

**MOUNT JOY BOROUGH ZONING HEARING BOARD  
MINUTES of MARCH 24, 2021**

The Zoning Hearing Board virtually via ZOOM on the above date. The meeting was called to order at 7:00 p.m. by Bob Marker. Board members present included George Leyh, Ned Sterling, Alecia Hair, Michael Melhorn and Bruce Haigh. 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**

**Meeting minutes of December 16, 2020 were approved as corrected on a Motion by Melhorn and a second by Leyh. Motion carried 5-0. Alecia Hair abstained as she was not present for the meeting.**

**REORGANIZATION**

**On a motion by Melhorn and a second by Marker, Ned Sterling was nominated and elected Secretary. Motion carried 6-0.**

**On a motion by Melhorn and a second by Marker, George Leyh was nominated and elected Vice Chair. Motion carried 6-0.**

**On a motion by Haigh and a second by Leyh, Bob Marker was nominated and elected Chair. Motioned carried 6-0**

**NEW BUSINESS**

Bob Marker 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 Fred and Shelley Baker, 1043 Washington Street, Reading, PA 19601, are requesting Variances of Section 270-47.A maximum building coverage of 30% and maximum lot coverage of 35%, to attach a garage to the existing house and add a driveway extension to accommodate the garage at the property located at 232 S. Market St., Mount Joy, PA. The property is in the Low-Density Residential Zoning District.

**EXHIBITS**

**BOARD:**

- B-1 – Zoning Hearing Board Application
- B-2 – Legal Ad with Proof of Publication.
- B-3 - Neighbor Notification Letters.

Brian Cooley, DC Gohn, Fred and Shelly Baker, and Peter Kerekgyarto, Beers Hoffman were sworn in.

### **QUESTIONS AND TESTIMONY**

1. Attorney Kenneff confirmed the address is 232 S. Market Street. Cooley confirmed.
2. Kenneff confirmed the Bakers are not residing at the property at this time. The Bakers confirmed they are not residing at the property.
3. Bakers confirmed it is a single-family home with no other buildings on the property.
4. Bakers advised they have been taking care of deferred maintenance so they can move in.
5. Kenneff asked if they are looking to add a garage. Bakers confirmed.
6. Kenneff asked if property is approximately .46 acres. Bakers confirmed.
7. Bakers confirmed the proposed attached garage is to be 2,283sf.
8. Kenneff advised it appears the setbacks can be complied with.
9. Kenneff advised it appears the Bakers are requesting two variances for building and lot coverage.
10. Kenneff advised it appears the garage is about 65' x 36' garage. Cooley confirmed.
11. Kenneff advised the maximum building coverage allowed by the ordinance is 30%. Currently it is 20.2% and they are proposing 34.8%. Cooley confirmed.
12. Kenneff advised the maximum lot coverage allowed by the ordinance is 35%. Currently the lot coverage is right at that 35%. With the driveway addition and garage addition, the Bakers are proposing 52.8% lot coverage. Cooley confirmed.
13. Kenneff noticed the garage is for the storage of two personal vehicles and a classic car collection. The Bakers advised they have a 5-car collection and 2 person vehicles. Mr. Baker advised 6 vehicles would fit in this garage and his truck would sit outside.
14. Kenneff advised it appears the garage would be climate controlled. Bakers confirmed.
15. Kenneff advised the driveway that is to be added is about 35-36 feet wide. Cooley advised it is to be about 33 feet wide.
16. Cooley advised most of the existing driveway will remain. There is a concrete area of approximately 400 sf that will be removed and converted to a landscaped area.
17. Kenneff asked if the garage would be located to the rear of the home. Cooley confirmed.
18. Cooley advised there is no garage on site and the existing lot coverage is already at 35%. Since the Bakers owned the property, they have not contributed to that lot coverage.
19. Cooley advised the house is unique and is a 1-story mid century home with a flat roof.
20. Cooley advised the construction plans show the sections elevations of what the garage will look like. Cooley advised the garage will be a natural extension of the house.
21. Cooley advised the property already has a very long driveway that extends to the rear of the home.
22. Cooley advised this proposal does not alter the character of the neighborhood as the garage will mimic the house. The height of the garage will be 13'11".
23. Mr. Kerekgyarto advised the garage will match the character of the house and will be wide and low to match the mid-century style.
24. Kenneff asked of the garage would be visible from the street. Kerekgyarto advised it will not be visible straight on but at an angle.
25. Kenneff asked if there was existing natural tree screening that will limit the neighbor's exposure. Cooley advised there is an existing tree row that is partially along the

- existing alley and a considerable distance from the proposed garage and the Grant property on the west side of the property.
26. Kenneff advised he is struggling with the one variance criteria which asks if this is the minimum relief necessary.
  27. Cooley advised the lot coverage is already 35% and the Bakers did not contribute to that 35%. In addition, the driveway extends all the way to the back.
  28. Cooley advised the existing driveway is 1700-1800 sf. This is much more of an unconventional driveway.
  29. Mr. Baker advised there is a lot of proposed roof overhang to stay in line with the house.
  30. Cooley advised the impervious and lot coverage includes the proposed roof overhangs which are consistent with the existing architecture.
  31. Leyh asked what they have in mind to plant where the concrete pad is to be removed. Mr. Baker advised there would be grass and shrubbery.
  32. Melhorn asked if the roof height is to be the same height of the house. Kerekgyarto advised it will be slightly higher than the house. Baker is desirous of having a 10' interior finished ceiling in the garage.
  33. Leyh advised the garage is to be covered up by the house itself. You must come at an angle to see the proposed garage. Leyh advised they are keeping an existing driveway, adding to it, improving it and sticking the garage in the back. He advised he does not have a problem with that.
  34. Melhorn asked if anyone knows what direction the stormwater goes. Marker advised there is grass in the unopened alley and so the stormwater just runs to the street.
  35. Marker asked if this would require some sort of stormwater management. Cooley advised if the Board does approve the application tonight, he would submit whatever application is necessary.
  36. Marker asked if the Bakers could describe what kind of cars they planning to store in the garage.
  37. Mr. Baker advised is has a '67 Volkswagen Beetle, '68 Mercedes, '52 Chevy Street rod, and 2 Sport Racers from the 60's.
  38. Marker asked if he does any work on them in the garage. Baker advised he takes them all to his mechanic.
  39. Marker advised he suspects the existing concrete pad use to be a 1 or 2 car garage. Marker advised for typical, reasonable use a 1 or 2 car garage would be normal and acceptable could probably be installed without any variances. Marker advised in terms of hardship he is struggling with the size and variance qualification.
  40. Marker advised the fact that their proposing to have the garage tucked away in the back yard is a plus.
  41. Haigh advised he went back and viewed the property records, and the house did originally have a 2-car garage that was part of the house. He advised sometime in the 90's it appears that garage was converted to living space.
  42. Haigh advised the problem he is having is he does not understand the unique physical characteristics or conditions that makes it necessary to install an 8-car garage.
  43. Haigh advised the lot is 20,000 sf which is twice the requirement for the Low Density Residential.
  44. Haigh advised the house on the one side is a single-story house and has a 2-car garage and that is 14,000 sf and the house on the other side is 12,000sf and has a 2-car garage.
  45. Haigh advised the applicants owned these cars before they decided to by the house. The fact the house does not have a hardship they created. He is still having trouble

with the unique physical conditions which make it unable to make it a traditional 2-car Low Density house.

46. Mrs. Baker advised she has had a desire to live in a neighborhood again to have relationships and connections with the community. They are moving here to be closer to their children. They are trying to do their best to make it work for Fred with his car collection and his passion. She advised he has always had classic cars. They were hoping they could compromise and enjoy walking to local businesses and know their neighbors and not have a huge amount of lawn work. She advised his collection is small. They have been married for 42 years. She advised these are the reasons they did this. They love the house, and these types of houses are hard to find.
47. Haigh asked if there could be a compromise on a small size garage that would allow a couple of cars there without it being an 8-car garage.
48. The Bakers advised they already have two cars they drive to work, and the storage becomes expensive to have to store off site and not be able to control the heat and air conditioning.
49. Marker asked where the cars are now. Baker advised they are at the home where they live in Reading. They have a much larger building now where they live.
50. Marker advised they are about 900 or 700 sf for not needing a variance at all for the building coverage.
51. Hair asked if the proposed garage an accessory building. Kenneff advised because it is going to be attached it becomes the principal structure.
52. Hair asked if there is any way they could lose the impervious in the front and pull in from the alley. Marker advised the alley is not paved and it is grass. Gibbs advised it is an unopened alley.
53. Sterling asked if they investigated the zoning before they purchased the property. The Bakers advised they did and understood the zoning requirements.
54. Sterling asked if storing cars is a permitted use in the Low-Density Residential. Gibbs advised it is not a separate use and is part of the home to store their vehicles. Sterling asked if people could store cars inside a residence. Gibbs advised people store cars inside the garage. Gibbs advised it is an attached garage and not to be used for someone else's vehicles.
55. Sterling advised the average parking space is 10 x 18. He advised it appears the garage is way overbuilt.
56. Mr. Baker does not believe he agrees with that and it will be quite full of seven cars. He advised if you give each car a 10 x 18 space that will fit 12 cars. Mrs. Baker said they need to store lawn equipment and other things in the garage.
57. Kerekgyarto advised from a practical standpoint he would consider garage door spacing, in between garage doors and maneuvering to require more than ten feet.
58. Sterling advised these are small cars.

**Attorney Kenneff opened the meeting up for public questions and public comment.**

**No public had any questions.**

**Attorney Kenneff asked if there were any additional comments.**

**Gerry Nissley, 240 S. Market Street was sworn in. Mr. Nissley advised he does not have any problems with the project.**

The Board went off the record.

**ACTIONS BY THE BOARD**

On a motion by Marker and a second by Sterling the Board has decided to continue the case to the next meeting which is April 28, 2021 at 7PM to make its decision and to leave the record open.

***Motion carried 5-0.***

**ADJOURNMENT**

**On a motion by Marker and a second by Leyh, the meeting was adjourned.**

***Motion carried 5-0.***

Respectfully submitted,

Adopted this \_\_\_ day of \_\_\_\_\_, 2021

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary