

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

June 1, 2015

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, June 1, 2015 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 Tracy Adams

- A. The Board heard a request from Tracy Adams, who was requesting a Special Exception pursuant to §703.D and §1407.A through §1407.E for a Day-Care Residence proposed to be located at the Property situate at 44 Beech Lane, Elizabethtown, Pennsylvania 17022. At the time of the hearing, the Applicant also made an oral amendment to the Application to include a request for a Variance from §1407.D of the Ordinance, with regard to required buffer yards.

The Property is located in the Residential (R-2) Zoning District.

1. The Applicant is Tracy Adams, who currently resides at 457 Sunrise Boulevard, Elizabethtown, Pennsylvania 17022. The Applicant is the equitable owner of the Property at 44 Beech Lane, Elizabethtown, Pennsylvania 17022, via an Agreement of Sale. The Applicant is scheduled to close on the sale and purchase the Property in July, 2015. The Property is located in the R-2 Zoning District.
2. The Applicant proposes to operate a Day-Care Residence from the Property at 44 Beech Lane. There will be a maximum of six (6) children cared for at the residence as part of the day-care. The Applicant will have no minor children residing at the Property.
3. The Applicant has operated a Day-Care Residence at several locations for the past twenty-three (23) years. The Applicant operated a Day-Care Residence in Londonderry Township for ten (10) years, and in Elizabethtown Borough for the past thirteen (13) years.
4. The Applicant's current Day-Care Residence is registered with the Commonwealth of Pennsylvania, Department of Public Welfare, pursuant to 55 P.S. §3290 (Family Childcare Home), through September 11, 2016.

5. The Applicant has received a “Star 2” rating through Keystone Stars as a quality Day-Care Residence.
6. The Applicant has attended and completed an Existing Provider Orientation from the Office of Child Development and Early Learning in the Commonwealth of Pennsylvania.
7. The Applicant receives a minimum of twelve (12) credit hours of continuing education for providing childcare at least every two (2) years, and is CPR-trained.
8. The hours of operation of the proposed Day-Care Residence would be from 6 a.m. to 6 p.m. daily. In addition, the Applicant participates in an armed services weekend childcare program, which would potentially require that children be at the residence for day-care purposes one (1) weekend per month. To date, the Applicant has not received any requests for day-care assistance for a weekend for military families, but that possibility exists, and the Applicant requests that any approval include the ability to participate in this program.
9. The Applicant will not permit any outdoor activities prior to 10 a.m.
10. The Applicant presented Applicant’s Exhibit “1” to the Board consisting of a schematic and measurements of the Property, an overhead photograph of the Property and various ground-level photographs of the Property. The Applicant demonstrated compliance with the minimum square footage requirements for the proposed use pursuant to §1407.B of the Ordinance.
11. The Applicant presented Applicant’s Exhibits “3”, “4”, and “5”, consisting of Commonwealth of Pennsylvania Certification and Keystone Star ratings, as well as certification of completion of Existing Provider Orientation from the Commonwealth of Pennsylvania.
12. The Property at 44 Beech Lane is a semi-detached single-family dwelling unit. The rear yard of the Property is fenced on each side of the yard adjacent to the adjoining property owners; the fencing provided on the Property line adjacent to the non-attached side of the residence contains a solid board type fence, as well as shrub screening located on the Subject Property side of the fence. The fence located between the Subject Property and the attached adjoining residence property consists of a non-solid board fence, with no shrub screening on the side of the Subject Property. The Applicant proposes to place a new, solid board fence on the Subject Property in order to create a solid barrier on that side of the rear yard. However, the Applicant also requested a Variance from §1407.D to permit the buffer yard on that side of the rear yard to be less than ten feet (10') in depth.

13. Although a number of interested individuals attended the meeting, no individuals spoke in opposition to the Application. Testimony in support of the Applicant was presented by Jamie Reichenbach. Ms. Reichenbach has worked with the Applicant at Luthercare Resources for a number of years, and testified that the Applicant provides "great day-care service," and recommended that the Board approve the Application.

Greg Gobrecht, Borough Code Enforcement Officer, testified that the Property was posted in advance of the Hearing, and notice of the hearing was published and mailed to adjoining property owners. The proof of publication, proof of posting and copies of correspondence to adjoining property owners were collectively marked as Board Exhibit "1".

Elizabethtown Borough was represented at the time of the Zoning Hearing by Rodney L. Horton, M.P.A., Planning and Zoning Director. Mr. Horton testified that the Borough took no position either in favor of, or in opposition to, the zoning request. Mr. Horton did present copies of e-mails received by the Borough from nearby or adjoining property owners in opposition to the Application. However, neither of the senders of the e-mails appeared at the time of the hearing to present any testimony or express any opposition. In addition, Mr. Horton presented a copy of the Planning Commission Recommendation to the Zoning Hearing Board for approval of the Application. The e-mails received by the Borough were marked as Board Exhibit "1" and Board Exhibit "2".

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 Exception pursuant to §703.D and §1407.A-E, as well as the Variance from §1407.D, to permit a buffer yard of less than ten feet (10') in depth, subject to the following conditions:

1. The Applicant shall comply with all evidence and testimony presented, including the hours of operation (6 a.m. to 6 p.m., Monday through Friday, with the exception of one (1) weekend per month for participation in the armed services childcare program), with no outdoor activities to occur before 10 a.m.; and
2. The Applicant shall place a solid board fence in the rear yard of the Subject Property along the property line which adjoins the attached single-family dwelling; and
3. The Applicant shall maintain all licensing and training necessary for the operation of the day-care residence, in accordance with the regulations and laws of the Commonwealth of Pennsylvania; and
4. The Applicant shall maintain all other required municipal or other governmental permits from any jurisdictional agencies, which may be necessary to operate the proposed day-care residence.

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 black ink, appearing to read "Rodney L. Horton MPA". The signature is fluid and cursive, with the letters "R", "L", and "H" being particularly prominent.

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

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

May 4, 2015

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, May 4, 2015 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 Greg and Karin Laszakovits

1. The Board heard a request from Greg and Karin Laszakovits for a Variance with regard to the Properties located at 420 and 422 North Hanover Street, Elizabethtown Borough, Pennsylvania. In order to facilitate the proposed use of the Properties, the Applicant sought the following relief from the Zoning Ordinance:

- §607.C ("Lot Coverage") to increase the current lot coverage on 422 North Hanover Street from 42.6% to 44.8%, exceeding the 35% lot coverage limitation in the R-1 District.

The Properties are located in the Residential (R-1) Zoning District.

1. The Applicant is Greg and Karen Laszakovits, 422 North Hanover Street, Elizabethtown, Pennsylvania 17022.
2. The Applicant is the owner of the Properties located at 420 and 422 North Hanover Street, Elizabethtown, Pennsylvania 17022. The Properties are located in the R1 Residential Zoning District.
3. The Applicant has lived at the Property since on or about 2006. The Applicant proposes to make certain modifications to the existing single-family residential dwelling located on 422 North Hanover Street.
4. The Applicant has engaged the services of a professional architect to design the proposed modification/improvement to the existing 2 ½ story structure. Depictions of the current lot layout and structures for both 420 and 422 North Hanover Street were included as part of the Application, in addition to drawings/renderings, showing the proposed addition to the single-family dwelling unit on 422 North Hanover Street.
5. Because of the age of the existing dwelling at 422 North Hanover Street, the Property is not reasonably functional, and requires expansion at the rear of the Property. There is no additional room elsewhere to expand the living space;

the basement cannot be utilized for additional living space due to low ceilings which are a function of the original house design.

6. The Applicant has made every effort to design modifications to the Property to conform to the Property's current appearance, and to continue to be in harmony with the neighborhood and surrounding zoning district.
7. The current structures and driveway on 422 North Hanover Street do not comply with the lot coverage restriction of 35% in the R1 Zoning District. The current total lot coverage at 422 North Hanover Street is 42.6%. The proposed addition would increase the lot coverage area to 44.8%.
8. The Applicant has made previous attempts to reduce the lot coverage area by removing portions of the existing driveway.
9. The Applicant proposes to utilize 420 North Hanover Street for any required additional stormwater facilities to accommodate the additional impervious coverage on 422 North Hanover Street. 420 North Hanover Street is currently unimproved, and contains no structures. 420 North Hanover Street is used by the Applicant as open space, consisting of grass, perennial gardens and various plantings.
10. The Applicant has no immediate plans to develop 420 North Hanover Street, and intends to keep the Property as open space for use in conjunction with the Applicant's residence at 422 North Hanover Street.
11. The Applicant asserts that a hardship is created by the nature and design of the house, which was built in the 1930s, and necessitates modification to accommodate reasonable twentieth century single-family dwelling living arrangements.
12. The Applicant agreed that, to the extent that 420 North Hanover Street were to be utilized for stormwater facility to accommodate the additional impervious coverage on 422 North Hanover Street, the Applicant will prepare, execute and record a Stormwater Easement and Maintenance Agreement for the Property at 420 North Hanover Street.

Greg Gobrecht, Borough Code Enforcement Officer, testified that the Property was posted in advance of the Hearing, and notice of the hearing was published and mailed to adjoining property owners. The proof of publication, proof of posting and copies of correspondence to adjoining property owners were collectively marked as Board Exhibit "1".

Elizabethtown Borough was represented at the time of the Zoning Hearing by Rodney L. Horton, M.P.A., Planning and Zoning Director. Mr. Horton testified that the Borough took no position either in favor of, or in opposition to, the zoning request.

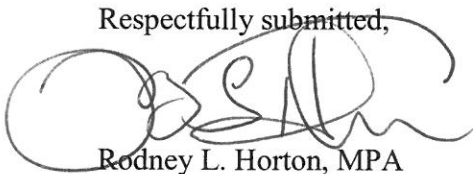
Following the close of testimony, the Board deliberated in Executive Session. Following the Executive Session, the meeting was reconvened, and a motion was made to approve the Variance request from §607.C, subject to the following conditions:

1. The Applicant shall comply with all evidence and testimony presented, including the plan designs and specifications for the proposed addition to the existing single-family dwelling unit located at 422 North Hanover Street, as well as any proposed associated stormwater facilities to be located upon both 420 and 422 North Hanover Street; and
2. The Applicant shall prepare a Stormwater Easement and Maintenance Agreement, in a form acceptable to the Borough Solicitor and Borough Planning Department, for placement of stormwater facilities on 420 North Hanover Street to serve the Property at 422 North Hanover Street. The Agreement shall be recorded in the Lancaster County Recorder of Deeds Office.
3. The Decision of the Zoning Hearing Board set forth herein does not grant any variance or other zoning relief with regard to any future proposed development of the Property located at 420 North Hanover Street.
4. The Applicant shall comply with, or obtain any necessary waivers from, all applicable requirements of the Elizabethtown Borough Subdivision and Land Development Ordinance for the proposed project.
5. The Applicant shall obtain all other required municipal or other governmental permits from any jurisdictional government agencies.

The Motion was unanimously approved by the Zoning Hearing Board.

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

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'R. Horton'.

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

Handwritten initials 'MRA' in black ink.

