

NOTES FROM THE ZONING HEARING BOARD MEETING, WEDNESDAY, DECEMBER 4, 2014

The meeting was convened by the chairperson, Cleon Berntheizel, at 7:03 pm; two of the board members – Jonathan Lutz and William Melbert were absent. Also present was the borough's zoning officer. Approximately 30 persons were in the gallery.

These cases were heard; one case,

KLEEN RITE, 257 South Ninth Street, was WITHDRAWN

and no decision was to be made.

VINCENT FIORELLA, 631 South Thirteenth Street – DENIED

Though denied by the Zoning Hearing Board, the appellant has the right to appeal the decision. [According to the county Website](#). "To appeal a ruling from the Zoning Hearing Board, file a petition with local and state cover sheets and a copy of the board's decision. You must file an original and a copy and any additional copies for all parties. Be sure to include all of the appropriate addresses."

In Pennsylvania, Sovereign Immunity and Official Immunity protects municipal employees from civil suit –even in cases of stupidity or egregious misinterpretation or misapplication of codes.

Might the appellant has civil recourse against other parties leading to the decision; for instance, is the possibility of collusion or breach of contract if a realtor implies that the zoning has been taken care of?

Might the "clean hands doctrine" apply? The clean hands doctrine is "a rule of law that a person coming to court with a lawsuit or petition for a court order must be free from unfair conduct (have 'clean hands' or not have done anything wrong) in regard to the subject matter of his/her claim. His/her activities not involved in the legal action can be abominable because they are considered irrelevant. As an affirmative defense (positive response) a defendant might claim the plaintiff (party suing him/her) has a 'lack of clean hands' or 'violates the clean hands doctrine' because the plaintiff has misled the defendant or has done something wrong regarding the matter under consideration."

ROBERT BASLER, 25-27 South Second Street – APPROVED

RADIO VISION CRISTIANA MANAGEMENT, 173 Deascenti Drive, APPROVED



An attorney, project manager and representative from [Radio Vision Cristiana](#) management petitioned the Board

for approval to construct an antenna in compliance with Federal Communications Commission (FCC) guidelines.

The radio station broadcasts Spanish-language Christian programming at WVZN-AM (1580 mHz); currently the station uses shared transmission at another site.



173 Deascenti Drive, Columbia, PA

The meeting was adjourned at 8:38 pm.