LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Meeting of June 25, 2009

Members in Attendance	Also in Attendance
Jeffrey Staub, Chairman	James Turner, Solicitor
Sara Jane Cate, Vice Chairperson	Dianne Moran, Planning & Zoning Officer
David Dowling	
Gregory Sirb	

Variance Via
Docket #1261

Applicant:	Kyleen Beistline
Address:	6134 Blue Ridge Avenue
Property:	6134 Blue Ridge Avenue
Interpretation:	The minimum side yard setback in the R-2, Medium Density Residential District is 15 feet. The applicant proposes a side yard setback of 6 feet in conjunction with a proposed addition.
Grounds:	Section 307.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.
Fees Paid:	May 29, 2009
Property Posted:	June 16, 2009
Advertisement:	Appeared in The Paxton Herald on June 10 & 17, 2009

The hearing began at 7:03 pm.

Mr. Staub 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: Kyleen Beistline, Applicant; and Dianne Moran, Planning & Zoning Officer.

Ms. Beistline stated that she would like to add a two story addition to the rear of her property, closest to 6136 Blue Ridge Avenue. The dining room wall is 6 feet off the property line, which may have required a variance in the past. Ms. Beistline would like to continue that wall to the rear. There is a deck to the rear with steps that are three feet

into the six-foot setback, and she can eliminate those. She explained that the dining room had previously been a patio or a porch.

Mr. Staub asked about public utilities. Ms. Beistline stated she is on a well, but is on public sewer. She noted that the access to both is on the other side of the home.

Mr. Sirb asked if access to the well is the reason for the additional setback. Ms. Moran suggested that it is to allow more space between homes. Mr. Turner suggested it is to keep the overall density lower when the homes are relying on well water. If the home were on public water, the setback would be five feet, and no variance would be needed. Mr. Dowling agreed the reasoning has to be density or access. Mr. Sirb stated that if the well is on the other side of the home that should not be an issue.

Ms. Cate asked about the location of the neighbor's well. Ms. Beistline stated it is on the other side of his property.

Mr. Staub asked if all of the lots on this portion of Blue Ridge Avenue are 80 feet wide. Ms. Beistline stated her property was 60 feet wide until she did a subdivision plan to add 20 feet from the other property.

Mr. Dowling asked about the layout of the proposed addition. Ms. Beistline stated that the home is a ranch style, but the grade is such that the basement is exposed in the rear so the main floor becomes like a second floor. The family room will not be below grade. The second floor will be a bedroom and the lower level will be a family room.

Mr. Dowling asked about access. There is an existing exterior door from the basement, which will become the interior door to the new lower room. Ms. Cate asked about the location of the stairs. Ms. Beistline stated there is a stairway from the inside of the home to the basement, but she has considered another set of stairs, but is undecided.

Ms. Cate asked if the applicant has spoken to her neighbors. Ms. Beistline stated she does not normally speak to the neighbors, but she did talk to Chuck, who would be most affected, and he will actually get more privacy out of this addition, so he thinks it is great.

Mr. Staub questioned the property line on the plan. Ms. Beistline explained a survey was done in 2003 during the subdivision process.

Mr. Staub asked about the finished exterior. Ms. Beistline stated that S&S Construction from Millerstown will do the custom addition. The proposed exterior will match the aluminum siding and the shingled roof will match the existing roof.

There was no comment from the audience. The Township had no position on the application.

Mr. Dowling asked about impervious coverage because it looks tight. Ms. Beistline stated that in the R-2 district, the building coverage is permitted to be 50% and the property may have 60% impervious coverage. The proposal will be 47% of building coverage, and a total of 52.66% impervious coverage. Ms. Cate asked if that included the asphalt. Ms. Beistline explained that the structures account for 23%, the sidewalk and driveway account for 29%, and the grass and mulch area are 47%. The total of the structures, driveway and sidewalks are 52.66%. This is shown on Applicant's Exhibit 1.

Mr. Sirb made a motion to grant the application as submitted. Ms. Cate seconded the motion, and a role call vote followed: Mr. Dowling-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:20 pm.

Variance Via
Docket #1262

Applicant:	Select Medical Property Ventures, LLC
Address:	4716 Gettysburg Road, Mechanicsburg, PA 17055
Property:	1051 Avila Road
Interpretation:	In no case shall a building be closer to a lot line or street right-of-way line than the building is tall, unless the abutting lot is in common ownership. The minimum side yard setback in the R-2, Medium Density Residential District shall be 25 feet. The applicant proposes a total distance of 29.30 feet between the two buildings. Each building lot proposes a side yard setback of 14.65 feet.
Grounds:	Section 307.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.
Fees Paid:	May 29, 2009
Property Posted:	June 16, 2009
Advertisement:	Appeared in The Paxton Herald on June 10 & 17, 2009

The hearing began at 7:22 pm.

Mr. Staub 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: John Murphy, Alpha Consulting Engineers, 115 Limekiln Road; Ken Richardson, Select Medical, 4716 Gettysburg Road Mechanicsburg, Applicant; and Dianne Moran, Planning & Zoning Officer.

Mr. Murphy stated that the property is at the north east corner of Avila Road and Old Union Deposit Road, the former Villa Theresa Nursing Home and associated convent building. They propose to subdivide the lot into two lots, form 6-9 acres to 4.9 and 1.3 acres. There is about 29.3 feet between the two buildings. The property is unique in that it operated two uses on one property. It now is appropriate to divide the property. The division will not affect the neighborhood at all, it will be a property line on paper.

The Diocese of Harrisburg wishes to purchase the former convent building for a similar use.

The hardship is not created by the current user, and the proposal will not modify the character of the neighborhood nor will it adversely affect any neighbors. The request is the minimum to afford relief.

Mr. Dowling asked about Select Medical. Mr. Richardson stated they operate acute and sub-acute medical facilities, basically a specialty hospital.

Ms. Cate asked about the use of the lots. Mr. Murphy stated that the smaller lot will be purchased by the Diocese to use as a convent, and the larger lot does not have a proposed use at this time.

Mr. Dowling stated he has heard for years that Select Medical was moving into the Villa Theresa building, and asked the status of that information. Mr. Richardson stated that was originally the intent, but there has been a federal moratorium on this type of bed, long term acute care, so that use is not available at this time. It does currently operate in Holy Spirit Hospital.

Mr. Dowling asked if Select Medical is seeking a tenant. Mr. Richardson indicated they are.

Ms. Cate asked how many rooms are in the nunnery. Mr. Richardson stated there are 10. Ms. Cate asked about parking and vehicle use. Mr. Richardson stated the convent will have a car available.

Mr. Turner asked if Select Medical owns the property. Mr. Murphy answered that they have owned it for 2.5-3 years.

Mr. Turner asked if the convent use is a permitted use. Ms. Moran answered that it is. It is classified as a group home, not an apartment, which has to have a kitchen and be self-sufficient. Group home is the closest and most appropriate use, based on the review of the layout of the building.

Mr. Staub asked about the nursing home or personal care facility in the IN, Institutional District. Ms. Moran stated that both are permitted uses.

Mr. Staub asked about parking, and how that is addressed. He suggested that Lot 2 would be fine, but was concerned about Lot 1. Mr. Murphy stated they would handle that at the subdivision / land development stage of the process. Mr. Staub felt it was appropriate at this level. Mr. Murphy was agreeable to conditioning action upon ensuring sufficient parking during the subdivision process. Mr. Murphy noted that a few years ago, they prepared a land development plan which included additional parking for the Villa Theresa building. Mr. Dowling preferred to not leave parking up to the subdivision

process, rather to work something out here, such as a cross easement for parking. Mr. Murphy agreed.

Ms. Moran read from Section 601.A: one space is required per two residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property.

Mr. Turner asked if there is sufficient space on Lot 1 to add parking if needed. Mr. Murphy stated there is, and they prepared an entire land development plan, which included additional parking, prior to the federal regulation changes. He was confident that even if a different user comes into this building, parking can be added to be sufficient. Mr. Turner noted that the Board wants to see that both lots can stand on their own if needed, and if a different user comes in in the future. Mr. Murphy assured the Board that the applicant has done the research, and is able and willing to meet the parking requirements.

Mr. Staub asked about the buffer requirements in the IN district, particularly along the eastern property line. Mr. Murphy stated that can also be addressed at the time of the subdivision/land development plan process.

There was no comment from the audience. The Township had no position on this application.

Mr. Dowling made a motion to grant the application as submitted. Mr. Sirb seconded the motion. Mr. Staub called for discussion on the motion. Mr. Sirb stated he is not generally in favor of these types of variances, but this property is unique, and not much else can be done with the property. Mr. Staub asked Mr. Dowling about adding a stipulation about cross easements for parking. Mr. Dowling felt there was sufficient space for development, and preferred that each lot expand on its own parcel rather than share. A role call vote followed: Mr. Dowling-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:44 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary