

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

April 3, 2017

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, April 3, 2017 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 MDR Properties, LLC

A. The Board heard an application for a Use Variance, from MDR Properties, LLC to permit the placement of four self-service private storage units in an existing garage at the rear of the property located at 327 Hanover Street, Elizabethtown, Pennsylvania. The Property is located in the R-1 Zoning District. The proposed use (private, self-service storage units) is not a use permitted by right, special exception or conditional use in the R-1 Zoning District.

1. The subject Property is located 327 Hanover Street, Elizabethtown, Pennsylvania ("Property"). The Property is located in the R-1 Zoning District, and is improved with a structure currently utilized as an apartment house. There is an existing garage structure located at the rear of the Property. The Applicant proposes to renovate and convert the garage structure into a four-unit self-storage facility. The Applicant seeks a Use Variance from Section 602 of the Ordinance ("Permitted Uses").
2. The Applicant was represented at the time of the hearing by Michael Kleinhans, a member of MDR Properties, LLC.
3. The following individuals requested, and were granted, party status to the Application by the Zoning Hearing Board:

James A. Funk
337 N. Hanover St.
Elizabethtown, PA 17022

Robert Reynolds
343 N. Hanover St.
Elizabethtown, PA 17022

Michael F. Cina
302 Highlawn Ave.
Elizabethtown, PA 17022

4. The Zoning Application, as well as Applicant's Exhibit 1 (consisting of photographs of the Property, a map of the Property, photographs of nearby commercial properties and a sample rental agreement) were presented by the Applicant and were admitted into evidence by the Board.
5. Mr. Kleinhans testified that the existing apartment house on the Property is located in front of the proposed storage units, and protects the storage units from view from the street.
6. There is currently sufficient parking for all of the tenants of the multi-unit apartment building, as well as one parking space for each proposed storage unit in the garage. Accordingly, off-street parking is provided for the proposed use.
7. The Applicant testified that tenants of the storage units do not typically visit the units more than once per week, and no retail business would be allowed to operate in the storage units.
8. The storage unit will not impact traffic in any significant way, because all of the parking is located off-street.
9. There are similar uses and other commercial uses located in the vicinity of the subject Property.
10. The Applicant asserts that the variance, if authorized, will not alter the essential character of the district or neighborhood, nor substantially or permanently impair the appropriate use or development of any adjacent property. The Applicant pointed to existing commercial businesses, as well as multi-unit apartment buildings, that exist along the Hanover Street.
11. The proposed lease agreement for the storage unit limits access to the Units to between 6 a.m. and 10 p.m. each day, and requires that any work being performed outside of the storage units must be stored within the unit by 10 p.m. each day.
12. The Property will not require any modification with regard to access, ingress and egress.
13. James A. Funk, an adjoining property owner, objected to the grant of variance, and asserted that the Applicant had failed to meet the necessary requirements as mandated in §2008 of the Zoning Ordinance. Mr. Funk asserted that the parties currently share the use of a common access driveway, and that the proposed installation of storage units on the Property will negatively impact the use of his property. Mr. Funk presented a letter from Elizabethtown Borough to Mr. Funk, dated February 26, 2009 confirming that Elizabethtown

Borough has vacated a section of Pike Alley extending from North Hanover Street to the previously vacated and abandoned Lehn Alley. The letter presented by Mr. Funk was marked as Funk Exhibit 1.

14. Rodney L. Horton, MPA, Elizabethtown Borough and Planning Officer, testified that the Borough did not take a position either in favor of, or in opposition to, the request for use variance.
15. 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.

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 Application for a Use Variance, for failure to meet the requisite standards as set forth in §2008 of the Zoning Ordinance. The Motion to deny the Application was passed unanimously.

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

Respectfully submitted,

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