to the record. Ms. Vary offered a second copy, but Mr. Turner stated the one is fine.

Mr. Freeburn noted there is sufficient side yard area. Ms. Vary agreed. She also noted that the original property markers are in tact in the back and side.

Mr. Freeburn asked if the property was surveyed to confirm that only a two-foot variance is needed. Ms. Moran noted that she is not a surveyor, but she also measured the right-of-way (25 feet), setback (25 feet), and yard. There is 41 feet to the edge of the paved road to the house, plus the 15 feet of the paved road.

Mr. Staub stated he pulled a copy of the original subdivision plan, Town of St. Thomas Manor, recorded in 1954. there is a note that says all the front yard setbacks are 30 feet, and it looks as though all the homes are set back about 30 feet from the right-of-way line, according to a Google Map. He questioned if the old plan has to be complied with, or if the current ordinance applies. Ms. Moran stated the current requirement applies, and that is a 25 foot setback in the R-2, Medium Density District. Mr. Turner added that the old plan would technically fall into a category of private covenant, so in theory, a neighbor who owns property appearing on that plan, could attempt to enforce the old regulation, the same way a private restriction would be enforced. As a practical

matter, the Township requirements trump that. Mr. Staub stated that the Mr. Turner stated that the Township does not enforce a private covenant.

Ms. Vary stated that she lives in the residence, and takes care of her 94 year old mother there. This expansion will give them more space to care for her, and accommodate Ms. Vary's own physical issues such as her back, and not having to go to the basement for laundry.

Mr. Turner asked for a description of the style or appearance of the new addition, as it relates to the existing house. Ms. Vary stated that it will match. The current house is brick, and the dormer on the back is white siding. They will extend the current roof line out the side over the new addition, and add reverse-A style windows, and will match the brick across the front. The side will be white siding. The main roof line on the house will continue out with the same pitch.

Mr. Freeburn asked for an explanation of the math. Ms. Moran stated that the front door is 41 feet to the edge of Elaine Avenue. The right-of-way is 50 feet total, the paved portion is 30 feet, so 25 feet from the center towards the house (or 15 feet of the paved, plus 10 feet in the grass); the setback is 25 feet more, and then there is 6 feet. Ms. Vary needs 8 feet, so she will intrude 2 feet. Mr. Freeburn noted he understands that she needs two feet.

Mr. Staub observed that this will be the only house with an encroachment on this block. Ms. Vary stated that two doors down there is a home with a garage out front, as well as a home down around the corner that has a huge extension. She noted that she does not mean to say they are not within their limits, but those have something to the front of the homes. She agreed that most homes put their extensions to the rear, but she knows of those two, plus there are a few more that have a garage to the side.

There was no comment from the audience, nor did the Township have a position on the application.

Mr. Hansen made a motion to approve the variance request as submitted. Mr. Dowling seconded the motion. A roll call vote followed: Mr. Hansen-Aye ; Mr. Staub-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; Mr. Freeburn-Aye.

The hearing ended at 7:22 pm.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
JEAN ELIZABETH VARY : DOCKET NO. 1299
JANICE V. FRITZ :

DECISION GRANTING VARIANCE

The applicants seek a variance from front yard setback requirements. A hearing on the application was held on May 26, 2011.

Facts

1. The applicants and owners of the property in question are Jean Elizabeth Vary of 6224 Elaine Avenue, Harrisburg, Pennsylvania 17112, and Janice F. Fritz of 109 Hope Drive, Boiling Springs, Pennsylvania 17007.

2. The property in question is located on the north side of Elaine Avenue and consists of an 80 feet by 120 feet lot. The property is improved with a single family cape-cod style house known as 6224 Elaine Avenue. The parcel is zoned Residential, R-2, Medium Density.

3. The applicant proposes to erect an addition to the east side of the existing home. The front of the addition would be a two car garage while the back portion would be used as a kitchen addition, laundry room, powder room and sun room. The addition would meet side and rear setback requirements and would extend 8 feet closer to the street than the existing home, resulting in a 23 feet front yard setback.

4. The proposed addition would be constructed of similar materials to the existing home. The existing roof lines would be extended, with roof hips to the north and south.

5. The new garage would replace an existing carport and macadam parking area.
6. The applicant wishes to extend the garage toward the street to continue the interior bearing wall to create a straight kitchen wall while still accommodating the garage.
7. No one other than the applicants appeared to testify either in favor of or against the proposed variance.
8. Notice of the hearing was posted and advertisement made as required by the ordinance.

Conclusions

1. Article 307.A provides for a minimum front yard setback of 25 feet in the R-2 zoning district. The proposed garage would violate this setback by two feet.
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 limited lot area which severely limits the space for development. This hardship is compounded by the presence of an exterior door to the basement in the rear of the property which prevents expansion in that direction.

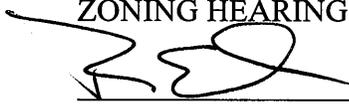
4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The intrusion is limited to two feet and the adjoining property owners support the plan. There will be no public safety impact from the construction.

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 erection of an addition to the existing home with an intrusion into the front yard setback not to exceed two feet. In all other respects construction shall be in accord with the plans and testimony submitted to the Board.

Date: 6/22/2011

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Richard E. Freeburn, Chair



Sara Jane Cate

David B. Dowling



Jeffrey W. Staub



Allan Hansen

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of May 26, 2011

Members in Attendance

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

Also in Attendance

Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

Docket #1300

Applicant: Deforest Signs

Address: 780 Elder Street, Harrisburg, PA 17104

Owner: Bhupendra Patel c/o MLG Enterprises, 252 Bow Creek Road,
Grantville, PA 17028

Property: 300 North Mountain Road

Interpretation: Maximum height of a freestanding sign: 20 feet.
Applicant proposes 33 feet in height.
Maximum area for a freestanding sign: 40 square feet.
Applicant proposes 235 square feet.

Grounds: Article 714.A, of the Lower Paxton Township Zoning
Ordinance pertains to this application.

Fees Paid: April 29, 2011

Property Posted: May 16, 2011

Advertisement: Appeared in The Paxton Herald on May 11 & 18, 2011

The hearing began at 7:23 pm.

Mr. Staub recused himself from the hearing, citing a business relationship with the applicant.

Mr. Freeburn stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

The following were sworn in: Greg Shugart, Deforest Signs, and Bhupendra Patel, Vice President of MLG Enterprises, the entity that owns the Ramada Hotel, Applicants. Dianne Moran, Planning & Zoning Officer remained under oath from the previous hearing.

Mr. Shugart stated that the property is at 300 North Mountain Road and is a new Ramada Hotel, or the old Best Western Hotel. It came with an existing non-conforming sign, 254.17 square feet in area. They would like to reduce it by installing a new top on the sign, and that would be 10x20, or 235 square feet. The height of the non-conforming sign would also be reduced from 36 feet to 31.5 feet. The existing portion that says "Exit 72B" will not change.

The reason for the change, is the Ramada standards for their signage. Mr. Shugart noted that Mr. Patel felt this was the least imposing option, by reducing the nonconformity, and securing the visibility required of him by Ramada. When traveling northbound on I-81, you can't really see the sign until you are past the exit. When going south, you can see it easily. This issue was not created by the applicant. This will create any detriment to the neighborhood; it will actually enhance the property by having nice professional signage, and that is a benefit for everyone.

Ms. Cate asked which height is accurate: 31.5 feet or 33 feet. Mr. Shugart stated the 31.5 feet is the height. Mr. Turner stated that the testimony is that 31.5 feet is the height, so the advertised height is not an issue.

Ms. Dowling asked about the pole cover. Mr. Shugart stated that there are two exiting poles, and they will be used and the cover will not change. Mr. Freeburn stated the sign will look as it appears in the bottom depiction. Mr. Shugart agreed that is correct.

Mr. Freeburn asked about lighting. Mr. Shugart stated they will be internally illuminated with florescent lamp or tubes. They will not be LED signs, or changeable message signs.

Mr. Hansen asked if any additional signage is proposed for the pole. Mr. Shugart stated the only thing that may change in the future is the face of the exit sign, which could be done with a permit since it would only be a face-change, and no variance would be needed for that.

There was no comment from the audience, nor was there any position from the Township.

Ms. Cate made a motion to approve the variance request as submitted. Mr. Hansen seconded the motion. A roll call vote followed: Mr. Fisher-Aye; Mr. Hansen-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; Mr. Freeburn-Aye.

The hearing ended at 7:32 pm.

Respectfully Submitted,


Michelle Hiner
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
DeFOREST SIGNS : DOCKET NO. 1300

DECISION GRANTING VARIANCE

The applicants seek a variance from area and height requirements in connection with a proposed free-standing motel sign. A hearing on the application was held on May 26, 2011.

Facts

1. The applicant is DeForest Signs of 780 Elder Street, Harrisburg, Pennsylvania 17104, on behalf of MLG Enterprises, Inc. of 252 Bow Creek Road, Grantville, Pennsylvania 17028. The applicant was represented at the hearing by Greg Shughart of DeForest, and Bhupendra Patel, Vice President of MLG Enterprises.
2. The property in question consists of a motel facility located at the northwest corner of North Mountain Road and Interstate 81, known as 300 N. Mountain Road.
3. The applicant proposes to replace an existing non-conforming motel sign on the property with a new sign to reflect a change of franchise. The new sign would be 235 square feet with a height of 31.5 feet compared to the old sign area of 254.17 square feet and height of 36 feet.
4. The sign will be internally illuminated and will have no variable features.
5. No one other than the applicant appeared to testify either in favor of or against the proposed variance.
6. Notice of the hearing was posted and advertisement made as required by the ordinance.

Conclusions

1. Article 7, Section 714.A of the ordinance limits free standing signs in the CG districts along limited access highways to a height of 20 feet and an area of 40 square feet. The proposed sign 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 is burdened by a hardship consisting of its location and unusual means of access. These factors mandate a high visible sign given that many persons looking for the business will be travelers not familiar with the area.

4. Granting the variance will not be contrary to the public welfare nor will it alter the essential character of the neighborhood. The proposed sign is smaller in area and lower in height than the existing sign which will diminish its impact while still allowing the business to be safely identified.

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 erection of a sign with an area not to exceed 200 square feet plus 35 square feet for the Exit 72B sign, and sign height not to exceed 31 feet 5 inches.

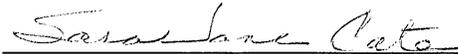
In all other respects construction shall be in strict accord with the plans and testimony submitted to the Board.

Date: 6/22/2011

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Richard E. Freeburn, Chair



Sara Jane Cate

David B. Dowling



Allan Hansen



Watson Fisher

Board Member Staub abstained from participating in this matter.