

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

May 7, 2018

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, May 7, 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 following matter was heard and oral decision rendered or other action taken:

I. Application of High Properties, PA L.P.

A. The Board heard a request from High Properties, PA L.P. for Variances from §807.1 (Lot Area for Apartment Dwellings) and §1504.1.A (Apartments, Dwelling Units per Building), with regard to the Property located at 701 East Willow Street, Elizabethtown Borough, Pennsylvania.

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

2. At the time of the hearing, the following individuals appeared and requested party status, and were granted party status by the Zoning Hearing Board:

Jean Teufel,
300 Beechwood Lane
Elizabethtown, PA 17022

Douglas Bauchert,
279 Radio Road
Elizabethtown, PA 17022.

3. The Applicant was represented by legal counsel at the time of the hearing, Claudia N. Shank, Esquire of McNees Wallace & Nurick, LLC. Applicant's counsel introduced testimony from the following witnesses on behalf of the Applicant, during the course of the hearing: Anthony B. Seitz (Vice President of Development, High Associates, Ltd.); Brad Mobray (High Real Estate Group); and Marc Kurowski, P.E. (K&W Engineers; Mr. Kurowski was qualified as an Expert Witness by the Board).

4. In addition to the Zoning Application which was marked as Board Exhibit "2", the Applicant introduced during the course of testimony the following exhibits:

A-1. Existing Conditions Plan;

- A-2. Final Plan of lots for Village Green Apartments, Plan Book J-117-12 dated December 27, 1979;
- A-3. Elizabethtown Borough Zoning Ordinance §807;
- A-4. Architectural Rendering depicting the existing eight-unit buildings and proposed 24-unit buildings;
- A-5. Village Green proposed concept “C”, 64 units with eight units in each building;
- A-6. Village Green concept “D”, 64 units in three buildings (24-unit building, 18-unit building and 22-unit building).

5. The owner of the Property is High Properties, a Pennsylvania Limited Partnership. The Applicant acquired ownership of the Property by deed dated July 11, 2017.

6. The Property is located in the R-3 High Density Residential Zoning District. The Property is currently improved with a 128-unit apartment complex known as Village Green Apartments.

7. Village Green Apartments was originally built in 1975, and is comprised of 16 two-story buildings, each containing eight apartment units. Existing on-site amenities includes a leasing office, an outdoor swimming pool, a pool house, a playground, a pavilion, a tennis court and a basketball court.

8. Applicant Exhibit A-2 depicts a “Final Plan of Lots for Village Green Apartments” recorded in Plan Book J-117-12 of the Lancaster County Recorder of Deeds Office. The A-2 Plan contemplated construction of an additional seven two-story buildings containing an additional 56 apartment units; however, this proposed expansion was never completed.

9. The Applicant proposes to construct an additional 64 apartment units on the Property to increase the total number of units on the Property to 192 units.

10. The Applicant testified that, although the 56 additional units depicted on the A-2 1979 plan were never constructed, Village Green was originally slated to be a 184-unit apartment complex, and the Applicant is proposing to construct only eight more units than what was depicted on the 1979 plan.

11. The Applicant presented alternative design plans for construction of the additional proposed 64 units, as depicted on Applicant’s Exhibit A-5 (concept “C”) and A-6 (concept “D”). A-5, Concept “C”, provides for the 64 units to be divided among eight new, two-

story apartment buildings; A-6, Concept “D”, depicts the 64 units to be divided among three new, three-story apartment buildings consisting of 24 units, 18 units and 22 units respectively.

12. The Property consists of 16.5 acres, or 718,740 square feet. The proposed expansion and addition of 64 units would result in a total of 192 units on the Property, which would result in a lot area of 3,740 square feet per unit.

13. Section 807.1 of the Ordinance requires a minimum lot area of 4,500 square feet per unit. The Applicant seeks a dimensional variance from the minimum lot area requirement of §807.1.

14. The Applicant asserted in its testimony that if the Applicant were to comply with §807.1 of the Ordinance, the Property could only support an additional 31 apartment units, and that an additional 31 apartment units would not be financially viable for the Applicant. The Applicant further asserted that failure to develop the Property with the additional requested 64 units would render a large portion of the Property unused and undeveloped.

15. The Applicant also asserted that the growth management element of Lancaster County’s comprehensive plan sets a target average density of 7.5 dwelling units per acre in designated Urban Growth Areas, such as the Borough of Elizabethtown.

16. Section 1504.1.A of the Ordinance restricts apartment units to not more than eight dwelling units per building. The Applicant seeks a variance to permit up to a maximum of 24 apartment units in the buildings which will be part of the proposed expansion. The Applicant testified that if it has the flexibility to increase the number of dwelling units per building, it may be possible for the Applicant to accommodate the additional units in as few as three buildings, as depicted in Applicant’s Exhibit A-6.

17. The Applicant testified that it has not yet finalized the site plan for the proposed expansion, but the grant of a variance to increase the number of units permitted per building would allow the Applicant to construct three-story buildings to house the additional units, and thus decrease the overall building footprints and impervious coverage on the Property.

18. If the Applicant were to be granted the variances requested, the Applicant would still be required to obtain Conditional Use zoning approval for the proposed use, pursuant to §805.A of the Ordinance.

19. The Applicant asserted that the variances it has requested for the proposed expansion project are the minimum variances necessary, and the granting of variances would not alter the character of the neighborhood or zoning district.

20. The Parties to the hearing, Jean Teufel and Douglas Bauchert, each raised concerns regarding the impact of adding 64 additional units to the Property, including traffic congestion and noise impacts.

21. 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 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".

Following the close of testimony, the Board deliberated in Executive Session. Following the Executive Session, the meeting was reconvened, and the Motion was made to deny the request for Variances from §807.1 (Lot Area for Apartment Dwellings) and §1504.1.A (Apartments, Dwelling Units per Building), with regard to the Property located at 701 East Willow Street, Elizabethtown Borough, Pennsylvania. The Motion was unanimously approved by the Board.

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

Respectfully submitted,

Pamela Craddock
Elizabethtown Borough
Planning and Zoning Director