

DILLSBURG BOROUGH  
ZONING HEARING BOARD  
MINUTES  
JUNE 26, 2008  
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 Donald Will, Jeff Beitzel and Greg Wonders. Also present were Solicitor Linus Fenicle, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Applicants Daniel and Jeannette Mikos, Peggy Williams from the Dillsburg Banner and Dillsburg Borough Residents Mary Price, Gary Diven and Ken and Ellen O'Connor.

The meeting was called to order by Donald Will at 7:02 PM.

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

The second item on the agenda was the approval of the March 27, 2008 meeting minutes. Jeff Beitzel moved to approve the minutes as presented. Greg Wonders seconded the motion. – Motion Carried.

Chairman Will had sworn in the four people (Daniel & Jeannette Mikos, Ken O'Connor and Mary Price) that planned on speaking.

Chairman Will indicated the purpose of this hearing was a request for variances received from Daniel and Jeannette Mikos for the property at 303 Harrisburg Pike/ 30 Greenbrier Lane.

Mr. Daniel Mikos stated there was an issue that was previously missed. Mrs. Jeannette Mikos stated the variance being requested is for the density on Lot 4 to be allowed to be at 12.6, which the ordinance states the density to be 12.2. She stated due to the request of separating the two properties the density on Lot 4 will be increased by .4. Mr. Mikos stated this variance was missed by their engineer. Mrs. Mikos stated the plans show the density, but it wasn't brought before the Zoning Hearing Board. Solicitor Fenicle asked what section of the zoning ordinance the density information could be found. Mrs. Mikos indicated it was Chapter 27, Section 509.2.A. Manager Deibler clarified it was Section 509.2.A; multifamily dwellings shall not exceed eight dwelling units per acre. Solicitor Fenicle indicated it's actually Lot 3 that is at issue. Manager Deibler stated yes, according to the Borough Engineer Lot 3 is actually going up to 13.5 units per acre. Mr. Fenicle asked what the size of the lot was which houses the five dwelling units. Greg Wonders stated it was .1220 acres. Manager Deibler stated Lot 3 is the one they are having problems with and

its .3710 acres with five units on. Mr. Mikos asked if the Borough was changing it to 13. Manager Deibler indicated two separate engineers and the Planning Commission came up with 13.5 and they reviewed the request to make comments. The Planning Commission felt that such a big increase was definitely inconsistent with Dillsburg Borough's approach to planning in the Borough. Mrs. Mikos reiterated the building is an existing structure and we aren't adding to it. Mr. Mikos stated the other lot will only be kept to one unit, but it could be made into two. Chairman Will asked how long the structure had been a five-unit apartment. The Mikos stated since the 80's. Manager Deibler indicated that has been grandfathered in, since it was before this ordinance came into effect. Solicitor Fenicle asked if the lot coverage was no longer an issue. Manager Deibler stated yes. Mr. Fenicle indicated the ZHB was only looking at the density issue for multi-family unit on Lot 3 and the use as a multifamily unit.

Chairman Will asked if anyone would like to give their testimonies. Mary Price, 13 Belair Drive asked if the plan was already approved. Chairman Will stated it has not. Ms. Price asked which way the driveway traffic flow was going to be, Greenbrier side or Harrisburg Pike side. The Mikos indicated the driveway traffic was going to stay the same. Manager Deibler stated that is what they are asking for; the driveway to stay the same. Chairman Will indicated there would not be an exit onto Harrisburg Pike. Ms. Price asked which driveway is used by the five units. Mrs. Mikos stated they use the same driveway which comes out onto Greenbrier Lane. Mr. Mikos indicated three of the units use the off street parking on Harrisburg Pike. Solicitor Fenicle indicated the entrance is presently onto Greenbrier.

Ken O'Connor, 205 Harrisburg Pike, stated from a community standpoint at what point does the Borough try to correct the mistakes of the past. He stated there is no good point in time to try and bring these zoning issues which are in conflict into alignment with the community plan. He stated at some point the owner, whether its past, present or future, we continue to struggle with this area. He stated himself and/or his neighbors don't appreciate the additional hazards raised by the blind zones, the aesthetic of the structures, and the hazards of the pedestrians that have to travel along the south side of Greenbrier Lane. He indicated his conflict with the Mikos is that they aren't a part of the Community; it's an investment and a profit endeavor. Mr. O'Connor stated we're not dealing with the current owners in a long term situation. He felt if there are opportunities to start to correct this part of the community, this is time to do it. Mr. Mikos indicated he is a part of the community. He indicated everything is up for sale because they are financially stretched. He feels by subdividing the property the town will benefit because the house will not be a rental property, it will be a single family home. Mrs. Mikos indicated numerous improvements have been made to both properties and they continue to make improvements. Chairman Will stated there has been discussion regarding the fire hydrant and other items. Mr. Mikos indicated they are working on getting the fire hydrant and the utility pole moved. Chairman Will stated if this work is done the entranceway on Greenbrier Lane would become safer. Mr. Will asked if the additional parking would eliminate the parking on Harrisburg Pike. Mr. Mikos stated there are three tenants currently using the off-street parking area; they will ask the other tenants to move up further onto Harrisburg Pike.

Solicitor Fenicle had indicated the Zoning Hearing Board had granted a variance for certain requests on April 11<sup>th</sup> for the size of the lots and other variances. He continued by stating now the applicants are seeking a variance for the density only for Lot 4. He asked if the 12.6 units per acre which is an increase from what is allowed as 12.2 is correct. Manager Deibler stated no; Lot 4 will be 8.4, which is close enough to the ordinance and Lot 3 is increasing from 12.2 to 13.5 which is a fairly large increase. She indicated this is why the Planning Commission is not in approval of this variance, because it is going away from Dillsburg's approach to the planning of the Borough. Mr. Fenicle stated for Lot 4, the single family dwelling; the ordinance allows 3 dwelling units per acre. Manager Deibler stated yes. He indicated Lot 4 will have one dwelling unit on .1220 acre, and asked why the applicants didn't request a variance for Lot 4. Manager Deibler indicated they should have included Lot 4 also, because it came to 8.4. Mr. Fenicle asked how they got 8.4. Mr. O'Connor stated they divide the acre by population density ordinance. There was a short discussion regarding the calculations of the number of dwellings per acre.

Mr. Fenicle stated these are the two variances (density) needed under the previous plan that was submitted. He asked if the apartment building would remain a 5-unit multifamily dwelling. He asked if the Manager agreed that the aspect of use as a multifamily is non-conforming, because it has been there and pre-dated this Zoning Hearing Board. Manager Deibler stated we weren't sure since they are now changing the lot and creating a new lot.

Greg Wonders asked if there was ever any thought to take land from one of the vacant lots and adding it to Lot 3. Mr. Mikos indicated they are already at minimum lot sizes. Mr. Fenicle stated that goes with lot size and that isn't in front of the ZHB. Mr. Wonders indicated it would increase the density on Lot 3. Mrs. Mikos stated at the previous meeting they were granted the variances for lot sizes. Mr. Mikos indicated they are just drawing a line in order to eliminate a rental property and make it a single family dwelling. Manager Deibler stated if you have lots that size now it creates other problems which can't be overlooked and they need to be addressed. Mr. O'Connor stated the zoning approval for the lots sizes doesn't apply to the density, which is an unforeseen complication and if we don't establish some standards this plan will be back to the ZHB in the future.

Chairman Will called for a recess and stated the board would withdraw for a brief executive session.

The Zoning Hearing Board meeting reconvened.

Chairman Will indicated the ZHB came to an impasse with interpreting the density issue versus the lot size issue and can't fit them together. Mr. Will asked for some clarification. Mr. Fenicle asked on the lot requirements in the Residential Suburban district, you are allowed to have single family detached dwelling on 10,000 square feet; how does this fit in with the density requirement which states a single family detached dwelling should not exceed three dwelling units per acre. He indicated the lot requirements seem to not fit together with the density requirements. Manager Deibler indicated this issue needs to be looked at closer. Mr. Fenicle stated the lot requirement under Residential Suburban for a multi-family for a two-story building should be 1500 square feet per unit compared to a multi-family dwelling should not exceed 8 dwelling units per acre. Mr. Fenicle indicated the Board needs some understanding of what this means. Manager Deibler indicated she would

talk to the Planning Commission about this issue. Mr. Mikos asked what they are trying to find out, is it the Residential Suburban density. Manager Deibler stated in the Residential Suburban district the minimum standard for lot requirements is one thing and the lot density is another and the ZHB doesn't feel they coincide with one another.

Chairman Will made a motion to keep the record open and continue the hearing until July 24, 2008 at 7:00 PM at the Borough Office. Motion was seconded by Mr. Greg Wonders. – Motion Carried.

Donald Will moved to adjourn at 8:10 PM. Motion was seconded by Jeff Beitzel. – Motion Carried.

Respectfully Submitted,

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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