

June 8, 2009

Mr. William Hawk, Chairman  
Lower Paxton Township Board of Supervisors  
Lower Paxton Township  
425 Prince Street  
Harrisburg, PA 17109

Dear Chairman Hawk:

On May 12, 2009 at the Supervisors Workshop Meeting a request was submitted to amend the zoning ordinance to permit the “vertical stacking” of condominium units. This is a very complex issue involving lender reluctance to give loans to units having no “common ground”. The gentleman representing the developer who is requesting the ordinance change, proposed to draw up a draft of an ordinance.

Two days later on May 14, 2009 at the Public Safety Committee meeting Mr. Robert Dobslaw, Esquire from Lancaster presented information to the commissioners regarding a decision last year by the Pennsylvania Commonwealth Court. The decision regarded the legal definitions of the terms “lot” and “unit” as used in municipal ordinances and it created unnecessary difficulties for municipalities. Until last year a “unit” was considered a part of a condominium or a planned community but now a “unit” is defined as a form of a “lot” requiring a formal subdivision and land development plan. Mr. Dobslaw stated that the decision is being challenged, but it will take some time before the issue is resolved. In the interim, Mr. Dobslaw will submit a draft text amendment for the supervisors’ review that could be incorporated into the ordinances to deal with this code problem.

SWAN is formally requesting that any consideration of an ordinance change relating to “vertical stacking” of condominium “units” or “lots” be postponed until a legal definition of “lot” and “unit” is resolved by the Pennsylvania Supreme Court.

Eric Epstein, Chairman  
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Mr. George Wolfe, Township Manager  
Ms. Lori Wissler, Planning and Zoning Board Officers  
Mr. Fredrick Lighty, Esquire, Chairman, Planning Commission