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Lycoming County Zoning

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David Hubbard
County Zoning Administrator

Fred A. Holland, J.D.
Zoning Hearing Board Solicitor

LYCOMING COUNTY ZONING HEARING BOARD MEETING MINUTES
Executive Plaza Building
1st Floor Commissioner's Board Room
May 25, 2022
6:00pm

I. CALL TO ORDER

Bill Klein called the meeting to order at 6:00pm.

II. ROLL CALL (Members & Alternates)

Members Present: Bill Klein, Christopher Logue, Leslie Whitehill

Members Present via Conference Call: none

Members Absent: Dan Clark, Stephan Brady

III. MINUTES OF PREVIOUS MEETING

The April 27, 2022 meeting minutes were approved.

Bill Klein asked for motion to approve, Chris Logue motioned to approve, Leslie Whitehill second to motion. Motion carried.

IV. NEW BUSINESS

A. ZHB Case 2022-006

Thomas Dunlap
Porter Township
Variance

Seated Members: Bill Klein, Chris Logue, Leslie Whitehill

Heather George presented to the Zoning Hearing Board case number 2022-006 for a Variance request to approve the setback for an existing Accessory structure located at 963 River Road, Jersey Shore, Porter Township. The property fronts Pioneer Drive (a local road) to the West. Table 4230 of the Lycoming County Zoning Ordinance provides standards that govern Non-Residential Bulk Standards. The Accessory structure side yard setback is proposed at 3'6" from the property line

(Southern) requiring 5'6" of dimensional relief. The rear yard setback is proposed at 15' from the property line (Eastern) requiring 5'ft of dimensional relief.

The subject property is tax parcel #49-406-101.A and contains approximately 1.09 acres and is located in the Suburban Mixed Use (SM) Zoning District in Porter Township. The property currently contains a Single Family Dwelling, existing Accessory structure and proposed Accessory structure with public sewer and water. Access is via a local road Pioneer Drive from River Road.

CONCLUSION: General Standards for a Variance are listed in the Lycoming County Zoning Ordinance, Section 10420.

Heather George reviewed the following communications:

- Variance Request Application dated April 19, 2022
- Notice sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Porter Township Supervisors, Applicant, Solicitor, Tiadaghton Valley Municipal Authority and the Zoning Hearing Board
- Legal notice published in the Sun-Gazette 5/10/2022 & 5/17/2022
- Property Posed 5/5/2022

There was no comment from the township.

The following are exhibits presented by Heather George:

- Copy of applicant's Variance application
- Comment letter from LCPC dated 5/11/2022
- Overhead view/parcel viewer
- Copy of Zoning Permit Application

Fred Holland listed exhibits as the following:

- Z#1 Zoning packet
- Z#2 Shannon Rossman's letter
- Z#3 Legal Notices from the Williamsport Sun-Gazette
- Z#4 Property Posting
- Z#5 Photographs(3) provided by Heather George
- #S1 Photographs(2), provided by Mark Stamm

Heather George read Shannon Rossman's letter, which stated that the proposed change of use will not change the essential character of the neighborhood. The parcel is over 1 acre and there is sufficient area to the rear of the property to place the new accessory structure within the required setbacks with the need for a variance. The applicant appears to have begun building the accessory structure without a permit, therefore creating their own hardship.

Chris Logue confirmed that there is a six and a half foot dimensional relief. Chris Logue asked if the shed was on skids (moveable) and if there will be electricity. Mr. Dunlap confirmed that the shed is on skids and there will be no electricity to the shed.

Thomas Dunlap discuss his hardships of moving the shed causing it to either be in the driveway or requiring a driveway off the public road and cross the sewer line.

Bill Klein questioned if the shed could be slid-over if sewer line needed repairs. Mr. Dunlap agreed it would be possible.

Mark Stamm discussed the inability to maintain his fence, water run-off hitting the base of the fence, wants to maintain the value of his home, homes in the area that have sheds respect the set-back requirements, stated that convenience of location can't be a reason to grant a variance, requested the board respect the requirements for the setbacks.

Fred spoke on behalf of the Board. The consensus is the applicant did not meet the requirements and therefore the variance should be denied.

Chris Logue motioned to deny, Leslie Whitehill second the motion. Motion carried.

B. ZHB Case 2022-007

Dean Edwards

Brown Township

Variance

Seated Members: Bill Klein, Chris Logue, Leslie Whitehill

Heather George presented to the Zoning Hearing Board case number 2022-007. Mr. Edwards is requesting a Variance to permit an Addition to Primary Structure in the Countryside (CS) Zoning District. Table 4140A, Residential Bulk Standards provides criteria that govern the construction of an addition to a Residential Primary Structure. The applicant is requesting a Variance from the front yard setback. Lycoming County Zoning Ordinance calls for minimum front yard setback of 50 feet from the front lot line. The proposed 16ft addition to the existing primary structure is an encroachment into the required 50 foot front yard setback. The applicant is requesting 34 feet of dimensional relief to the front yard setback on the Eastern property line of the parcel.

The subject property, Tax Parcel #05-161-129 contains approximately .45 acres and is located in the Countryside (CS) Zoning District in Brown Township. The property currently contains a Single Family Dwelling, 2 existing garages, 1 existing shed. Access is via a local road from Herod Farm Road.

CONCLUSION: General Standards for a Variance are listed in the Lycoming County Zoning Ordinance, Section 10420.

Heather George reviewed the following communications:

- Variance request Application dated April 25, 2022
- Notice sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Brown Township Supervisors, Applicant, Solicitor, and the Zoning Hearing Board.
- Legal notice published in the Sun-Gazette 5/10/22 & 5/17/22
- Property Posted 5/5/2022

There was no comment from the township.

The following are exhibits presented by Heather George:

- Copy of applicant's Variance packet
- Comment letter from LCPC – dated May 11, 2022
- Overhead view/parcel viewer
- Plot Sketch

Heather George read Shannon Rossman's letter, which stated that the proposed change of use will not change the essential character of the neighborhood, as it appears that the majority of the nearby homes/structures encroach into the front yard setbacks.

Fred Holland listed exhibits as the following:

- Z#1 Zoning packet
- Z#2 Shannon Rossman's letter
- Z#3 Legal Notice
- Z#4 Property Posting
- Z#5 Photographs(2)

David Hubbard stated property is currently non-conforming. Dan Vassallo stated that the road is only 20 feet wide and most homes in the area are non-conforming.

Dean Edwards stated that the addition will allow them to replace a ladder to the second floor with steps and that most homes in area are already closer to the road.

Fred spoke on behalf of the Board. The consensus is to grant the variance without conditions. Chris Logue motioned to approve, Leslie Whitehill second the motion. Motion carried.

C. ZHB Case 2022-008
Chris Stoltzfus
Limestone Township
Variance/Special Exception

Seated Members: Bill Klein, Chris Logue, Leslie Whitehill

David Hubbard presented to the Zoning Hearing Board case number 2022-008. The applicant is requesting Variance from Table 6420 screening between the land uses in the Agriculture (AG) Zoning District. The applicant has screening at the road front. The applicant is requesting that the school be visible by neighboring residential structures.

The applicant is requesting a Special Exception to permit an Institutional (parochial school) from Section 3230B, in the Agriculture (AG) Zoning District.

The subject property, tax parcel #25-427-130.Z contains approximately 81.63 acres and is located in the Agriculture (AG) Zoning District in Limestone Township. The Nippenose Valley Parochial School

is proposing to lease 1 acre from the property owner. The property currently contains an existing house (Single Family Dwelling) with a bank barn, farm utility storage sheds, poultry house, loafing shed, tobacco barn and milking facilities. The property fronts a Township Road.

CONCLUSIONS:

General Standards for a Variance are listed in the Lycoming County Zoning Ordinance, Section 10420.

General Standards for Special Exception are listed in the Lycoming County Zoning Ordinance, Section 10310 Subsections A-C.

David Hubbard reviewed the following communications:

- Variance request Application dated April 29, 2022
- Notice sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Limestone Township Supervisors, Zoning Hearing Board Members, and Applicant.
- Property Posted 5/12/2022
- Legal notice published in the Sun-Gazette 5/10/22 & 5/17/22

The following are exhibits presented by David Hubbard:

- Copy of applicant's Variance & Special Exception packet
- Sketch drawing of simple site plan
- Overhead parcel viewer image
- Response from LCPC, Director Shannon Rossman dated 5/11/2022

David Hubbard read Shannon Rossman's letter, which stated that the proposed change of use will not change the essential character of the neighborhood. Requested the applicant provide a sketch that shows the location of the proposed school and the required setbacks and provide the ZHB documentation regarding the necessity for the variance request.

Fred Holland listed exhibits as the following:

- Z#1 Packet containing both the Variance and Special Exception request
- Z#2 Shannon Rossman's letter
- Z#3 Legal Notice
- Z#4 Posting
- Z#5 Parcel viewer of 576 Schoolhouse Rd – 911 address
- Z#6 Photograph

David stated Mr. Kreger who is doing the septic will provide the lease agreement and an updated plan with information for the SALDO and zoning. David stated sewer module was submitted to DEP.

Chris Stoltzfus stated that the screening variance is being requested is so that the neighbors can see what is going on in the schoolyard, partly because of the shooting in Lancaster. Chris Stoltzfus stated that there will also be a fence around the school.

Fred spoke on behalf of the Board. The consensus is to grant the Variance/Special Exception with the condition plans be revised as described so that there will be an indication of the setbacks

and compliance for the septic requirements and the subdivision and land development requirements.

Chris Logue motioned to approve, Leslie Whitehill second the motion. Motion carried.

V. ADJOURNMENT

Meeting adjourned at 7:15pm

Respectfully submitted,

Sherrie Hook, Recording Secretary

Bill Klein, Chairman

DATE: _____

DATE: _____