

Dallastown Borough Planning Commission
Minutes: June 3, 2013

The meeting was called to order at 6:58 pm.

Case: **2013-02**
Applicant: **Daniel Wagner, 1777 Reisterstown Rd Suite 295, Baltimore, MD 21208**
Address: **270 & 272 S. Pleasant Ave, Dallastown, PA 17313**
(Tax Map 04, Parcel 0112A)
Zoned: **R-T**

Applicant is requesting a special exception from Section 304C.10 (Residential-Town Zone – Multifamily Dwelling) to use the existing approved two-family dwelling as three unit dwelling. The applicant is also seeking a variance from Section 408B (Parking – Spaces Required). The property currently has four off-street parking spaces and would require six off-street spaces for a three unit dwelling. The property in question is located at 270 & 272 S. Pleasant Ave, Dallastown, PA 17313, Tax Map 04, Parcel 0112A, in the R-T Zone.

Neither the applicant, nor a representative was present. Both the realtor and the applicant received notice of this session.

In attendance were:

Roger and Tara Bailey 260 S. Pleasant Ave, neighboring property. Presented a petition.
Sue and Kyle Patterson, 223 S. Charles Street, Dallastown
Brittany Poe, 223 S. Charles Street, Dallastown
Steve Witzel, 269 S. Pleasant Avenue, Dallastown
George Holtzapple, 255 S. Pleasant Avenue, Dallastown
Ashley and Jeff Shutz, 267 S. Pleasant Avenue, Dallastown

Ms. Sprague reviewed the application. Mr. Taggart indicated that the property was developed as a three-unit establishment, but was only approved as a two-unit establishment. There is a third kitchen and interior components existing.

Ms. Sprague advised that the Planning Commission is a first go-through, a recommending body for the Zoning Hearing Board, which meets the fourth Monday of the month. They can go with or against the recommendation(s) made by the Planning Commission. The Planning Commission will hear comments from those present. At the Zoning Hearing Board meeting there will be a stenographer and testimony will be allowed after the presenters are sworn in. An attorney will also be present. Tonight's Planning Commission meeting is an informal one.

She further reviewed that a special exception can be granted when the Zoning Hearing Board finds a preponderance of validation at the hearing for the nature of the use. Water, sewer, storm, parking and more are taken into consideration. Applicant is also seeking a variance for parking. Parking is at a premium in Dallastown and is of serious concern to the Borough.

Mr. Bailey asked to whom the letter advising of the Planning Commission meeting was sent. Mr. Taggart indicated that it was sent to all residents within a block from the subject property. Mr. Bailey said that when the property was built, he was the only one that received the notice at that time. He added that it's a unique building, the original owner was elderly and wanted someone to live with her to help take care of her. The property wasn't allowed as a three-unit building because of circumstances such as the back set, the need for privacy fencing and he believes that the utilities were not set up. Ms. Sprague indicated that the ordinance is different now. The original owner built it as a three-unit dwelling and it's been used as a two-unit since that time. Mr. Bailey wants to protect his investment in his home. There have been older people living there which has been fine with him, and he stated his wishes that it could be guaranteed to stay that way. There are too many rentals in the area. Property owners take better care of properties they reside in and it results in a lower crime rate. He fears the reduction of value of neighboring properties and estimates devaluation at \$5-10,000.00 already because of the way it sits. He added that the back sets differed between a two- and a three-unit dwelling. Parking is a serious concern. Mr. Bailey asked if a firewall is needed between units. Mr. Taggart indicated that he believes the building code requires this. Mr. Bailey went on to say that when the Cougars play, the street is packed full and there are a lot of kids in and around the street, which is a safety concern for the children. There are four adults on his property and all four are drivers. He is unsure why the subject property is a Pleasant Avenue address, as only one side faces that street. There is too much land and not enough grass. He is not sure how she got it passed originally. He was the only one present with the original owner when the initial meeting was held. He wishes to fight this request. He added that the home looks like a Wellspan office, and is not consistent with the homes in the neighborhood.

Ms. Patterson said that there are three units there. The middle unit was only intended as transitory housing for a nurse. She is concerned about an ordinance requiring a certain amount of property to the residence. She is also concerned about the amount of parking. It's a nice building, but it doesn't fit in. Mr. Taggart indicated that if approved, the property would need a third set of water and sewer lines to be added. Ms. Patterson asked where people will park. Gerard Street is horrible and there is no room in the alleys.

Mr. Taggart reviewed that there are four parking spaces on the property, two in the garage and two in the driveway. On-street parking doesn't count toward parking requirements, which is often a hurdle for applicants. It's a big deal. You have to have off-street parking. A parking space is defined as 20' x 10'.

Mrs. Shutz stated that one of her concerns is that her oldest child is in 4th grade and the bus stop is across the street from the front door of the residence in question and eight children

gather there for that bus stop. She is also concerned about an increase in rental properties in the three years since they bought their property.

Mr. Taggart indicated that the Borough is advised of who are renting out their properties in Dallastown.

Mrs. Shutz asked what is required. Mr. Taggart listed requirements including handrails. It was added that profane language is also being used regularly. She had met Ruth Barton (original owner), who has since moved to California. There are concerns about the safety and integrity of the neighborhood and its residents.

Ms. Sprague was looking through the ordinance, Section 631, which states that a maximum of eight dwellings can exist per acre, so there can't ever be more than two dwellings in a quarter-acre lot. Mr. Miller asked if this limitation is an aggregate limitation, or a per-lot requirement. Mr. Taggart will confirm with the Borough solicitor.

Mr. Bailey said that back when it was built, they told him that the property has three fronts and one side. Mr. Taggart clarified that technically it would be two fronts, a side and a rear. Mr. Bailey said that he was told that it was three fronts and one side and Mrs. Barton didn't need to maintain the backside as a result. If the home is facing Gerard Street, the back of the dwelling is to his house. We don't need another unit. He was told that without a back, there was no requirement to maintain that area.

Planning Commission members added that there are two fronts, Pleasant Ave. and Gerard St. and disagreed with what Mr. Bailey had been told. The Borough does not recognize each road-facing border as a front.

Mr. Holtzapple said that he doesn't mind anyone making investments, but not at the expense of the neighboring properties. For now the neighboring property is empty. Another neighbor parks all of his cars in his yard. Another neighbor parks their cars in the alley. Every time he leaves his parking space in front of his home, it's gone within 15 minutes. The alley and other spaces are full and he has to park a distance away. He's been in his home for forty years and recommends that this petition does not go through.

Mr. Witzel indicated that people don't want to park on the street because lots of cars have been hit, mirrors clipped off, etc. If more cars are parked there, there will be even less visibility and more damage, which was agreed to by others in attendance. He can't fit all of his cars behind the house.

Mrs. Shutz said that they have an oversized one-car garage and driveway. They have enough parking for them, but when she has parked out front, her car has been hit.

Mr. Bailey said that pulling onto Gerard from Pleasant Avenue is tough, with very low visibility and it's very hard to pull out. It was also observed that speeding by drivers is also an issue in the area.

There was no representation by the applicant at this meeting. If there is no representation at the Zoning Hearing Board meeting, the request will likely be rejected.

Variance Motion – Mr. McCallum moved to reject the application based on the limitations in parking as well as those posed by attendance at Cougar games. There is insufficient space for two additional parking spaces. Per Section 408B of the Zoning Ordinance, Spaces Required, at least two off-street parking spaces must be provided for each dwelling unit. The motion was seconded by Mr. Coeyman and carried unanimously.

Special Exception Motion - Ms. Sprague moved that we recommend denial based on Section 631 of the Ordinance, Multi-Family Dwelling, which states that a maximum of eight dwelling units per acre shall be permitted in the R-T Zone, which would restrict the units to two for the quarter-acre lot. Mr. Miller seconded the motion, which carried unanimously.

Mr. Bailey reiterated his concern about the setback requirements difference from a three-unit to two-unit dwelling. Mr. Taggart indicated that we can't do much about it since the building is already there and no addition is being proposed. Mr. Bailey then asked about screen requirements. Mr. Taggart added that this would be a separate option that would be considered later upon passing the changes. There are no zoning changes being presented in the area that would require screening. If the application is approved, they would be subject to all applicable sections of the ordinance pertaining to a three-unit property and if the use is changed it would be applied by the current ordinance, not what was originally in place when the house was built. Options for screening are: fences, walls, plantings, etc. This would be addressed upon the acquisition of a building permit to convert the property to a three-unit dwelling. Mr. Taggart also added that the Borough didn't do building inspections back then either and that today they would need to submit building plans and they are inspected and this type of situation would not have been created.

Mr. Taggart will look into code questions and will bring them to the Zoning Hearing Board meeting.

The meeting adjourned at 7:48 PM.

Attendance: Susan Sprague, Chair
Doug Miller, Vice-Chair
George McCallum (R)
Edward Coeyman (F)
Leigh Ann Stambaugh, Secretary

Other: Nate Taggart, Planning & Zoning

Prepared by: Leigh Ann Stambaugh