

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
July 12, 2017**

The October meeting of the Upper Allen Township Zoning Hearing Board was called to order by Vice-Chairperson, Gary Scicchitano at 6:01 p.m. on Thursday, July 12, 2018. In addition to the Vice-Chairperson, the following board member was present, to wit: Robert Melphis, Gerald Schultz and Donald Steele. Also present was Robert C. Saidis, Esquire, Michael Welt, Zoning & Code Enforcement Officer, and Gwen Leary, Stenographer.

REORGANIZATION

A motion was made by Mr. Steele and seconded by Mr. Melphis to appoint Jean Foschi as Chairperson and Gary Scicchitano as Vice-Chairperson Melphis/Steele. The Law Firm of Saidis Schultz & Fisher was appointed as ZHB Solicitor. Melphis/Schultz. A roll call vote was taken and approved unanimously.

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After consideration, a motion was made by Mr. Steele and seconded by Mr. Melphis to approve the Minutes from the October 12, 2017 meeting. A roll call vote was taken and approved unanimously.

**Variance No 18-01, CHRISTOPHER AND JESSICA CHUCKALOVCAK, 1517 ZESTAR DRIVE,
VARIANCE FROM CHAPTER 245 SECTION 16.2 B(2)**

Mr. and Mrs. Chuckalovcak, Applicant. Subject property is 1517 Zestar Drive, Upper Allen Township, Mechanicsburg, PA 17055, Planned Residential Development (PRD) Zoning District, is requesting a Variance under Chapter 245 Section 16.2 B(2) for a patio and fire pit which crosses the property line.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on June 28, 2018 and July 5, 2018, and the property was also posted.

Mr. Chuckalovcak and counsel, Mr. Kurt Williams were sworn in. Counsel Williams presented the request for the Variance to allow for a patio and fire pit which crosses the property line and into an Orchard Glen HOA owned open space at 1517 Zestar Drive.

A motion made by Mr. Steele and seconded by Mr. Melphis that the Variance request of a 14.7 foot variance from the rear setback to Chapter 245 Section 16.2 B(2) for a patio and fire pit which crosses the property line should be approved.

RESOLVED, that the Zoning Hearing Board grant the 14.7 foot rear-yard Variance under Chapter 245 Section 16.2 B(2) for a patio and fire pit which crosses the property line.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances and law.

A roll call vote was taken, Mr. Scicchitano, Mr. Melphis, Mr. Schultz and Mr. Steele voting in the affirmative (4-0).

OTHER BUSINESS

A discussion was had regarding the revised Zoning Ordinance which was approved in December of 2017.

There being no other business, a motion was made by Mr. Melphis and seconded by Mr. Schultz to adjourn the meeting at 7:09 p.m. (4-0).

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
August 9, 2018**

The August meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Jean Foschi at 6:03 p.m. on Thursday, August 9, 2018. In addition to the Chairperson, the following board member was present, to wit: Robert Melphis, Gerald Schultz and Donald Steele. Also present was Robert C. Saidis, Esquire, Michael Welt, Zoning & Code Enforcement Officer.

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After consideration, a motion was made by Mr. Melphis and seconded by Mr. Steele to approve the Minutes from the July 12, 2017 meeting. A roll call vote was taken and approved (4-0).

**Variance No 18-02, JOE AND KRISTEN MAST, 1519 ZESTAR DRIVE, VARIANCE FROM CHAPTER
245 SECTION 16.2 B(2)**

Mr. and Mrs. Mast, Applicant. Subject property is 1519 Zestar Drive, Upper Allen Township, Mechanicsburg, PA 17055, Planned Residential Development (PRD) Zoning District, is requesting a Variance under Chapter 245 Section 16.2 B(2) for a patio which crosses 5 feet into the 5 foot setback for accessory structures.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on July 26, 2018 and August 2, 2018, and the property was also posted.

Mr. & Mrs. Mast were sworn in. Mrs. Mast presented the request for the Variance to allow for a patio to cross 5 feet into the 5 foot setback for accessory structures. Mrs. Mast submitted a letter from the next door neighbor, regarding the setback in approval of the request. The Masts testify they need the walkway with the steps for a safe way to enter the rear of their yard. Slope is too steep, and is a slippage hazard.

Mast's claim that their landscaper obtained verbal approval from Mr. Welt to construct patio within 1' of property line. Mrs. Mast acknowledges that no setback inspection was conducted. Devastated that they failed their final inspection.

Mr. Scicchitano arrives at 6:16pm.

Joe Mast testifies that when they noticed that Skip informed them of the setback issue prior to construction. And talked to his neighbor, and got approval from his neighbor.

Mr. Skip Coulter was sworn in to Testify. Skip Coulter Landscape Design. 212 Creekwood Drive, Camp Hill PA. Skip is the designer for this project. Mr. Coulter was not aware of the setback, but the installers notified him of a problem. Mr. Coulter states that there was a woman behind the desk, and states he talked to Mr. Welt about the setback and took him at his word to the allowance.

Jean made observations about dimensional variation discrepancies asked about the cost of the project. Ms. Mast replied that the project cost \$60,000. Jean asked if the builder OMG was asked to attend. Ms. Mast states she has no contact with them anymore.

Mr. Saidis asked Mr. Coulter to testify to slope. Mr. Coulter said 3 to 1 ratio is 'mowable'. Steer than that gets hazardous. Grade is 3.5 to 1 on the slope in question.

Mr. Welt was sworn in to testify. Mr. Welt went through the process of approval for this permit timeline in particular. Mr. Welt took issue with Mr. Coulter's recollection of events regarding obtaining verbal approval for this project modification, stating that the fundamentally basic nature of an accessory setback would not be missed and no allowance given by right, only through a stop-work and ZHB application.

The board adjourned for executive session at 7:08pm. The Board Returned at 7:22pm.

A motion made by Mr. Melphis and seconded by Mr. Steele that the Variance request of a five foot variance from the side setback to Chapter 245 Section 16.2 B(2) for a patio should be approved.

RESOLVED, that the Applicant's request for a variance from Section 245-16.2B(2), for a variance of 5 feet from the side yard setback is hereby granted.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances and law.

(Motion carried unanimously.)

OTHER BUSINESS

There being no other business, a motion was made by Mr. XX and seconded by Mr. XX to adjourn the meeting at 7:25 p.m. (5-0).

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
November 8, 2018**

The November meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Jean Foschi at 6:00 p.m. on Thursday, November 8, 2018. In addition to the Chairperson, the following board member was present, to wit: Vice-Chair Gary Scicchitano, Robert Melphis, and Donald Steele. Also present was Robert C. Saidis, Esquire, Michael Welt, Zoning & Code Enforcement Officer. Gerald Schultz was absent.

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After consideration, a motion was made by Mr. Scicchitano and seconded by Mr. Melphis to approve the Minutes from the August 9, 2018 meeting. A roll call vote was taken and approved (4-0).

**Variance No 18-03, GEORGE AND JENNIFER HILLMAN, 916 GETTYSBURG PIKE, VARIANCE
FROM CHAPTER 245 SECTION 14.48(D)**

Mr. and Mrs. Hillman, Applicant. Subject property is 916 Gettysburg Pike, Upper Allen Township, Mechanicsburg, PA 17055, R-2 Medium-Density Residential (R-2) Zoning District, is requesting a Variance under Chapter 245 Section 14.48(D) to allow for a Professional and other home occupation, with items for sale not produced on the premises.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on October 25, 2018 and November 1, 2018, and the property was also posted.

Mrs. Hillman and Kent Brostlin were sworn in. Mrs. Hillman presented the request for the Variance. The applicant is requesting a variance to open a shop in lower level, that has it's own door and driveway. It is a metaphysical shop. Selling crystals, essential oils, soaps, incense, books, trinkets. Ms. Hillman states she will not have other services in the shop. On questioning Ms. Hillman states that the shop will be 700 square feet with measurements of 20'x35'. The shop will be using a secondary driveway. A door will be installed in an opening to separate the shop from the home. Deliveries only by UPS or postal service, once or twice a month. Applicant states there is a gas station cati-corner from her residence. Starting from Twp: A coffee shop, a Rita's, an insurance dealer at about a mile from her home. At a quarter mile: Ten Thousand Villages, and Brother's Restaurant. After crossing Lisburn, the Gas Station/UniMart. There used to be a B&B at Grantham Mansion south of Applicant. Also down the side road is a beauty salon, and there used to be a printing shop across the street from applicant property. There was no prior commercial use in Applicant property to her knowledge. May create own oils or soaps.

Kent Brostlin testified that the property is currently split-level. It seemed to him there was a natural split in the house for this to exist. Does not expect much traffic on site. Tim is a cousin of applicant, offering moral support.

Ms. Hillman wants to open this shop because she believes in it, and the properties of the items she wants to sell. Has not entered into a contract or thought of what suppliers she will use to sell. Ms. Hillman describes what some of the products do, to benefit customers. Ms. Hillman states she wants a 9-6 hours of operation, 6 days a week. The shop has 3 parking spaces. Could use overflow into the other driveway, if necessary.

Gilbert Humphrey of 909 Emily Drive was sworn in to testify. States he purchased his property in 1988, and would like the property to stay residential. Would not like to see increase in traffic, or odd smells coming into yard. Doesn't mind businesses, and worries about parking and overflow onto near roads.

George Hillman of 916 Gettysburg Pike was sworn in to testify. States that there is ample parking. Not all cars on property will be there much longer, some are being sold. It is a busy street, with no children playing there. Jean Foschi asked Ms. Hillman about any strange smells. Ms. Hillman states there will be none, bottles of oils in 5 oz bottles. No cooking, no heating, no chemical reactions. Ms. Hillman showed a 10ml bottle as an example of the product.

George Hillman states there will be no billboard or 'shop here' sign. Nothing to change the appearance of the home. Property contains an above ground swimming pool, fish pond and flower bed. Property has a 6' wooden privacy fence.

The board adjourned for executive session at 6:42pm. The Board Returned at 6:59pm.

A motion made by Mr. Scicchitano and seconded by Mr. Melphis that the Variance request to allow for the sale of items not produced on the premises from Chapter 245 Section 14.48(D) be granted.

RESOLVED that the Applicant's request for a variance to conduct a Home Occupation for the retail sale of metaphysical merchandise is hereby granted.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances and law.

(Motion carried unanimously.)

OTHER BUSINESS

The meeting was adjourned at 7:01