

DILLSBURG BOROUGH
ZONING HEARING BOARD MINUTES
AUGUST 26, 2010
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 alternate Doug Boelhouwer. Also present were Solicitor Linus Fenicle, Stenographer Kathy Plizga, Borough Manager Karen Deibler, and Borough Secretary/Treasurer Debbi Beitzel. Chairman Ken O'Connor was absent.

The following visitors were present: Applicants Kale and Robyn Stone and Dillsburg Borough resident Mervin Ice.

The meeting was called to order by Doug Boelhouwer at 7:00 PM.

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

The second item on the agenda was the approval of the July 22, 2010 meeting minutes. Greg Wonders moved to approve the minutes as presented. Jeff Beitzel seconded the motion. – Motion carried.

Stenographer Kathy Plizga had sworn in two people (Kale & Robyn Stone).

Chairman Boelhouwer indicated the purpose of the meeting was Kale & Robyn Stone requesting a variance from Zoning Ordinance Chapter 27, Sections 423.B. (2) & (3), setback requirements.

Chairman Boelhouwer asked the applicants to present their case.

Mr. Kale Stone indicated they are requesting a variance from the 10' side setback and the 20' rear setback in order to construct a deck on the side back portion of the house. Mrs. Robyn Stone stated they have a very small yard and in order to utilize the space, they wanted to make a 12' by 36' deck to have more space for some family time outside. Their ultimate goal is to fence in the yard due to having a safe place for their two small children to play.

Mrs. Stone stated the side in which the deck is being proposed there is an unused paper/grass alley and there would be a 5' setback and in the rear there would be a 10' setback. Mr. & Mrs. Stone provided pictures of their property.

Chairman Boelhouwer asked how the applicants handled mowing the grass alley. Mrs. Stone stated they do share the responsibility with Mr. Ice.

Mr. Beitzel stated he took a walk by the property in question and talked with Mr. Ice; Mr. Ice indicated he didn't have any issues with the proposed deck.

Chairman Boelhouwer asked if the proposed deck was going to be built at the same height as the concrete pad. Mr. Stone stated the concrete pad is being removed; the top of the deck will be 16" from the ground. Chairman Boelhouwer asked what kind of decking was being used. Mr. Stone indicated the base would be pressure treated wood and composite decking.

Chairman Boelhouwer asked the applicants if there was anything in mind regarding any kind of privacy. Mr. Stone stated they would like to place a fence around the backyard. Chairman Boelhouwer asked if the fence would be attached to the deck or freestanding. Mr. Stone indicated the deck would be freestanding from the house. Chairman Boelhouwer asked where the fence would be placed on the property. Mrs. Stone indicated the fence would go along side the deck to the back of the property, across the property and back up to the house. Chairman Boelhouwer asked the applicants how they were going to handle the shade; would something be added later. Mr. Stone stated nothing.

Mrs. Stone stated they received a letter from Mr. & Mrs. Ice indicating they didn't foresee any issues with the proposed deck.

Solicitor Fenicle asked the applicants the reason they were requesting the variance was because of the small narrow lot size. Mrs. Stone stated yes. Solicitor Fenicle asked if the applicants constructed the house. Mrs. Stone stated no. Solicitor Fenicle asked the applicants how long they lived at the property. Mr. Stone stated 3 years. Solicitor Fenicle stated the hardship is because there is no ability to place the deck anywhere else on the property. Mrs. Stone stated that was correct. Solicitor Fenicle asked the applicants if the setbacks were met, the deck would only be 6' by 26'. Mrs. Stone stated that size deck would be very narrow. Solicitor Fenicle asked the applicants building a deck that size wouldn't meet their needs. Mrs. Stone indicated yes. Solicitor Fenicle asked the applicants if this was the minimum variance they would need to use the property in a reasonable manner to build a deck. Mrs. Stone stated the deck could be shorter, but the way the boards are built making it shorter would be more expensive.

Solicitor Fenicle asked if the paper alley was ever open to the public. Mrs. Stone stated not as long as they lived there. Solicitor Fenicle asked what the width of the alley was. Mr. Stone stated 12'. Solicitor Fenicle asked the applicants if they were granted this variance, would it alter the character of the neighborhood in any way. Mrs. Stone indicated no. Solicitor Fenicle asked the applicants if the variance would interfere or impair the use of any adjacent property. Mrs. Stone stated no. Solicitor Fenicle asked the applicants if the variance would be detrimental to the public welfare. Mrs. Stone stated no.

Manager Deibler stated the Planning Commission was made aware of this request and there were no negative feelings. She also indicated it was advertised, all the neighboring residents were notified by mail and the property

was posted. Solicitor Fenicle asked Manager Deibler if she had any issues with this request. Manager Deibler stated no.

Mr. Jeff Beitzel moved to grant the variance from Chapter 27, Sections 423.B. (2) & (3) being 5' on the side yard and 10' in the rear. Greg Wonders seconded the motion. – Motion carried.

Chairman Doug Boelhouwer moved to adjourn the meeting at 7:25 PM.

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