

**Red Lion Borough Planning Commission  
Meeting Minutes  
Monday, November 21, 2016**

**Members**

Cindy Barley  
Joyce Seabolt  
Robert Frutiger  
Felix Milner  
Nevin Horne  
Wade Elfner

**Others**

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

**Visitors**

James Bucher  
Tina Frutiger  
Dennis Klinedinst

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. Mr. Horne made a motion to approve the October 17<sup>th</sup>, 2016 Meeting Minutes; Ms. Seabolt seconded. All were in favor; motion carried.
3. **A Variance application was submitted by James Bucher** to allow a reduction in the required fifty-foot buffer [Section 27-413(B)] in the side yard adjoining a Residential Zone to a 25' buffer. The property is at 536 Boundary Avenue, located in the Industrial Zone. Mr. Bucher, the owner of the property, stated that Gordon Brown & Associates had completed a survey for him and that was when the requirement of the 50' buffer was discovered. Mr. Bucher's property abuts a Residential Zone, with a right-of-way in between that was given by Keener Kitchens in order to access the sewer main at the property behind Mr. Bucher. He is applying for a Variance, claiming a hardship because he would like to install a loading dock/garage door to enable larger trucks to deliver the metal plates used in Mr. Bucher's business. He does mold work and repair for companies such as Key Plastics. The dock with the garage door would allow more floor space inside his building to increase his business, as well as, make a safer environment for the metal plate delivery.  
Mr. Craley gave some history of Mr. Bucher's property and the neighboring parcels. In the 1970's, when James Bucher's father, John, owned the parcel, it was changed from Industrial back to Residential. In 1990, John Bucher applied for a Variance because he needed to double the size of his building. The Variance was granted and Mr. Bucher could expand the Industrial use by 50% (the Ordinance had a 35% limit). In 1991, James Bucher's sister applied for a Variance to operate a beauty salon out of the building and the Variance was denied. At some point, between 1991-1997, because John Bucher requested it, the parcel of land was rezoned from Residential to Industrial, as it was prior to 1980. Once the property was rezoned, the beauty salon could be opened & operated there.  
The property still abuts a Residential Zone on the west & south sides and that is why Mr. Bucher is required to have the 50' buffer in addition to the building setback. While the neighboring property isn't a residential area right now, it is a Residential Zone. The property is owned by Country Village Associates and they could construct townhomes or apartments within 35' of Mr. Bucher's property.  
Mr. Bucher does comply with the Industrial Zone requirements in the rear of his building. Other options were discussed for the layout of Mr. Bucher's property and the building. He thought he had plenty of space to create the loading dock until the 50' buffer requirement was discovered. The 50' buffer requirement existed since 1988; however at that time, the property was zoned Residential.

Part of Mr. Bucher's building is in the buffer and, per Section 420.2B of the Zoning Ordinance states, "*an existing dimensional nonconformity may be expanded or altered as a matter of right if the expansion or alteration, as long as it does not increase the existing nonconformity.*"

Mr. Craley suggested possibly amending Mr. Bucher's plans to maintain the buffer that exists now and then he wouldn't need a Variance. A Variance is only supposed to be granted if the applicant has to close their business if they aren't granted one. If he could show that he meets the following requirements of Section 27:420.2(B), he would not need a Variance.

(1) Does not increase the existing nonconformity. (*He wouldn't be, because he would stay parallel to the non-conformity started by the northwest corner.*)

(2) Does not create any additional dimensional nonconformity where none currently exists. (*He is not taking it INTO the rear setback.*)

(3) Reduces the extent of any nonconformity currently existing without or creating any other nonconformity. (*Does not apply in this case.*)

A Special Exception would still be required because, per Section 27:420.2(A), he would be expanding a dimensional nonconformity. This would recognize the nonconformity and gives Mr. Bucher the right to keep that instead of the 50', as long as he doesn't go any closer to the neighbor's property line (closer than he is now).

Dan Shaw agreed to meet Mr. Bucher at the property to discuss options for the building and the parcel of land. He would like to find an option allowing him to grow his business without creating a financial hardship. The Zoning Hearing Board has to hear a case within 60 days from the day the application was filed (in this case, 10/28/16), but if Mr. Bucher's request for a Variance doesn't have to be advertised, he may have his application fee refunded to him. Or he could apply that fee to an amended application should he decide to apply for a Special Exception. Mr. Craley does not believe Mr. Bucher has grounds to be granted a Variance. If he could reduce the amount of area he needs for a Variance, it would help; then conditions could be applied.

If Mr. Bucher feels he needs an extension or to table his application, he must submit his request in writing within 60 days of his application date, by December 28, 2016.

4. **Other business**—Mr. Craley reported he received a response from York County Planning Commission regarding the Zoning Ordinance amendments. They have approved all the changes to be adopted, as presented. Borough Council will discuss at their December Workshop meeting and approve them for advertising to adopt them in January.
5. **Zoning Hearing** for Silverback Services was cancelled due to them not having a complete plan. They are currently on an extension and may resubmit their application, if they wish.
6. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 7:40p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary