

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

June 2, 2014

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, June 2, 2014 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 Board commenced the meeting by Reorganizing for 2014, with Board Member Rick Jones elected as Chairman, and Board Member Vaughn Nissley was elected as Vice Chairman.

The following matters were heard and oral decision(s) rendered:

I. Application of Jody Worthy

2. The Board heard a request from Jody Worthy, Owner of the Property located at 330 North Market Street, Elizabethtown Borough, requesting a Variance from the requirements of §1310.2 ("Mixed Uses"), which mandates that no building to the rear of and on the same lot with a main building shall be erected or used for any purpose other than an accessory use to the primary building on the lot, and further prohibits the residential conversion of existing sheds and barns. The applicant proposes convert an existing barn or garage-type structure located at the rear of the Property into residential "in-law quarters", for the use of the Applicant's elderly mother.

The property is located in the R-3 Zoning District.

- A. The Applicant is Jody Worthy, owner of the Property. The Applicant was represented at the time of the hearing by the Applicant, and David P. Wiles Jr., a plumbing and electrical technician/contractor from Harrisburg, PA.
- B. The Applicant stated that the existing barn/garage type structure at the rear of the Property is aging, and is need of repair. The Applicant's widowed mother currently resides near Middletown PA, and the Applicant wishes to improve the existing detached barn/garage structure and convert the same to a residential in-law quarters for use by his mother.
- C. The existing barn/garage is located at the rear of the Property, with current room for four (4) parking spaces, and is accessed from the rear of the Property via the adjoin alley.

- D. The Applicant proposes to renovate the barn/garage by eliminating the current overhead doors, making certain structural modifications, installing a partial new concrete floor, and adding a kitchen, bath and bedroom.
- E. The Applicant proposed to connect the existing barn/garage to the public sewer system by connecting to the sewer service for the existing residential structure on the Property. The applicant was advised by Gregory Gobrecht at the time of the hearing that Elizabethtown Borough may prohibit this type of multiple connection for a new residential dwelling unit.
- F. The Applicant indicated that the barn/garage, upon conversion to the in-law quarters, would only be used for his mother's residency, and upon her passing, would only be used intermittently by visiting relatives.
- G. The Applicant submitted photographs and a schematic of the barn/garage as part of the Zoning Hearing Application, but did not present any additional Exhibits at the time of the hearing.
- H. The Applicant did not present any testimony or documentary evidence asserting a unique physical condition of the Property which operated to create a hardship upon the Applicant, nor was evidence provided demonstrating that the Property could not be otherwise used for any lawful purpose in conformity with the Zoning Ordinance.

Greg Gobrecht, Code Enforcement Officer, testified that the Notice of the Hearing was properly posted on the Property, advertised, with Notices sent to adjoining property owners in accordance with the requirements of the Elizabethtown Borough Zoning Ordinance and the MPC. Proof of advertising and posting were marked collectively as Board Exhibit "1". Mr. Gobrecht also testified that the Borough had received one letter in opposition to the Application, from John and Joanne McSparren, residents of 364 N. Market Street, Elizabethtown PA. The McSparren letter in opposition to the application was marked as Board Exhibit "2".

Rodney L. Horton, MPA, Planning and Zoning Director of the Borough of Elizabethtown, appeared on behalf of the Borough, and testified that the Borough neither supported nor objected to the Application, but reminded the Zoning Hearing Board that the clear purpose and intent of §1310.2 was to prohibit the residential conversion of existing sheds and barns.

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 deny the request for Variance from §1310.2.

The Motion was unanimously approved by the Zoning Hearing Board.

II. Application of Stephen Taylor

1. The Board heard a request from Stephen Taylor, a General Contractor representing Pati Mattrick (owner of the Property located at 208 Lemon Street, Elizabethtown PA) requesting a Special Exception pursuant to §1903 (“Nonconforming Buildings and Uses, Extensions or Enlargements”) . The applicant proposes to remove an attached garage portion of the existing residence at 208 Lemon Street, Elizabethtown Borough, and construct a two story addition to the residence for the purpose of accommodating the disability restrictions of the Owner.

The property is located in the R-1 Zoning District.

- A. The Applicant is Stephen Taylor, general contractor for the property Owner, Pati Mattrick. The Applicant was represented at the time of the hearing by Phil Mattrick, husband of Pati Mattrick and also a resident of the Property, and by David Connor, a representative of the general contractor/Applicant.
- B. The existing Property and Residential structure is currently Nonconforming as to various dimensional requirements of the Elizabethtown Borough Zoning Ordinance. Both the existing and proposed Use(s) of the property are conforming.
- C. The Owner’s physical disability necessitates redesign of the dwelling unit to accommodate her living needs, and the proposed addition would result in a redesign of the kitchen, laundry room, powder room, and would provide extra space.
- D. The proposed addition, which will replace the existing attached garage, will be two stories in height, and will increase the structure height, impervious area and side and front yard encroachments.
- E. While the height, impervious area, side and front yard encroachments will be increased as a result of the proposed addition, each proposed dimension will nonetheless comply with the requirements of §1903.2.A through .E, as well as the required front yard and side yard setbacks as established in the R-1 Zoning District, resulting in no increase in the degree of nonconformity of the building.
- F. The Property will continue to provide one off-street parking space.

- G. The proposed extension or enlargement does not exceed 33.3% of the existing floor area or use.
- H. The extension or enlargement for residential purposes, which is a conforming use, does not replace a conforming use with a nonconforming use.
- I. The existing garage is not currently used for the parking or storage of vehicles, but is used instead for general storage.
- J. In addition to the information and schematics submitted as part of the Application, the Applicant presented Applicant's Exhibit "1", a four (4) page engineered drawing, depicting the general design and dimensional information for the proposed addition/enlargement.

Greg Gobrecht, Code Enforcement Officer, testified that the Notice of the Hearing was properly posted on the Property, advertised, with Notices sent to adjoining property owners in accordance with the requirements of the Elizabethtown Borough Zoning Ordinance and the MPC. Proof of advertising and posting were marked collectively as Board Exhibit "1". Mr. Gobrecht also testified that the Borough had received no inquiries or correspondence in connection with the Application.

Rodney L. Horton, MPA, Planning and Zoning Director of the Borough of Elizabethtown, appeared on behalf of the Borough, and testified that the Borough neither supported nor objected to the Application.

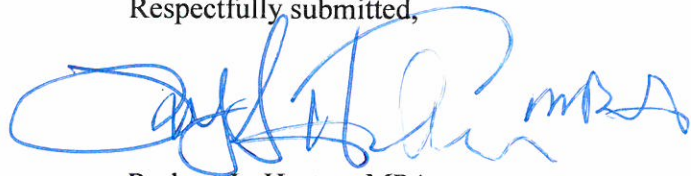
The Borough Planning Commission recommended approval of the Special Exception at its meeting on May 13, 2014.

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 the special exceptions pursuant to §1903 of the Zoning Ordinance, conditioned upon the following:

- 1. That the Applicant shall comply with all testimony and evidence presented at the time of the hearing on June 2, 2014, including the information set forth in the Application, and Applicant's Exhibit '1'.
- 2. That the Applicant obtain all necessary approvals from all other requisite jurisdictional regulatory agencies for the proposed use, including but not limited to, any required Elizabethtown Borough Building or Demolition Permits, as well as any other approvals necessary from any Federal, State or Local agency.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rodney L. Horton", with a stylized "MPA" written to the right of the main signature.

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