

DILLSBURG BOROUGH
ZONING HEARING BOARD MINUTES
OCTOBER 23, 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 Chairman Donald Will, Jeff Beitzel and Greg Wonders. Also present were Solicitor Linus Fenicle, Stenographer Roxy Cressler, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Applicant Jennifer and Patrick Rabenstein (239 Gettysburg Street), Wayne Martin from Reager and Adler, and Dillsburg Borough Resident Ken O'Connor.

The meeting was called to order by Chairman Donald Will at 7:00 PM.

The first item on the agenda was the approval of the September 25, 2008 meeting minutes. Jeff Beitzel moved to approve the minutes as presented. Greg Wonders seconded the motion. – Motion Carried.

Stenographer Roxy Cressler had sworn in two people (Jennifer and Patrick Rabenstein).

Chairman Will asked the applicants to give some background information.

Jennifer (Kramer) Rabenstein, 239 Gettysburg Street, indicated she's been working at Petsmart for ten years. She's been grooming animals in the salon for the past five years. She indicated she always wanted to have her own grooming business. She stated her business would be geared towards small dogs and cats and other smaller animals such as rabbits, guinea pigs, etc.

Mrs. Rabenstein stated she and her husband reside next door to NAPA Auto Parts and share the lane with NAPA. She indicated there would be minimum traffic flow with having one or two clients coming in at one time. She stated the business would be low key.

She indicated the business would be held in a small room off the back of the house which has a private entrance from the outside; the windows are set up high and wouldn't be a big display.

Mr. Greg Wonders asked if most of her clientele would be dropping off and then returning for the animal or would they be staying. Mrs.

Rabenstein stated it varies, if an animal is getting a lot done, the client would normally drop it off and then return; if it's an animal getting its nails trimmed, the client would usually wait because it would only take a few minutes to do.

Chairman Don Will asked if there would be a high volume of people coming in at one time. Mrs. Rabenstein stated no.

Solicitor Fenicle asked if the home was their residence. Mrs. Rabenstein stated yes. Solicitor Fenicle asked if there would be any other employees. Mrs. Rabenstein stated there would be no employees; her husband would be helping out.

Solicitor Fenicle indicated when he was researching the ordinance; Mrs. Rabenstein applied for a variance and her use as a residence is a nonconforming use in the M-C District. The Manufacturing Commercial District doesn't permit single family dwellings. He indicated Section 27-506.d.1 (Nonconformities-Changes) states if no structural alterations are being made, an individual who has a nonconforming use, may by special exception from the Zoning Hearing Board change the nonconforming use to another nonconforming use as long as the Board finds the new use is as equally appropriate or more appropriate to the Zoning District than the existing nonconforming use. He stated Mrs. Rabenstein has a residence in a Manufacturing Commercial District and really wants to create a home occupation. Solicitor Fenicle stated he believed by special exception the Board could authorize and consider such a use. He suggested to the Board to ask Mrs. Rabenstein to amend her application on the record to also request a change to the nonconforming use under Section 27-506.d.1 and therefore request a special exception under that section; then the Board would have before it both the request for the variance and the request for special exception. The board would then have the right to consider either one in their decision. Mrs. Rabenstein agreed to amend her application to include a special exception under Section 27-506.d.1.

Chairman Will asked if there was anyone else that would like to give testimony. There was none.

Solicitor Fenicle asked where the parking would be. Mrs. Rabenstein indicated it would be off street parking (pictures were provided for the record); along the lane and by the sheds.

Solicitor Fenicle asked if there were any surrounding businesses. Mrs. Rabenstein indicated NAPA is next door and Digital Ink is across the street. Jeff Beitzel stated the Car Wash is up the street.

Solicitor Fenicle asked if two off street parking places could be provided. Mrs. Rabenstein indicated yes.

Solicitor Fenicle asked if the property was owned by both the applicant and her husband. Mrs. Rabenstein indicated yes, it was Patrick Rabenstien and Jennifer Kramer at the time the deed was signed.

Chairman Don Will moved to grant the special exception under Section 27-507.d.1 to allow the use of the house as a home occupation as a Pet Grooming Business. Greg Wonders seconded the motion. – Motion Carried.

Solicitor Fenicle indicated since the Board moved and approved this motion the variance request is mute.

Chairman Don Will moved to adjourn the meeting at 7:13 PM. Greg Wonders seconded the motion. – Motion carried.

Respectfully Submitted,

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