

PENN TOWNSHIP ZONING HEARING BOARD

100 Municipal Building Road

Duncannon, PA 17020-1100

ZONING HEARING BOARD OF SUPERVISORS

MINUTES OF OCTOBER 11, 2007

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The Penn Township Zoning Hearing Board (ZHB) met on Thursday, October 11, 2007, at 7:00 p.m. in the Penn Township Municipal Building to conduct a hearing concerning the Bernard Radocha Variance Request. A list of visitors is on file in the Township Office.

Secretary conducted the roll call of the ZHB.

Present: Vince Bernhard, Vice-Chairman
Barbara Van Horn, Alternate
Dennis Shatto – Zoning Solicitor
Helen Klinepeter- Secretary

Vice-Chairman Bernhard asked for a motion for Barbara Van Horn act as a member for the purposes of the hearing. A Bernhard/Van Horn motion was made for Barbara Van Horn to act as member of the Penn Township Zoning Hearing Board. The vote passed unanimously

HEARINGS

The ZHB opened the hearing at 7:03 p.m.

Visitors Sworn In: Helen Klinepeter, Lenny Sizer, Bernard Radocha, Jacqueline Radocha, Grey Berrier

Evidence Submitted:

Township Exhibit

1. Proof of Publication of the Zoning Hearing dated October 4, 2007.

Applicant Exhibits

1. Letter of October 7, 2007 from neighbors with six (6) signatures.
2. Letter dated September 21, 2007 from neighbors from Mr.'s James D. Berrier and William F. Berrier.
3. Applicant Exhibit 3, Plan showing property of Bernard P. & Jacqueline B. Radocha dated May 22, 2007.

Berrier Exhibits

1. Photograph of Existing Garage.

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2. Tax Map
3. Letter dated September 17, 2007 from Pennsylvania Department of Environmental Protection to Mr. Bernard Radocha.
4. Topographical Drawing
5. Blowup Map.
6. Drawing of property.

Mr. Radocha explained that in 2006 he had applied for two permits, one for the demolition of two storage sheds and one for the erection of a storage shed to replace the two sheds demolished. The property is owned by four individuals and one of the individuals did not grant permission for the shed to be placed. He continued that he removed that shed and applied for a permit to place the shed on his property. He stated that he wants the building stay where it stands for traffic to be able to pass on a one lane road. Mr. Radocha offered that he complied with the zoning permit and that he had the Zoning Officer out to the property to inspect the location before building.

Mrs. Radocha offered that she and Mr. Radocha did not understand that variance was on the property and not on the shed.

Mr. Sizer offered that he was under the impression that the rear property line was 40 feet from the shed. Mr. Sizer offered that he went by what he was told on site and what was depicted on the application.

Mr. Berrier stated that he is opposed the Radocha's being granted the variance for their shed. He offered that the Radocha's had put the shed up and then asked for the variance instead of going through the proper procedures. Mr. Berrier offered that on the first permit the Radocha's represented that they were the owners of that parcel. They are not the owners but one of four owners. Mr. Berrier offered that when the Radocha's tore down that shed and reapplied for a zoning permit they did not return the land to the way it was before construction. He continued that he did not believe that the Radocha's have complied with the R-1, Low Density Residential, zoning in placing the shed on the property and believes that the shed is an eyesore.

Secretary offered that she was directed to inform the Zoning Hearing Board of Supervisors that the Board of Supervisors' position is that the Zoning Ordinance should be upheld as it is written.

Vice-Chairman Bernhard called a recess of the hearing from 8:00 p.m. until 8:21 p.m.

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After discussion, and upon a Van Horn/Bernhard motion, the ZHB voted unanimously to grant the variance for the shed to be placed within the rear setback by 10 feet.

After discussion, and upon a Van Horn/Bernhard motion, the ZHB voted unanimously to close the hearing at 8:25 p.m.

MINUTES – Vice-Chairman Bernhard requested that the minutes be tabled until the next meeting due to the only two members is present and that he was not at the last meeting.

NEW BUSINESS

Upon the completion of all business, and upon a Van Horn/Bernhard motion, the ZHB voted by majority to adjourn the ZHB meeting at 7:30 p.m.

Respectfully Submitted;

Helen Klinepeter
ZHB Secretary