

DILLSBURG BOROUGH ZONING HEARING BOARD
MINUTES
AUGUST 23, 2007
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, Doug Boelhouwer and Jeff Beitzel. Also present were Solicitor Lisa Greason, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitor was present: Representing Katie Hayes, Mark Propst of Lyons Surveying.

The meeting was called to order by Chairman Boelhouwer at 7:02 PM.

The first item on the agenda was the approval of the April 26, 2007 meeting minutes. Donald Will moved to approve the minutes as presented. Seconded by Jeff Beitzel. – Motion carried.

Second item of business was the election of a Chairman. Doug Boelhouwer indicated the election of the Chairman (Doug Boelhouwer) at the last meeting, would be the Chairman for the duration of his term. He also indicated in the event of the Chairman's absence, the meeting could be held because there would be a quorum.

Chairman Boelhouwer indicated the purpose of this hearing was a request for a setback variance was received from Paul S. and Katie B. Hayes for the property at 33-35 West Hanover Street.

Solicitor Greason had sworn in the one (1) person that planned on speaking on behalf of the applicants.

Chairman Boelhouwer indicated #6d of the application the zoning classification of the subject property should be Residential-Urban, but the applicant wrote Residential-Suburban and stated the application should be corrected. Mr. Propst indicated it would also need changed on the plan sheet in the site data block. Chairman Boelhouwer asked the representative to explain what the applicants would like to do with the parcel. Mr. Mark Propst indicated its two addresses right now (33 & 35 W Hanover St) and the owners would like to split it along the party wall in order to be able to sell both portions separately. He also indicated the other four houses on the block have been subdivided, which leaves the property preexisting non-conforming.

Chairman Boelhouwer asked if the other properties to the north of 33 West Hanover already have separated parcel. Mr. Propst indicated that was correct. Chairman Boelhouwer asked what the term "party wall" meant. Mr. Propst indicated it's the

common wall between tenants, which ever wall divides the two living areas are considered a party wall. Chairman Boelhouwer asked for the reason why the owners would like to have two parcels instead of keeping it as one parcel as they purchased it. Mr. Propst indicated there are renters in the two properties now and not sure exactly their intent but would imagine they would like to sell them separately. Chairman Boelhouwer stated up at the garage, the 10 foot setback is met. Mr. Propst indicated the garage was well into the setback, it was the house that needed relief, but for ease of the plan instead of showing the 10' the whole back, if a 9' or 8' setback could be approved. He also indicated no new construction was being proposed along the line in the rear, but according to the Dillsburg Ordinance it states 10' side setback was needed and it doesn't exist for this property.

Chairman Boelhouwer indicated it was his understanding the ZHB needed to approve their request in order to go through with getting the plans and documents filed. Mr. Propst indicated the plan would have to go in front of the Borough Council and this meeting wasn't an approval of the plans, but to get to the next level. Manager Deibler indicated Planning Commission looked at the plans at their meeting and approved the subdivision plans subject to the Zoning Hearing Board approving the setback variance.

Chairman Boelhouwer indicated variances are to help people resolve their problems when not clearly defined. Chairman Boelhouwer indicated this was a request for a variance for a subdivision and in our Chapter 27; there is no definition for subdivision. However the Zoning Hearing Board must comply and look forward into the state documents for the definition. Solicitor Greason indicated the application was for the variance on the setbacks not for the subdivision. Mr. Propst stated that was correct. Chairman Boelhouwer asked it's for the setbacks only. Solicitor Greason indicated yes.

Chairman Boelhouwer indicated when a variance is requested, there are five things to address and the most important one was why it can't stay the way it is. What is the hardship to keeping the property as one parcel? Solicitor Greason asked the Borough Manager how many properties in the Borough have multiple residents on one lot. Manager Deibler indicated she didn't know off the top of her head, but understood there used to be more. The Planning Commission's theory was it's a rental property now and don't want to be in the rental business anymore, so the owners would like to sell them and easier to sell to two separate owners; then there would be two separate owners rather than two renters. Solicitor Greason indicated with her experience in real estate; municipalities don't like two residential dwellings on one lot, they want each dwelling to have their own lot. She stated even though the owners might want to keep it as rentals, the Borough makes out better to have two separate lots and the setback on the party line is a non-issue. There was some discussion on the duplexes within the Borough. Solicitor Greason indicated as the property sits now, it's not in compliance. Solicitor Greason asked how old the structure is. Jeff Beitzel indicated the structure was there when he was a kid and Manager Deibler indicated Paul Eurich, a Planning Commission member lived in it when he was little. Solicitor Greason indicated her concern was that a developer came in and purposely built a duplex on one lot, but since it's an old structure, she has no

problems. Solicitor Greason indicated typically homeowners take better care of their properties than renters. Chairman Boelhouwer asked the other members if they had any questions. They both indicated they didn't. Chairman Boelhouwer indicated the key thing was they weren't working with the idea of a subdivision, but a working with a variance to allow for different setback requirements. Jeff Beitzel asked if the motion had to include whether it's a 8' or 9' setback or make a motion to allow the variance of 10'. Chairman Boelhouwer indicated there were a lot of numbers to consider in the motion. Solicitor Greason asked Mr. Propst that they aren't asking for a setback relief on 35 West Hanover Street. Mr. Propst indicated it's on a corner and can't do much with it and already was in the ordinance relief for the front when Penn DOT came through. Mr. Propst indicated it's technically a side yard setback, but since it's fronting South Second Street, isn't that a front setback. Manager Deibler indicated since it's a corner lot the front and one side would be considered fronts. Chairman Boelhouwer asked if a corner property is on a corner there are always two fronts. Manager Deibler stated yes. Solicitor Greason indicated currently both 33 & 35 West Hanover Street are preexisting non-conforming lots in regards to front setbacks and side setbacks. Front setbacks on both properties are currently 0 due to the right-of-way of West Hanover Street and South Second Street. The applicants are requesting a variance of the side yard setback at 33 West Hanover Street (Lot 2). Donald Will moved to approve a 9' setback along the residential structure. The 10' setback will stay in place for the rest of the lot. Setback along the party wall dividing line of the properties will have a 0 setback. Seconded by Jeff Beitzel. – Motion Carried.

There was some discussion on the other duplexes within the Borough and surrounding areas.

Jeff Beitzel moved to adjourn at 7:45 PM. Seconded by Donald Will. – Motion Carried.

Respectfully Submitted,

Debbi L. Beitzel, Secretary/Treasurer

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