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April 24, 2008

ZONING HEARING BOARD MEETING

The Conewago Township Zoning Hearing Board held a meeting, Thursday, April 24, 2008 for the purpose of a hearing for application for **John N. Hertzler, Docket 2008-3**, 676 North Hertzler Road, Elizabethtown, PA requesting a variance from Section 405.2 of the Conewago Township Zoning Ordinance regarding the minimum and maximum lot size for single family dwellings and accessory structures in the "A" Agricultural District. The subject property is located at 676 North Hertzler Road, Elizabethtown, PA. The tax parcel number is 22-018-007.

The meeting was called to order by Chairman Eisenhour at 7:30 PM. Those present were:

Curtis Eisenhour
Steve Stine
Donna Spittle
John Hertzler, Sr.
Donald Parmer

Eleanor Long
Sharon Dougherty
Kristin Gibbs
Scott Stein, Esq.
Dave Gibbs

Rosalie Sarfert
Shirley Meyers
John Hertzler, Jr.
Jeffrey Reitz

MINUTES OF MARCH 13, 2008 – A motion by Sarfert second by Long to approve the minutes of March 13, 2008. Motion carried.

The purpose of this meeting is to hear a variance request for **John M. Hertzler**, 676 N. Hertzler Road, Elizabethtown, PA, from Section 405.2 minimum and maximum lot size for single family dwellings and accessory structures in the "A" Agricultural District. Solicitor Stine noted that the meeting was properly advertised in The Sun, the property was posted 4-11-08, appropriate notices sent to neighbors within 300 Ft., and appropriate fees were paid. Solicitor Stine said there are a number of people who will be providing testimony this evening, so we will swear everybody in at the same time.

Scott Stein, Attorney is representing the Hertzler's request for Section 405.2 for a single family dwelling which shall not exceed 3 acres. Mr. Hertzler proposes to sell 6.292 acres tract of land to Kristin Gibbs, granddaughter and her husband David.

John M. Hertzler, 803 Spring Street, Middletown, PA – Mr. Hertzler's father owns this property, he is his father's POA, he agrees to sell the tract to the Gibb's. His father's desire is to sell to the Gibb's who currently live there with him. There are currently over 70 acres. The farm was 100 acres, but there was deeding of the property, which was donated to Mr. Calvary Christian School for athletic fields. The property was improved several times, but the original lot included the house and the barn, which dates back to the 1800's. Mr. John N. Hertzler bought the property in 1839, and added a garage. The property borders on the south side, Hertzler Road, and the natural boundary of Brill's Run on the east side. The division of the property (Exhibit I) there is a buried fiber optic AT & T cable on western property line. Engineer Reitz told Mr. Hertzler to create a sensible lot he drew a straight line back to the cable easement and stayed the proper distance from the barn.

Jeff Reitz, Engineer, Mr. Reitz is a Surveyor Planner & Project Manager for Light-Heigel for 31 years. He prepared the Applicant's Exhibit I. Basically the house is 300 ft. from the road, and the barn is approximately 150 ft. from Brill's Run. The proposed western boundary lines are a result of the township's minimum setback requirement of 30 ft. From a planning prospective, the homestead of the house, the barn, and the garages should be grouped together. This property is unique because it borders Hertzler on the South and Brill Run on the east. There is an easement to the north with a swale from 50 to 60 ft. from the optic line. Mr. Reitz said there is no way to create a prime lot area on this lot without an odd shaped lot. Mr. Reitz stated the use won't change or any physical change to the property, and he said the Gibbs would probably agree to prohibit any further subdividing on the 6.292 acres. There is a Conservation Agreement to plant trees up and down both sides of Brill Run in the fall.

David Gibbs, 676 N. Hertzler Road - Mr. Gibbs is the husband of Kristin, granddaughter to Mr. Hertzler who resides at this address, and they both take care of Mr. Hertzler's needs. They would agree to have a note on the subdivision plan saying no further subdivision can be done to this lot.

Mr. Scott Stein, Attorney for Mr. Hertzler, He summarized this variance by stating to stay within the ordinance requirement, it would not be a pretty lot. They are limited to what they can do, so to naturally make this a functional lot, he would ask the Zoning Board to approve this variance.

Solicitor Stine closed the regular hearing at 7:45 PM to go in an Executive Session to deliberate over the variance request. The Executive Session reconvened at 7:55 PM.

A motion by Sarfert second by Long to grant the variance to John N. Hertzler with the condition that there shall be no further proposed subdivision of Lot 3. Motion carried.

Solicitor Stine stated the Hertzler's and Mr. Scott Stine would receive a written decision in the mail in a few weeks. There is an appeal period of 30 days. The township usually requires the applicant should wait the 30 days in case there is an appeal.

A motion by Long second by Sarfert to adjourned at 8:05 PM. Motion carried

Respectfully submitted

Eleanor Long, Secretary