

DILLSBURG BOROUGH
ZONING HEARING BOARD MINUTES
MAY 28, 2009
7:00 PM

The Dillsburg Borough Zoning Hearing Board held their business meeting at the Dillsburg Borough Office on the above-mentioned date. Zoning Hearing Board Members in attendance were Jeff Beitzel, Greg Wonders and Ken O'Connor. Also present were Solicitor Linus Fenicle, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Applicants David and Sally Baldwin (228 S Baltimore Street).

The first item on the agenda was the nomination of a Chairperson. Greg Wonders nominated Ken O'Connor. Jeff Beitzel seconded the nomination. There were no other nominations. – Motion Carried.

The meeting was called to order by Chairman Ken O'Connor at 7:00 PM.

The second item on the agenda was the approval of the October 23, 2008 meeting minutes. Greg Wonders moved to approve the minutes as presented. Jeff Beitzel seconded the motion. – Motion Carried.

Solicitor Linus Fenicle had sworn in two people (David and Sally Baldwin).

Chairman O'Connor asked the applicants to present their case.

Mr. David Baldwin indicated they're applying for a variance from the side setback on the property and proposing to extend an existing front porch approximately 37 inches to the edge of the existing house which is within 26 inches of the property line. Mr. Baldwin stated they would like to square it up to the edge of the house. Chairman O'Connor asked when the house was constructed. Mr. Baldwin stated the original part of the house was built in the 1840's and the rear addition was added in the 1930's or 1940's. Chairman O'Connor asked how long the existing porch was attached to the house. Mr. Baldwin stated there was a porch attached to the house at the time they purchased it in 1983 and the existing porch was constructed in 1987. Mr. Wonders asked if the circular steps were being removed. Mr. Baldwin indicated they will remain and be within the porch. Mr. Wonders asked if there was a roof

over the existing porch. Mr. Baldwin stated there is a small roof over the front door and they would be replacing the roof and extending it to cover over the whole porch. Mr. Beitzel asked if the roof would interfere with the trees out in front of the property. Mr. Baldwin stated no.

Chairman O'Connor asked if the property line to the north has always been within two feet of the property line. Mr. Baldwin stated they assumed the house is built on the property line; there hasn't ever been any surveys done. Mrs. Baldwin indicated the brick part of the house isn't on the property line. Mr. Baldwin indicated the addition that was added on it the 1930's or 1940's is on the property line. Chairman O'Connor asked what the distance was from the curb to the front of the porch. Mr. Baldwin stated it was approximately four feet.

Mr. O'Connor stated he got the sense the house predates the planning ordinances. Mr. Baldwin stated that was correct.

Mr. Wonders asked if the porch was being extended to basically add a roof over the entire porch. Mr. Baldwin stated yes.

Chairman O'Connor asked if the neighbors to the north which aren't residents of the Borough are aware of what is being requested. Mrs. Baldwin indicated she talked with the owners and explained everything to them and they indicated they didn't have any issues with the request. Manager Deibler indicated they also received a letter from the Borough indicating there would be a ZHB meeting. Mr. Baldwin indicated the neighbor to the south didn't have any issues with the request either.

Chairman O'Connor asked the Borough Manager how many property alterations and/or modifications of this type have there been. Manager Deibler indicated it is a fairly common request with property owners however a lot of the owners choose not to go before the ZHB due to the fee.

Chairman O'Connor asked the members of the Board if they had anything questions. Mr. Wonders and Mr. Beitzel indicated they had no questions or concerns. Solicitor Fenicle asked if the normal set back was ten feet. Manager Deibler indicated yes. Solicitor Fenicle stated the property is already a non-conforming structure and predates the zoning regulations.

Mr. O'Connor indicated in this particular case it's a formality. The modifications are so small compared to the zoning and land use restrictions. Chairman O'Connor asked who makes the decision that a variance is required. Manager Deibler stated the applicant applies for a building and zoning permit; Dale then goes out to measure and then either approves it or advises the Manager it needs a variance. The applicant is then notified and either chooses to go before the ZHB or not.

Mr. Baldwin indicated the Borough Engineer was involved with his case.

Chairman O'Connor asked the board and the applicants if they had anything to add. Everyone indicated no. Chairman O'Connor asked the Borough Manager if she had anything to add. She indicated no but wanted to advise the board the notices were mailed, the request was advertised and posted on the property and the Planning Commission and Borough Engineer reviewed the request. She stated the Planning Commission felt it wasn't going to change the atmosphere of the neighborhood.

Chairman O'Connor asked what kind of materials were going to be used. Mr. Baldwin stated the porch would be brick with permacast columns from the top of the porch to the header with a wood frame covered by a metal roof.

Greg Wonders moved to grant the variance request from Dillsburg Borough Code Section 27-423.B, Setback Requirements, in order to extend a front porch and create uniformity of the existing building according to the sketch plan. Jeff Beitzel seconded the motion. – Motion Carried.

Jeff Beitzel moved to adjourn the meeting at 7:22 PM. Greg Wonders seconded the motion. – Motion carried.

Respectfully Submitted,

Debbi L. Beitzel

Debbi L. Beitzel,
Secretary/Treasurer

cc: Zoning Hearing Board Members
Solicitor Fenicle
Dillsburg Borough Council Members
Dillsburg Borough Planning Commission
Mayor Snyder
Manager Deibler
Solicitor Allshouse
Engineer Knoebel