

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of June 23, 2016**

The Zoning Hearing Board met in the Council Chambers of the Mount Joy Borough Offices, 21 E. Main Street, Mount Joy, on the above date. The meeting was called to order at 7:00 p.m. by Cindi Jerman. Board members present included Ned Sterling, Shelby Chunko, Bob Marker and George Leyh. Borough officials in attendance included Stacie Gibbs, Zoning Officer. Zoning Hearing Board Solicitor, Joseph Kenneff, Esquire, was present. Michelle Parke, court stenographer was also present.

Minutes of April 28, 2016, meeting of the Board, were approved as amended on a Motion by Jerman and a second by Sterling which passed unanimously 5-0.

NEW BUSINESS

Cindi Jerman read the Standard Board Procedures to all those present. There were no objections to the jurisdiction of the Zoning Hearing Board nor were there any challenges as to the personal or business interest of any member of the Board.

Stacie Gibbs, Zoning Officer was sworn in.

CASE NO. 1

The applicants, Glenn E. & Sylvia M. Weaver, 212 Fairview St., Mount Joy, PA, requested a Special Exception of §270-63.D.(7) to allow for a General Home Occupation to conduct music lessons as an accessory use at their property located in the Low Density Residential Zoning District.

EXHIBITS

APPLICANTS:

A-1 – Zoning Hearing Board Application, narrative and pictures.

BOARD:

B-1 – Legal Ad with Proof of Publication June 2, 2016, and June 9, 2016.

B-2 - Neighbor Notification Letters mailed June 9, 2016.

Glenn and Sylvia Weaver, 212 Fairview Avenue, Mount Joy, were both sworn in.

QUESTIONS AND TESTIMONY

1. Attorney Joe Kenneff began asking questions of the applicant.
2. Attorney Kenneff asked for the address of the property. Sylvia advised that the address is 212 Fairview Avenue.

3. Joe asked what zoning district the property was located. Sylvia advised the property is in the Low Density Zoning District.
4. Joe asked what the current use of the property is. Sylvia advised the use is currently residential.
5. Joe asked what structures are currently located on the property. Sylvia advised there is a house, shed and garage.
6. Joe asked what the square footage of the house is. Sylvia advised that the square footage of the house is 2,138 square feet.
7. Joe asked if they were requesting a Special Exception for a general home occupation. Sylvia acknowledged that is what they were requesting.
8. Joe asked if it was to provide for music lessons. Sylvia acknowledged the Special Exception is to provide for music lessons.
9. Joe asked who resides in the home. Sylvia advised that she and her husband Glenn Weaver reside in the home.
10. Joe asked what hours would the music lessons be offered. Sylvia advised that the lessons would be after school starting at 3:00PM and could end at 8:00PM or 9:00PM.
11. Sylvia advised that she taught music previously.
12. Sylvia advised that she may provide some music lessons on the weekends.
13. Joe asked what the earliest time the music lessons would begin. Sylvia advised the earliest the music lessons would begin would be 10:00AM.
14. Joe asked how often would she provide for music lessons. Sylvia advised that she would not be providing music lessons for more than 15 hours per week.
15. Joe asked if the music lessons would be provided on any specific days of the week. Sylvia advised that the music lessons would be provided on Monday and Tuesday evenings.
16. Joe asked if there would be music lessons provided on the weekends. Sylvia advised that music lessons would probably not be provided on the weekends.
17. Joe asked if the music lessons would be taking place indoors. Sylvia advised that all music lessons would be taking place entirely indoors.
18. Joe asked if there would be any changes to the interior of the home to provide for music lessons. Sylvia advised there would be no interior changes to the home to provide for music lessons.

19. Joe asked Sylvia to provide a description of the set-up of the house. Sylvia advised in 1974 there was an addition done and renovations. Sylvia advised that when they did the renovations, she had teaching in mind.
20. Joe asked how the waiting room will be used. Sylvia advised that there may be one student waiting while another is finishing their lesson. Sylvia advised that a parent may also be in the waiting room.
21. Joe asked if she was not giving music lessons, what would the waiting room be used for. Sylvia advised that it would be considered the living room. Sylvia advised there are glass French doors to the music room.
22. Joe asked what the square footage of the music room is. Sylvia advised that the music room is 120 square feet, and the living room or waiting room is 273 square feet.
23. Joe asked what off-street parking they have. Sylvia advised that they have a detached garage and driveway which is big enough for two cars.
24. Bob Marker asked if they could park two cars in the driveway. Sylvia advised that one car can be parked by the garage and two cars stacked in the driveway.
25. Joe asked if they would have any tractor trailer deliveries. Sylvia advised that there would be no deliveries by tractor trailers.
26. Joe asked if there would be any music lessons between the hours of 9:30PM and 7:00AM. Sylvia advised there would be no music lessons between those hours.
27. Joe asked if there would be any occasions for two music lessons at one time. Sylvia advised that she does not want to say no because she used to have recitals.
28. Joe asked if she could limit to no more than two music lessons at a time. Sylvia advised they can limit to only up to two music lessons at a time.
29. Joe asked if there would be any exterior signage. Sylvia advised they prefer not to have any exterior signage regarding the music lessons.
30. Joe asked if there would be any smoke or odor from the music lessons. Sylvia advised there would be no smoke or odor.
31. Joe asked what precautions would be taken on noise. Glenn Weaver advised they recently had replacement windows installed, and all windows and doors would be closed.
32. Joe asked about traffic as it relates to the picking up and dropping off of those who are taking music lessons. Glenn advised that they could have a drop off or pick up every other ½ hour. Glenn advised some may stay with their vehicle and others may leave and come back.
33. Joe asked if they could set intervals in between lessons for better traffic control. Glenn advised they could set intervals for lessons.

34. Joe asked if everyone has to back out of the driveway. Glenn advised that everyone has to back out of the driveway onto the street.
35. Joe asked Sylvia how long before was she giving music lessons. Sylvia advised she has been giving music lessons for 12 years.
36. Joe asked if there had been any issues with parking. Sylvia advised there have been no issues with parking.
37. Shelby Chunko advised that since no one is sure how many cars the driveway can handle, and if traffic increases, there may be safety issues with backing out onto the street. Shelby advised that perhaps they can make sure one does not park another one in. Sylvia advised that with the intervals in between lessons, one of two cars would have to leave.
38. Bob Marker asked how long they have been backing out of their driveway. Sylvia advised they have been backing out of their driveway for 45 years.
39. Bob asked if anyone has ever been hit by another vehicle. Glenn advised there has never been an accident.
40. Ned asked if the new windows will be closed during the summer when it is hot. Sylvia advised that the replacement windows have made a significant difference in the hot and cold seasons and they will not need to open the windows during the hot months.
41. Shelby asked what kind of instruments do they give lessons on. Sylvia advised they give lessons on the flute and the piano. Glenn advised he is not sure if he will give lessons or not.
42. George Leyh asked if their neighbors know about the music lessons and if they had any comments. Glenn advised that they know and did not have any concerns.
43. George asked if 25% or less of the floor area was to be used for music lessons.
44. Joe Kenneff advised that Sylvia previously advised that the music room is 120 square feet.

On a motion by Jerman and a second by Leyh, the taking of testimony was closed. *Motion carried 5-0.*

Attorney Kenneff advised, for the record, there was no one else in attendance and therefore no questions or comments from the public.

ACTIONS BY THE BOARD

A motion was made by Sterling and seconded by Chunko, to approve the application made by Glenn E. & Sylvia M. Weaver, 212 Fairview St., Mount Joy, PA, for a Special Exception of §270-63.D.(7) to allow for a General Home Occupation to conduct music lessons as an accessory use at their property located in the Low Density Residential Zoning District. The Motion passed by a 5-0 vote with the Board's established standard conditions as follows:

1. The applicants shall at all times be bound by their plans and promises as presented to the board, either in written or oral testimony, as part of the hearing and/or their application.
2. The applicants shall obtain all necessary approvals and permits as may be required by applicable laws and regulations, including but not limited to Borough Zoning/Building Permits, and Water/Sewer Permits as per the Mount Joy Borough Authority Rules and Regulations.
3. The Decision shall be binding on the applicant, its successors, grantees and assigns.
4. The applicant shall be aware that any violations of the conditions contained herein, including failure to remain in conformity with the plans and promises as presented to the board, will be considered a violation of the ordinance and shall be subject to penalties provided within the same.

ADJOURNMENT

**On a motion by Jerman and a second by Marker, the meeting was adjourned.
*Motion carried 5-0.***

Respectfully submitted,

Adopted this ___ day of _____, 2017

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary