

**MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING
BOARD**

July 11, 2016

The Elizabethtown Borough Zoning Hearing Board held a public hearing on Monday, July 11, 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 Board.

The following matter was heard and oral decision rendered:

1. Application of Peach Alley Commons, LLC

The Board heard a request from Peach Alley Commons, LLC for Special Exception approval from Section 1903.D to expand a nonconforming building, and for Variances from Section 807, Section 1903.2.A, and Section 1603.7.B for the construction of an addition to an existing structure and displacement of parking to allow for the expansion of an apartment dwelling.

1. The subject properties are located at 448 South Market Street, Elizabethtown, PA 17022 (hereinafter "the Residential Property"), and 440 South Peach Alley, Elizabethtown, PA 17022 also described in the Application as 440 South Market Street, Elizabethtown, PA 17022 (individually "the Open Space Lot" and collectively with the Residential Property "the Properties"). The Residential Property is located in the R-3 Zoning District. The Open Space Lot is located in the Open Space Zoning District.
2. The Properties are described in two deeds.
3. The Applicant presented testimony from Jon Sheppard of Peach Alley Commons, LLC, and its counsel, Attorney James Thomas, Esq. of Blakinger Thomas, P.C.
4. The Zoning Application as well as the Applicant's Exhibits tabbed 1-17 were presented in a packet by the Applicant. The Exhibits included: Applicant's Exhibit 1 Attorney Thomas's entry of appearance; Applicant's Exhibit 2 Applicant's Application; Applicant's Exhibit 3 Excerpts of from the Borough Zoning Map; Applicant's Exhibit 4 Building Plans; Applicant's Exhibit 5 Construction Specifications; and Applicant's Exhibits 6 through 17 photographs of the Properties and surrounding properties. All exhibits were admitted by the Board.
5. The Residential Property is currently used as a 4 apartment-rental, and is a non-conforming building (hereinafter "the Residence"). Applicant seeks to

expand the Residence from 4 to 8 apartment units, with each new apartment unit containing 4 bedrooms for a total of 32 separate bedrooms.

6. The expanded apartments would be rented to students of Elizabethtown College only.
7. The Applicant proposed that parking for the apartments be located on the Open Space Lot.
8. The existing lot coverage for the Residential Property includes approximately 2391 (25%) square feet for the Residence and 2766 square feet (29%) for the existing paved area with a total lot coverage of 5157 square feet (55%) of impervious surface.
9. The Project would result in expanding the lot coverage for the Residence to approximately 4555 square feet (48%), but would eliminate the existing paved area including the compact stone in open space on the Residential Property, thereby resulting in a total of approximately 4555 square feet (48%) of impervious surface for the Residential Property.
10. Through its Application, the Applicant seeks Variances from:
 - a. § 807 Lot Area, Lot Width and Impervious Coverage Regulations regarding the dimensions of the Residential Property required for an eight-unit apartment house;
 - b. § 1603.7.B. location of parking spaces to allow the parking for the Residence to be located in a separately zoned district; and
 - c. § 1903.2.A. maximum Lot coverage for expansion of a nonconforming building beyond 33 and 1/3 percent of the Lot.
11. The Applicant also seeks a special exception pursuant to § 1903 to enlarge the nonconforming Residence.
12. Rodney Horton, the Elizabethtown Zoning and Planning Officer, testified that the Borough had no position or testimony to present in connection with the application.
13. On June 16, the Elizabethtown Borough Planning Commission heard the Applicant's proposed application and recommended the ZHB approve the Applicant's special exception and accompanying variance application request. The motion passed unanimously. A copy of the Planning Commission's June 14, 2016 minutes were included in the record as Board Exhibit 2.
14. The following interested individuals requested, and were granted, party status to the application by the Zoning Hearing Board:

Steve Strickler
434 S. Market St.
Elizabethtown, PA 17022

Michael Burton
526 S. Market St.
Elizabethtown, PA 17022

Daniel Mikula
518 S. Market St.
Elizabethtown, PA 17022

Shawn Hostetter
528 S. Market St.
Elizabethtown, PA 17022

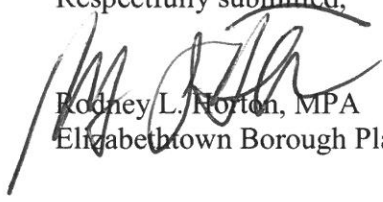
Barbara Hernley
529 S. Market St.
Elizabethtown, PA 17022

Bernie Hernley
529 S. Market St.
Elizabethtown, PA 17022

Teresa Mulhausen
510 Peach Alley
Elizabethtown, PA 17022

15. The additional Parties to the Application raised objections to the Application and concerns during the course of the hearing via cross-examination of the Applicant, or in direct testimony to the Board.
16. The additional Parties cited various concerns regarding parking, noise, trash, inappropriate language, increased need for police involvement, public urination, and public intoxication / consumption of alcohol exhibited by Elizabethtown College students within the vicinity of the Properties.
17. Following the close of testimony, the Board deliberated in an executive session. Following the executive session, the meeting was reconvened and a Motion was made to deny the special exception and all of the variance requests submitted by the Applicant. The Motion to Deny was seconded and unanimously approved by the Board.
18. At the conclusion of the hearing, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rodney L. Horton', written over the printed name.

Rodney L. Horton, MPA

Elizabethtown Borough Planning and Zoning Director