

**Lower Paxton Township  
Zoning Hearing Board**

June 23, 2022

**Members Present:**

David Dowling

Greg Sirb

Allan Hansen

Also, In Attendance: Isaac Wakefield, Amanda Zerbe, Kristi Focht

**Docket 1456**

Applicant: John and Theresa Garner

Address: 6020 Parkway East Harrisburg PA 17112

Property Owner: John and Theresa Garner

Property: 6020 Parkway East Harrisburg PA 17112

Applicant: Applicant is requesting a variance from required minimum lot width. The applicant is requesting a waiver to reduce the required 140' at the minimum setback line in the agriculture residential to 116'.

Fees Paid: June 3, 2022

Advertised: June 9, 2022 and June 16, 2022.

The Hearing Began at 7:02 p.m.

Mr. Dowling swore in applicants Joe Allen, land surveyor and John Garner, property owner.

Mr. Dowling swore in Amanda Zerbe, Zoning Officer.

Mr. Dowling questioned Ms. Zerbe on what Township Ordinances are at issue.

Ms. Zerbe answered Section 307 A, required minimum lot width in the AR district.

Mr. Dowling questioned if the appropriate fees have been paid.

Ms. Zerbe answered that the applicant paid the fees on June 3, 2022. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in the Hummelstown Sun on June 9, 2022 and June 16, 2022 and mailings were set to surrounding properties.

Mr. Dowling questioned if there is currently two separate lots on this property or are you proposing to subdivide this into two lots.

Mr. Allen answered they are currently two separate lots and they are changing the lot line between them.

Mr. Allen began his testimony with handing the board members six exhibits and labeling them exhibits G1 through G6. Mr. Allen explained each of the photos exhibits. Exhibit one is the original subdivision plan that was created in 1999. Exhibit G2 is the plan that was submitted with the application. Exhibits G3, G4, and G5 are street view photographs. Exhibit G6 is an aerial photograph of the proposed lot.

Mr. Dowling questioned Mr. Garner how long he has lived at the property.

Mr. Garner answered since 1987.

Mr. Allen explained that back in 1999, the Garners came to the Zoning Hearing Board and had the approval to create Lot 2 for a new dwelling for their parents. He explained that when this was created the barn is one the parents lot. He explained they are proposing to move the lot line that would add the barn to the existing Lot 1. Mr. Allen explained that the applicant uses that barn and would like to sell Lot 2 but do not want to sell the barn. He explained he cannot achieve the minimum lot width between the barn and the lot line, noting the required is 140 feet but they only have 116 feet.

Mr. Dowling questioned Ms. Zerbe on the ten feet between the barn and the property line.

Ms. Zerbe answered for an accessory structure it must be five feet from the property line.

Mr. Sirb questioned what the barn is used for.

Mr. Garner answered storage of tractors.

Mr. Wakefield questioned if those are used on the larger lot.

Mr. Garner answered yes.

Mr. Dowling questioned Mr. Garner on the age of the barn.

Mr. Garner answered he found a tag attached to a lightning rod from 1896.

Ms. Zerbe noted she is the liaison to Lower Paxton's Historical Commission and this property is on the historical register. She noted the Historical Commission would like to see the barn stay with the home on the same property.

Mr. Allen noted to the original plan that the home and the barn were the only two structures on the property. He noted this is the original barn with the original home. He proposed they would like to place the property line so the barn would stay with the original home.

Mr. Wakefield questioned why there was an easement around the barn on the plan.

Mr. Allen answered he looked at the notes and it does not explain what it was for.

Mr. Garner answered he felt that was created so they would have use of the barn.

Mr. Dowling questioned if the Board had any questions.

No response was heard.

Mr. Dowling requested Ms. Zerbe to review the history of the barn.

Ms. Zerbe explained that any house built in the Township before 1940 is considered historical. She explained the house and barn were built before 1940 and the Historical Commission would like to preserve these two structures on the same piece of land rather than have a historical barn with a 20-year-old house.

Mr. Dowling questioned if this is the Historical Commission policy in preserving these buildings.

Ms. Zerbe answered yes and explained that is the Historical Commission motto is to restore the integrity of structures built before 1940.

Mr. Dowling noted that he typically asks Ms. Zerbe if the Township has a position, he questioned if Ms. Zerbe has stated that position.

Ms. Zerbe answered yes.

Mr. Dowling questioned if anyone from the audience wished to be heard.

Mr. Dowling swore in Theresa Garner wife of John Garner.

Ms. Garner explained they were advised during the time of subdivision to have the easement put in to have the right of use. Ms. Garner explained their home was owned by the first African American land owners in Linglestown, Frank and Fannie Foot. She noted there is a documentary on You Tube about the history of this home. She explained it was originally a dairy farm that can be traced back to the early 1800's. She noted this barn is the oldest usable bank barn in Central Pennsylvania.

Mr. Dowling swore in Kathy Ledic, property owner that boarder the western side of property.

Ms. Ledic noted they are here in favor and support of the barn to be with the house. She noted it is a beautiful property and the Township should be proud of this property and its heritage.

Mr. Dowling questioned if any member of the Board wished to make a motion on the request for a docket 1456.

Mr. Sirb motioned to approve Docket 1456.

Mr. Hansen seconded the motion.

Mr. Dowling requested Mr. Wakefield to conduct a roll call vote: Mr. Hansen aye; Mr. Sirb, aye; Mr. Dowling, aye.

Mr. Dowling noted the application has been granted.

This hearing ended at 7:26 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht, Recording Secretary