

## MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

June 6, 2016

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, June 6, 2016 at 7:00 P.M. at the Elizabethtown Borough Office, 600 South Hanover Street, Elizabethtown, PA. The meeting was attended by a quorum of the members of the Zoning Hearing Board.

The following matter was heard and oral decision rendered or other action taken:

### **I. Application of Elizabethtown Mennonite Church**

A. The Board heard a request from Elizabethtown Mennonite Church for Variances from Section 707.2, Section 708.B, Section 708.C, Section 1307.B, Section 1903.1.D, Section 1903.2.A, and Section 2008.G for the construction of a Fellowship Hall adjacent to the existing Worship Hall.

1. The Property is located at 300 South Spruce Street, Elizabethtown, Pennsylvania, and is located in the R-2 Zoning District.

2. The Property is described in three deeds, but has been assigned only one tax account number by the Lancaster County Tax Assessment Office. The Property consists of 1.353 acres.

3. The Applicant presented testimony from Brian R. Cooley of D. C. Gohn Associates (engineers for the Applicant), and Lester Landis, a Board Member of the Elizabethtown Mennonite Church.

4. The zoning application package and information submitted by the Applicant, consisting generally of the Application, an extensive zoning narrative and deeds for the Property, was marked as Applicant's Exhibit "1". A zoning drawing or schematic was presented by Mr. Cooley at the time of the hearing, and was marked as Applicant's Exhibit "2". The Church has operated a Worship Hall on the Property for many years, and predates the current regulations in the Zoning Ordinance. The Church wishes to construct a Fellowship Hall adjacent to the existing Worship Hall. The main area of the Fellowship Hall will consist of a great room, a kitchen, restrooms and a storage area. The great room is sized to accommodate 256 seats and approximately 32 tables. A small second floor is proposed which will consist of office space. The remaining portion of the second floor will be open to the first floor of the great room.

5. There is Sunday school service at 9 a.m. and the worship service is at 10 a.m. on Sundays. There is no proposed change to the school worship service.

6. There are currently 89 parking spaces available for the Property. There is an agreement between the Church and the Borough related to access, maintenance and parking

along East Bainbridge Street which permits the Church access and the use of seven parking spaces along the street. The 256 seats in the Fellowship Hall require one parking space per three seats, for a total of 86 required spaces. The Applicant proposes 96 spaces.

7. It is the intent that the Fellowship Hall events will not coincide with service at the Worship Hall. Also, the Fellowship Hall will not be rented out to others for regular, commercial use. There may be some incidental rentals or use by parties with an affiliation or relation to the Church. However, it is not the intent of the Applicant to utilize the Fellowship Hall as a commercial venue for weddings or other events, on a regular basis.

8. In order to construct and utilize the Fellowship Hall as proposed, the Applicant seeks variances from Section 707.2, Section 708.B, 708.C, Section 1307.B, Section 1903.1.D, Section 1903.2.A and Section 2008.G of the Ordinance.

9. The hardship asserted by the Applicant for the variances, consist of the fact that the Property is uniquely sized and situated within the Borough; it would be impossible to reasonably expand or utilize the current facility without requiring variance relief from the Zoning Hearing Board.

10. The Applicant requests a variance from Section 707.2, requiring a maximum of 45% lot coverage. The request is to increase the lot coverage to 79.5%. The current lot coverage is 65.4%. However, much of the current lot coverage is related to parking and the placement of additional parking in accordance with the agreement between the Borough and the Applicant.

11. The Applicant seeks a variance from Section 708.B to permit a 5' wide sidewalk in the side yard setback along Apple Alley.

12. The Applicant seeks a variance pursuant to Section 708.C to permit extending the existing parking area to encroach within the required 35' rear yard setback. The maximum increase into the rear yard setback will be 19'.

13. The Applicant requests a variance pursuant to Section 1307.B to increase lot coverage from 65.4% to 79.5%. The continued, reasonable utilization of the Property as a church necessitates the increase in lot coverage, to permit the construction of the Fellowship Hall. The Applicant will be required to submit a land development plan for approval to the Borough of Elizabethtown; the Applicant will also be required to comply with any stormwater ordinance discharge regulations.

14. The Applicant requests a variance pursuant to Section 1903.1.D, to enlarge the existing nonconforming building. The use of the Property as a church has existed since 1905, and predates zoning. The existing meeting space in the Worship Hall is too small to accommodate the existing and future church members.

15. The Applicant requests a variance pursuant to Section 1903.2.A which requires that any extension or enlargement of a nonconforming building shall not exceed 33.33% of the existing floor area. The proposed Fellowship Hall would increase the proposed building by

72.5%. As previously noted, the existing meeting space is too small to accommodate existing and future church members. The proposed building is located within the required setbacks, and the Applicant has provided adequate proposed parking for the new building.

16. The Applicant has requested a variance pursuant to Section 2008.G, to request an extension of time to provide for two years to obtain a zoning permit, and following obtaining of a zoning permit, three years to complete construction. The extension will allow the Applicant to obtain the necessary permits and approvals which are required from the Borough, and to complete the necessary funding and finance for all elements of the project.

17. Representatives of the Applicant provided notice to neighboring property owners, and conducted an open meeting with those property owners on May 23, 2016 at 6:30 p.m., at the Worship Hall, to explain the proposed project and the requested zoning relief. Three neighbors attended the meeting, and a few others had comments when contacted individually. None of the neighbors raised any specific concerns about the project.

18. Two individuals who are nearby property owners attended the zoning meeting on June 6, 2016. Neither of the neighbor attendees requested party status. Each spoke generally in favor of the proposal, but did question whether stormwater compliance would be required.

Rodney Horton, Elizabethtown Borough Zoning and Planning Officer, testified that the Borough had no position or testimony to present in connection with the Application.

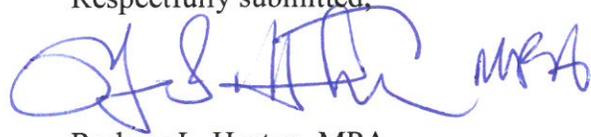
Following the close of testimony, the Board deliberated in Executive Session. Following the Executive Session, the meeting was reconvened, and a Motion was made to APPROVE all of the variance requests submitted the Applicant, to permit the construction of the proposed Fellowship Hall, subject to the following conditions:

1. The Applicant shall comply with all evidence and testimony presented, including the depiction of the design and location of the Fellowship Hall, and all related access and parking, as shown on Applicant's Exhibit "2"; and
2. The Applicant shall provide screening between the proposed sidewalk and Apple Alley, with such screen to consist of evergreen plantings; and
3. The Applicant shall file a land development plan with Elizabethtown Borough and any other requisite jurisdictional authority, and shall obtain approval of the land development plan; and
4. The Applicant shall obtain all necessary stormwater design approvals from Elizabethtown Borough and/or any other jurisdictional regulatory agency; and
5. The Applicant shall obtain any and all necessary permits from Elizabethtown Borough for the construction of the Fellowship Hall, and all access and parking appurtenances related thereto, as depicted on Applicant's Exhibit "2".

The Motion was unanimously approved by the Zoning Hearing Board.

At the conclusion of the Hearing, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rodney L. Horton, MPA". The signature is stylized and includes the letters "MPA" at the end.

Rodney L. Horton, MPA  
Elizabethtown Borough  
Planning and Zoning Director