

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

August 3, 2015

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, August 3, 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 Janelle Rodriguez**

The Board heard a request from Janelle Rodriguez for a Special Exception pursuant to §603.C and §1407.A through §1407.E of the Elizabethtown Zoning Ordinance, as well as for a Variance from the requirements of §603.C of the Ordinance, to permit an increase in the number of children from 4 to 12. The Subject Property is located at 441 Sunrise Boulevard, Elizabethtown, Pennsylvania 17022, and is located in the R-1 Zoning District.

The following testimony and evidence was presented:

1. The Applicant is Janelle E. Rodriguez, who currently resides at 441 Sunrise Boulevard, Elizabethtown, Pennsylvania 17022. The Applicant is the owner of the Property at 441 Sunrise Boulevard, Elizabethtown, Pennsylvania 17022. The Property is located in the R-1 Zoning District.
2. The Applicant proposes to operate a Day-Care Residence from the Property at 441 Sunrise Boulevard, Elizabethtown PA. There will be a maximum of twelve (12) children cared for at the residence as part of the day-care; however, in general there will be no more than six (6) children cared for at the residence after noon on the days of operation.
3. The Applicant was a teacher in Nevada for nine years, and has developed a day care system which provides unique challenges and education for the participating children. The system has proved popular with all of the participants and parents of the participants.
4. The Applicant's is currently, or will be, registered with the Commonwealth of Pennsylvania, Department of Public Welfare, pursuant to 55 P.S. §3290 (Family Childcare Home).
5. The ages of the children served by the day care will generally be ages 2 through 6. The Applicant believes that a new facility for the day care will be secured by the Applicant in approximately six (6) months, and the Applicant

does not object to a time limitation being imposed on the grant of any Special Exception or Variance for the proposed use.

6. The hours of operation of the proposed Day-Care Residence would be from 7:00 a.m. to 5 p.m. daily. Outdoor activities would occur in the designated outdoor play area as shown on the Applicant's exhibit(s), and would be limited to 30 minutes in duration each day.
7. The Applicant will not permit any outdoor activities prior to 10 a.m.
8. The Applicant presented Applicant's Exhibit "1" to the Board consisting of a schematic and measurements of the Property, and various photographs of the exterior and interior of the Property. The Applicant demonstrated compliance with the minimum square footage requirements for the proposed use pursuant to §1407.B of the Ordinance.
9. The Property at 441 Sunrise Boulevard is a single family detached dwelling. The rear yard of the Property is appropriately fenced and/or screened. There is no proposed signage for the day care use.
10. Several interested individuals attended the meeting, and were granted Party status by the Board: Meade Bierly, 431 Sunrise Boulevard, Elizabethtown PA; James Grob, 453 Sunrise Boulevard, Elizabethtown PA; and Gail Grob, 453 Sunrise Boulevard, Elizabethtown PA. At the conclusion of the Applicant's testimony, the attendees who were granted Party status generally raised concerns with regard to parking and potential traffic congestion, but indicated no other significant objection to the Application, particularly if the approval of the Application by the Board was limited in duration, in accordance with the Applicant's testimony. Additional testimony in support of the Applicant was presented by Jennifer Johnston, Heather Conger and Michael Rodriguez.

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 Special Exception and Variance request from §603.C, subject to the following conditions:

1. The Applicant shall comply with all evidence and testimony presented, including the hours of operation (7:00 a.m. to 5 p.m., Monday through Friday), with no outdoor activities to occur before 10 a.m.; and
2. 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
3. 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.
4. The Special Exception and Variance as granted shall automatically expire and terminate one (1) year from the date of the issuance of a Permit for operation of the Day Care Residence by the Borough.

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", written over a horizontal line.

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

