

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

April 2, 2018

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, April 2, 2018 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 Chairman, Rick Jones, was absent at the meeting, and the Vice-Chairman, Vaughn Nissley, accordingly presided.

The following matter was heard and oral decision rendered or other action taken:

I. Application of United Churches of Elizabethtown Area

- A. The Board heard a request from United Churches of Elizabethtown Area, for a number of Dimensional Variances, pursuant to its establishment of a Community Social Services Building Use at the Property located at 53 E. Washington Street, Elizabethtown Borough, Pennsylvania.
 1. The Property is located in the R-3 Zoning District. The Property was the subject of a prior application from the Applicant, which was heard by the Zoning Hearing Board at its December 4, 2017 meeting. A Decision dated January 18, 2018 was issued by the Board pursuant to the prior application, for the establishment of the Applicant's proposed use at the Property. At the time of the zoning hearing on April 2, 2018, the Board took Judicial Notice of the prior decision dated January 18, 2018, but did not incorporate the record of that hearing as part of the new application. The new application by the Applicant has requested dimensional variance relief only, and does not encompass any additional request for uses on the Property.
 2. The following individuals requested, and were granted, party status by the Zoning Hearing Board at the commencement of the Zoning Hearing:
 - A. Ann Brown, 56 E. Washington Street, Elizabethtown, PA
 - B. Thomas Shaud, 119 E. Washington St., Elizabethtown, PA
 - C. Gladys Greiner, 40 Washington St., Elizabethtown, PA
 - D. Mary Shaak, 35 E. Washington St., Elizabethtown, PA
 - E. Suzanne Noel, 46 E. Washington Street, Elizabethtown, PA
 3. The Applicant presented testimony from Todd Smiegh of D.C. Gohn & Associates and Douglas Lamb, during the course of presentation of the application.

4. The Applicant introduced Applicant's Exhibit "1", consisting of a Site Plan of the property, with various colored portions; the Applicant introduced Applicant's Exhibit "2" being a black and white, more detailed Site Plan depicting the Property, proposed new structures and parking. During the course of testimony, the Applicant's witnesses referred to various elements of Applicant's Exhibit "1" and "2".
5. The owner of the Property is St. Peter's Catholic Church of the Diocese of Harrisburg. The Applicant is the equitable owner of the Property, having entered into an Agreement of Sale with the property owner.
6. The Property is currently used by St. Peter's Catholic Church. The structures on the Property consist of a single family structure with two upstairs apartments, and the former St. Peter's Parochial School, which is now used for church and community related activities. There is additional open space on the parcel, which contains a small playground.
7. The Applicant proposes to establish a Community Social Services Building and use upon the Property, as a centralized location for various community activities. The Applicant is the United Churches of the Elizabethtown Area (UCEA), which a forty-two year old organization whose mission includes operating the community food pantry, the clothing bank, meals on wheels and other related community activities.
8. The Applicant proposes to develop the Property as follows:
 - A. The Applicant proposes to develop a campus at the location to consolidate its ministry and social services.
 - B. The subject Property is currently developed as a non-residential use, with a former school building currently used as a parish center for church and community events, a house, macadam drive, parking area, garage, open space/play area and some mature landscaping. The subject Property has a total site area of 1.28 acres.
 - C. The Applicant proposes to renovate as necessary and to repurpose the existing buildings and construct a new building along with associated parking on the undeveloped portion of the Property. The proposed improvements include construction of a support services building at the northeast corner of the Property, the addition of new areas of paved and lined parking, the extension of a porch on the existing building located at the southwest corner of the Property, the placement of a proposed "tot-lot" near the southeast corner of the Property, various stormwater facilities, and a new paved ingress/egress drive at the junction with Aspen Alley.

D. The site design, layout, additional structures and proposed screening/buffering are depicted on Applicant's Exhibits "1" and "2".

9. The Applicant proposes a total of thirty-six parking spaces on the Property, including three handicapped spaces. The Applicant testified that there are no specific standards in the Zoning Ordinance establishing the required number of parking spaces for the Applicant's proposed use, and that the Applicant has consulted directly with Elizabethtown Borough Zoning Staff in creating the number of parking spaces associated with the proposed plan. The Applicant acknowledged that it must comply with any applicable required parking set forth in the ordinance; the Applicant has not requested a variance from any parking requirements.
10. The site is served by existing water, sewer, electric, and natural gas facilities. The existing municipal services to the site are adequate for the Applicant's proposed use.
11. The Applicant requested the following dimensional variances:
 - A. Variance from §807.2, which permits a maximum lot coverage of 50%. The Applicant seeks a variance to permit lot coverage of 65%.
 - B. Variance from §808.A, which requires a front yard setback of twenty feet. The Applicant desires to expand the existing front porch area of the existing building, which would require projection into the front yard setback of six feet. In addition, the proposed tot-lot would be located only seven feet from the existing property line, but would be contained within a proposed fenced area. The tot-lot would utilize a chain link fence so as to not impede the view of vehicles entering or leaving the site.
 - C. Variance from §808.C, which requires a rear yard for non-residential uses be established at thirty-five feet. The Applicant proposes to place a new two-story building twelve feet from the fourteen-foot wide right of way of Aspen Alley. The Applicant testified that the location of the building is based on the location of the tot-lot, and the proposed parking lot, and is also restricted in its location due to the existing topography of the site, to facilitate stormwater drainage. The Applicant testified that there is adequate site distance for vehicles along Aspen Alley to safely enter and exit onto Scott Alley.
 - D. Variance from §1321.3.A.(2), which prohibits parking in front yards in residential districts, except on paved driveways. The Applicant proposes a parking lot which would technically be located in the front yard of the proposed new building. The proposed parking lot is located outside of the front yard building setback and side yard setbacks, and a

buffer yard setback. The proposed parking lot will help ameliorate on-street parking issues which might otherwise be experienced by nearby residents on East Washington Street.

- E. Variance from §1321.5.A.4 which prohibits any structure in the buffer yard. The Applicant proposes a tot lot in the front yard/buffer yard along East Washington Street. As previously noted, the proposed tot lot will not impede the view of vehicles entering or leaving the site, due to the chain link fencing proposed. The height of the chain link fence would be four feet.
- F. Variance from §1302.5.A.1, which prohibits a chain link fence in the front yard. The Applicant proposes that the tot lot be surrounded by a chain link fence, four feet in height. The chain link fence serves the dual purpose of providing security for the tot lot, while not impeding visibility for vehicles entering or leaving the site.
- G. Variance from §2008.G, which establishes time limits within which to secure a permit, after a zoning decision has been rendered, and within which to complete construction. The Applicant requests that it be provided an extension up to thirty-six months within which to secure all plan approvals and permits necessary to construct the proposed improvements, and an extension to permit up to sixty months from the date of the zoning decision to complete construction of the improvements.

- 12. The Applicant presented testimony establishing the unique configuration and historical use of the Property in the R-3 Zoning District, as well as the Applicant's reasonable proposed adaptive reuse of the area. The Applicant testified that it has designed the proposed site in order to maximize the available off-street parking for the proposed use, and to minimize the impact on the surrounding neighborhood and residents.
- 13. None of the parties to the proceeding presented any testimony or offered any information or objection to the requested variances. Mr. Thomas Shaud did ask several questions of the Applicant's witness, Todd Smiegh, with regard to the ingress and egress from the site onto Aspen Alley, and whether there was adequate visibility for vehicular traffic. Mr. Smiegh indicated that it was his opinion that the proposed twenty-five foot access drive and configuration of the immediate surrounding area provided adequate visibility for vehicular traffic.
- 14. Pamela Craddock, Elizabethtown Borough Planning and Zoning Officer, testified that the Borough did not take a position either in favor of, or in opposition to, the zoning application.

Pamela Craddock, Elizabethtown Borough Planning and Zoning 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". The Application and documents submitted by the Applicant along with the Application were marked as Board Exhibit "2".

Following the close of testimony, the Board deliberated in Executive Session. Following the Executive Session, the meeting was reconvened, and the following Motion was made and acted upon:

1. A Motion was made to approve each of the dimensional Variances as set forth in the Application, and as described in the Applicant's testimony, exhibits, and evidence conditioned upon the following:
 - a. The Applicant shall obtain all necessary land development, stormwater or other approvals necessary for the proposed development of the Property; and
 - b. The dimensional Variances shall be subject to all testimony, exhibits and evidence presented by the Applicant; and
 - c. The Applicant shall be required to obtain all necessary permits for use and occupancy of the Property, including any federal, state or municipal permits, certificates of occupancy or other permitting which may be required for the Applicant to utilize the Property as requested; and
 - d. The approval by the Zoning Hearing Board of the requested dimensional variances does not in any way modify or amend the prior decision of the Board dated January 18, 2018, which regulates the uses proposed by the Applicant upon the Property.

The Motion was unanimously approved by the Zoning Hearing Board.

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

Respectfully submitted,

Pamela Craddock
Elizabethtown Borough
Planning and Zoning Director