

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

August 4, 2014

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, August 4, 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 following matters were heard and oral decision(s) rendered or other action taken:

I. Application of Joseph DiLucia and Kim DiLucia

1. The Board heard a request from Joseph DiLucia and Kim DiLucia, owners of the Property located at 619 North Hanover Street, Elizabethtown Borough, requesting a Variance from the requirements of §607.C (“Coverage Regulations”), which prohibits lot coverage exceeding 35%. The Applicant proposes to place an in-ground swimming pool at the rear of the Property. The in-ground swimming pool will be surrounded by concrete decking, not to exceed 375 square feet.

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

- A. The Applicant is Joseph DiLucia and Kim DiLucia, husband and wife. Joseph DiLucia is the owner of the Property, having acquired title in 2011. Testimony was presented at the time of the hearing by Kim DiLucia, and by Carl Benson, the designated contractor to install the proposed swimming pool.
- B. The Applicant stated that the current Property consists of 10,410 square feet. 35% of this lot size would be 3,644 square feet. The Applicant currently has coverage area in the amount of 4,143 square feet. Accordingly, the Property already exceeds the 35% coverage limitation by approximately 499 square feet.
- C. The Applicant proposes to add 375 feet of concrete decking around the proposed indoor pool. The addition of this amount of impervious area will increase the coverage percentage for the Property from 40% to 43%.
- D. The existing lot does not meet the current minimum lot area requirements under §607.A of the Ordinance, which requires a minimum lot size of 12,000 square feet.
- E. There are no existing areas of impervious coverage on the Property which could reasonably be removed to offset the proposed lot coverage expansion.

- F. The proposed swimming pool complies with the requirements of §1319 (“Swimming Pools”) of the Zoning Ordinance.
- G. Carl Benson, a representative of Crystal Pools, testified that the placement of an in-ground pool on the Property will act as a retention basin, and would provide an extra 7 inches of clearance to hold stormwater runoff. Accordingly, the placement of the pool on the Property will actually decrease the stormwater runoff effluent, and will have a net-positive effect.
- H. Gregory Gobrecht, Elizabethtown Borough Code Enforcement Officer, testified that the proposed additional impervious coverage is not subject to the current Stormwater Ordinance enacted by the Borough.
- I. The Applicant submitted Applicant’s Exhibit “1”, which is a document executed by the surrounding neighbors of the Property, confirming that the neighbors have no objection to the proposed requested Variance.
- J. The Application submitted by the Applicant included a detailed schematic of the Property and the proposed swimming pool location. The Application was made a part of the record of the Hearing.

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 as Board Exhibit “1”.

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.

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 Variance request from §607.C, subject to the following conditions:

- A. That the Applicant comply with the requirements of §1319 of the Zoning Ordinance relating to the design and operation of swimming pools; and
- B. That the Applicant comply with all other applicable federal, state, or local regulatory provisions regarding the installation and use of the proposed swimming pool.

The Motion was unanimously approved by the Zoning Hearing Board.

II. Application of Elizabethtown Borough

1. The Board heard a request from the Borough of Elizabethtown for numerous Variances with regard to the Property located at 15 East Washington Street, Elizabethtown Borough. Elizabethtown Borough completed a condemnation process with regard to the Property on June 12, 2014, and proposes to demolish the existing structure. In order to facilitate the future use of the Property, the Borough sought the following Variances from the Zoning Ordinance:

- §807.1 and §807.2 (“Lot Area, Lot Width and Impervious Coverage Regulations”); and
- §808.A, §808.B, and §808.D (“Setback Regulations”); and
- §809 (“Off-Street Parking/Access”); and
- §1905 (“Discontinuance”); and
- §2008.G (“Variances”); and
- §2008.H (“Variances”); and
- §2011.2.H (“Standards”).

The Property is located in the R-3 Residential Zoning District.

The following individuals appeared at the time of the Hearing, requested party status, and were granted party status by the Zoning Hearing Board:

1. Andrew George
37 E. Washington St.
Elizabethtown, PA
2. Suzanne Noel
46 E. Washington St.
Elizabethtown, PA
3. Barry Hess
36 E. Washington St.
Elizabethtown, PA
4. Gladys Greiner
40 E. Washington St.
Elizabethtown, PA
5. Fumiko Hershey
104 Conoy Ave.
Elizabethtown, PA
(Owner of property situate 54-56 E. Washington St.)

6. Isaac Biler
123A Greentree Road
Quarryville, PA 17566
(Owner of 48 E. Washington St.)
7. Robert Brinser
284 Endsloew Rd.
Marietta, PA 17547
(Owner of 37 E. Washington St.)
8. Dan Murphy
100 Campus St.
Marietta, PA 17547
(Potential purchaser of 50 E. Washington St.)

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".

Rodney L. Horton, MPA, Planning and Zoning Director of the Borough of Elizabethtown, appeared on behalf of the Borough of Elizabethtown, and requested a continuance of the Hearing to the next regular meeting of the Zoning Hearing Board, to be held on September 8, 2014. Mr. Horton explained that there were certain documents relating to completion of the condemnation process which were not yet in the possession of the Borough, in which the Borough required in order to present evidence relating to the Variance requests. No party to the Hearing spoke in opposition to the requested continuance.

A Motion was made by the Board to approve the continuance request, and to continue the Hearing to September 8, 2014.

The Motion was unanimously approved by the Zoning Hearing Board.

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

Respectfully submitted,

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