

**Red Lion Planning Commission  
Meeting Minutes  
Monday, December 15<sup>th</sup>, 2014**

**Members**

Wade Elfner  
Cynthia Barley  
Felix Milner  
Robert Frutiger

**Others**

Dianne Price, Borough Manager  
Dan Shaw, Zoning/Codes  
D. Michael Craley, Solicitor  
Stacy Myers, Recording Sec'y

**Visitors**

Troy Leiphart  
Dennis Klinedinst

Greg Gettle  
Stephanie Weaver

1. The meeting was called to order @ 7:00p.m., followed by the pledge to the flag.
2. One correction was necessary to the October 20<sup>th</sup>, 2014 Meeting Minutes. **Page 2, 1<sup>st</sup> paragraph, "Quick Claim Deed", should read "Quit Claim Deed"**. Mrs. Barley made a motion to approve the minutes with this correction; Mr. Milner seconded. All were in favor; motion carried.
3. **Variance application was submitted by T.A. Leiphart Masonry** for encroachment into the rear setback of the property located at Neff Street extended. Troy Leiphart, along with his Solicitor, Greg Gettle, is present to request a Variance for Mr. Leiphart's storage unit facility on Neff Street. In October, Mr. Leiphart submitted a building plan for this project, prepared by Larry Moore Engineering, LLC. The plan showed nine garages; however, the last garage on the plan encroaches into the rear setback. The encroachment starts as 6' wide and extends 21' in length in a pie-shape. The encroachment was not discovered until Mr. Leiphart went to obtain his Use & Occupancy Permit. Mr. Gettle thought possibly the De minimis rule could be considered in this case; being that the whole lot is only 1.1 acre, and also taking into consideration the topography in the rear of the property being heavily wooded and not close to any residences. Plans were reviewed by the Commission, showing 6' of the concrete garage that would need to be removed due to the encroachment, should the Variance be denied. The plan also shows that part of the existing wall of the garage **began** the setback encroachment. Mr. Leiphart did not further encroach into the setback; he built straight out from that existing wall.  
Mr. Leiphart stated that they went by the architectural drawings to build and, had they noticed beforehand that the dimensions were wrong on the Land Development Plan, he wouldn't have continued building. On the Land Development Plan, the dimensions of the last garage were shown half as big as the garage actually was. In reality, the existing structure that was already there had already encroached into the rear setback. Mr. Gettle stated the Variance is being sought to avoid demolishing the last garage. This structure was already encroaching on the rear setback before Mr. Leiphart built onto it. They are requesting the Variance so the permit can be issued. Mrs. Barley stated the encroachment nor the structure cause a detriment to neighboring properties. Mr. Craley said that normally a Variance requires unnecessary hardship and Mr. Leiphart could say he is making use of the property with eight units. But the De minimis Variance is for things that are very small and this would qualify as a very small area of relief. The second part of a De minimis Variance is that the public policy goals in establishing a setback are not violated by allowing this deviation.  
Mrs. Barley made a motion recommending approval of the Variance to the Zoning Hearing Board on De minimis grounds; Mr. Milner seconded. Motion carried, with Mr. Frutiger opposing.
4. With no further business before the Commission, Mrs. Barley made a motion to adjourn @ 7:16p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary