

IN RE:	: BEFORE THE ZONING HEARING BOARD
	: OF EAST HANOVER TOWNSHIP
APPLICATION FOR SPECIAL	:
EXCEPTION OF INSULATOR	: HEARING: April 27, 2017
LOCAL 23	:
	: DECISION: April 27, 2017
No. 2017.04	:
	: WRITTEN DECISION MAILED: June 9, 2017
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**DECISION OF THE ZONING HEARING BOARD**

The Zoning Hearing Board of East Hanover Township, Dauphin County, Pennsylvania, conducted a properly advertised and properly posted public hearing on April 27, 2017, commencing at 7:00 p.m., upon the Application for a Special Exception of Insulator Local 23, with respect to the property located at 8926 Jonestown Road, East Hanover Township, Dauphin County, Grantville, Pennsylvania, 17028, also being Dauphin County Tax Parcel No. 25-014-004.

Notice of the hearing was published in *The Sun* on April 6, 2017, and April 13, 2017, in accordance with the requirements of the Pennsylvania Municipalities Planning Code and the East Hanover Township Zoning Ordinance. Additionally, in compliance with Section 603.1.1 of the Zoning Ordinance, written notice of the hearing was conspicuously posted on April 11, 2017, on and about the tract of land which is the subject of the hearing. Jackie Wilbern, the East Hanover Township Zoning Officer, was present at the hearing and confirmed proper posting of the notice, a copy of which has been marked Board Exhibit No. 1 and admitted as part of the record. Furthermore, Ms. Wilbern confirmed that she provided and mailed on April 10, 2017, written notice of the hearing to those property owners adjacent to the subject property as identified in the

Application for a Special Exception as well as to the Applicants. A copy of the proof of publication of notice in *The Sun* is marked as Board Exhibit No. 2 and has been admitted as part of the record.

Members of the Zoning Hearing Board were JoLynn M. Stoy, Chairperson, Shirley Allison, and Mark Stremmel, as well as Kenneth Wolensky, Alternate Member, who were present throughout the hearing. In addition to the Applicants, various members of the public were also present. All of the foregoing individuals who offered testimony during the course of the hearing were duly sworn.

### **FINDINGS OF FACT**

The subject property is currently located in a Village Residential (VR) Zone and has an area of approximately 4.4 acres. The prior and current use of the property has been primarily for a restaurant and meeting hall for VFW Post 9639. The owner of the property is Eshelman, Pankake, Wolfe, Post 9639 VFW of Shellsville, Pennsylvania. Applicant has entered into an Agreement of Sale for the purchase of the subject property. Applicant proposes to convert the current uses of the property to that of administrative offices, conduct training and continuing education related events for Local 23 Insulation Union members. Conversion offices are a use permitted by special exception within the Village Residential Zone pursuant to Section 204.3.3 of the Zoning Ordinance.

A site plan has been submitted as part of the record by Applicant, which identifies the location of existing structures on the property, the proposed building, setbacks and parking areas. A two (2)-story structure is currently located on the property having an area of approximately 5,400 square feet. Applicant proposes to use a substantial portion of the original footprint of the

building and maintaining a ten (10)-foot side yard setback from the eastern property line.

Applicant shall be increasing the size of the building by approximately 1,000 square feet such that the final structure shall have an area of approximately 6,435 square feet. The structure will be one story, but having two levels, one of which will be below grade. Public sewer is available for the use and private (well) water shall continue to be available.

Applicant proposes to construct a building of a rural agricultural style so that its appearance will fit within the character of surrounding properties and neighborhood. The building is being designed to contain business offices on the upper level sufficient to accommodate four (4) employees. Approximately forty (40%) percent of the lower level floor plan shall be an open area to be utilized primarily as a training center for union members and activities.

The present VFW Post 9639 maintains a liquor license which will be transferred to Applicant upon sale of the property. The area, however, with respect to the use of the liquor license is restricted upon the property. The footprint for this license includes an area outside and adjoining the rear of the existing building. However, based upon the testimony presented, liquor sales have been confined within the premises, and no liquor has been served for any outdoor activities on the premises.

VFW Post 9639 and its operations are a non-conforming use under present Zoning Ordinance requirements as they have existed continuously since prior to adoption of the current Zoning Ordinance. Operation of VFW Post 9639 included a restaurant food service and a commercial kitchen. An open meeting room is also located within the structure and utilized for member, social and catered activities. The commercial kitchen, however, will be removed by the Applicants and replaced with a prep kitchen of smaller scale in order to continue to

accommodate food service for events and gatherings. However, food service for such events will be catered by the Applicant through third-party providers. For events held within the building, liquor and a bartender will be supplied by the Applicant in accordance with the event liquor license that it is acquiring. Applicant proposes to lease the facility from time to time to members of the community for personal and other events, such as weddings, parties and community gatherings.

The training functions of the union provide for continuing education of its membership and require an adequate facility. The lower level of the premises shall include a classroom and a shop with mock-ups of mechanical insulation ducts and duct pipes for training purposes. Trainings and continuing education instruction will be conducted primarily during the day from Monday through Friday and occasional Saturdays.

All equipment utilized with respect to the training shall be stored within the facility or other enclosed areas. A detached garage having dimensions of 24 feet by 30 feet is also located to the north and west of the present structure. No manufacturing of any products shall take place on any portion of the premises.

Outdoor lighting will be provided within the parking area as required by Township Ordinances. All activities of VFW Post 9639 were conducted primarily within the existing structure. To the east, south and west of the subject property are a variety of single-family residences. The East Hanover Township Community Park is also located further to the west along Manada Gap Road. Adjoining the subject property on the north is an additional tract of land owned by Eshelman, Pankake, Wolfe Post 9639 VFW, consisting of approximately 44 acres. This tract is vacant except for the existing two (2)-car detached garage as previously noted. Furthermore, farmlands adjoin the subject property to the north.

## **DISCUSSION AND CONCLUSIONS**

VFW Post 9639 has operated on the subject property for a substantial period of time prior to the current Zoning Ordinance requirements. For its membership, both veterans and social, restaurant services and liquor sales were provided on the premises. Offices for the Post were also located in the structure and the rear portion of the existing building provided open space for membership gatherings and other social events.

Applicant proposes to redevelop and expand the existing structure, as well as continue certain existing uses. Section 112(C) of the Zoning Ordinance provides the following definition of an office:

“A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, recordkeeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products, or the sale or delivery of any materials, goods or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.”

Applicant proposes to use the subject property, renovate and expand the existing structure into a facility for the primary function of maintaining its union offices and conducting training and continuing education for its members. The Board is persuaded, based upon the testimony presented, that the affairs of the union, profession and service will be the primary use of this facility and include administration, recordkeeping, clerical work and similar business functions as provided by the Ordinance. The lower level classrooms and training center will be used for these purposes. No manufacturing or storage of any goods will occur on the property. The Board finds that the proposed use and facility shall meet the requirements for conversion to an office as provided in Section 204.3.3, subject to the requirements of Section 604.3 and 446 of the Ordinance for granting of a special exception as provided hereinafter.

Pursuant to Section 204 of the Zoning Ordinance, a Village Residential Zone is intended to accommodate a mixture of land uses that have evolved within the Villages of Grantville and Shellsville. Such uses have included for a substantial period of time VFW Post 9639 and its related activities. The Board is persuaded that the proposed uses and redevelopment of the property, therefore, will continue to be consistent with the purposes and intent of the Zoning Ordinance. The Board finds that such uses and redevelopment will not detract from the use and enjoyment of adjoining or nearby properties, subject to the conditions hereinafter stated.

The style and character of Applicant's redesigned and modernized building shall be rural agricultural, consistent with other structures within the vicinity of the subject property. The existing parking lot and its access to Old Jonestown Road shall be maintained in its present configuration. The proposed building shall also be located in the same area as the VFW Post 9639 structure. Upon consideration of the proposed use, style and location of the proposed structure, the Board is persuaded that such use and facility will not substantially change the character of the subject property's neighborhood.

Public sewer shall continue to be available to the property in addition to a private (well) water source. Seating capacity for the proposed building shall be less than 100. The existing 75 parking spaces will be maintained. The Board is persuaded that the overall use of the facility will be limited and result in less impact on sewage, schools, fire, police and other utility services and vehicular access. As a result, the Board finds that adequate public facilities shall continue to be available to serve the proposed use and structure.

In addition to the general criteria of Section 604.3 of the Ordinance, Applicant must also comply with the specific requirements of Section 446. At present, the bonus incentives set forth in Section 204.9, as required by Section 446, are not applicable to the design features of

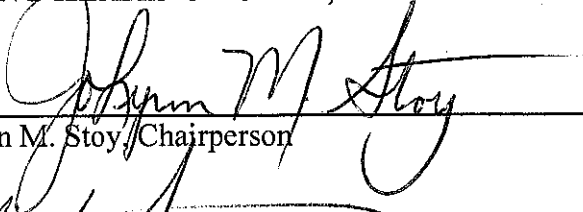
Applicant's property. Applicant shall meet lot area, lot width and lot coverage requirements as set forth in Section 204 of the Ordinance. No new impervious surfaces are being added to the premises as a result of redevelopment. The subject property also is not located in a flood overlay zone.

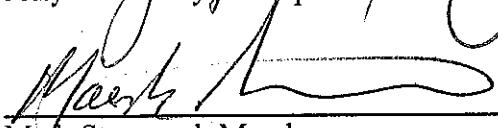
The Board is persuaded that the proposed use shall be compliant with specifications of Section 204 of the Zoning Ordinance as set forth and described on the plans and drawings submitted as part of the record before the Board and the testimony presented. As a result of all of the foregoing, Applicant's proposed use as presented shall be consistent with the Township Comprehensive Plan for continued growth and development.


### **DECISION**

For all the reasons previously set forth, evidence and testimony presented, the East Hanover Township Zoning Hearing Board does hereby GRANT Applicant's request for a special exception for conversion of the structure to offices and Insulator 23 Local Union uses as proposed in accordance with all specifications and drawings as set forth in the Application and made a part of the record before the Board, subject however to the following condition that no liquor will be served outside the confines of Applicant's structure on the premises.

**ZONING HEARING BOARD, EAST HANOVER TOWNSHIP**

  
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JoLynn M. Stoy, Chairperson

  
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Mark Stremmel, Member

  
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Shirley Allison, Member