

**MOUNT JOY BOROUGH ZONING HEARING BOARD  
MINUTES of MARCH 28, 2018**

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 Bob Marker. Board members present included Ned Sterling, Shelby Chunko, George Leyh and Alternate Michael Melhorn. 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.

**On a motion by Leyh, and a second by Chunko, the Board unanimously agreed to keep the Zoning Hearing Board positions the same. Motion carried 5-0**

**Minutes of December 21, 2017, meeting of the Board was approved as amended on a Motion by Sterling and a second by Leyh which passed unanimously 5-0.**

**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 applicant, Robert E. Lefever, 13 Oakwood Lane, Lititz, PA 17543, requested a Variance of §270-50.B for minimum lot area of one acre and a Variance of §270-50.B for minimum lot width of 150 feet, if a lot will not be served by public water and public sewage service prior to the occupancy of any principal building, at the property located on Clay Alley, Mount Joy, PA 17552, Parcel ID 4504450100000, in the Neighborhood Commercial Zoning District.

**EXHIBITS**

**BOARD:**

- B-1 – Zoning Hearing Board Application
- B-2 – Legal Ad with Proof of Publication.
- B-3 - Neighbor Notification Letters.
- B-4 – Letter from Mount Joy Borough Authority to Zoning Officer dated January 24, 2018.

Robert Lefever, applicant was sworn in.

### **QUESTIONS AND TESTIMONY**

1. Attorney Kenneff asked what the property is currently being used for. Lefever advised it is vacant land.
2. Attorney Kenneff asked if the zoning district is Neighborhood Commercial. Lefever confirmed.
3. Attorney Kenneff asked what the size is of the lot. Lefever advised it is 26,000 s.f., short of an acre.
4. Attorney Kenneff asked if Lefever was the owner. Lefever advised he is not yet the owner, but there is an Agreement of Sale.
5. Attorney Kenneff asked if Lefever was requesting two variances of Section 270-50.B. Lefever confirmed, and advised he wants to build a home on the lot.
6. Attorney Kenneff asked if a single-family home was a permitted by right use. Lefever confirmed.
7. Attorney Kenneff asked who would be living in the home. Lefever advised that he would be.
8. Attorney Kenneff asked if it would be connected to public water. Lefever advised there is no to go across the street to connect.
9. Attorney Kenneff asked if he plan to drill a well. Lefever confirmed.
10. Attorney Kenneff asked if Lefever was aware that Section 270-50.B has certain minimum lot area requirements if you are not connecting to public water. Lefever advised that he is aware of this requirement.
11. Attorney Kenneff asked if Lefever were to put other permitted by right uses on the property other than single family home, would he be able to meet the code requirements as it relates to connection to public water. Lefever advised that he would not meet code requirements.
12. Attorney Kenneff asked what the width of the lot is. Lefever advised the width is 130'. Attorney Kenneff asked if the code requires 150' of lot width if not connecting to public water and requesting to drill a well. Lefever advised that is correct and that is why he is requesting a variance for the 20' of lot width requirement.
13. Attorney Kenneff asked if the lot is 1 acre as the code requires if you are not connecting to public water but drilling a well. Lefever advised the property is just short an acre and is 26,000 square feet and that is why he is asking for the second variance.

14. Attorney Kenneff asked if there are other properties in the area are served by public water. Lefever advised there is a residential property to the east side along with a trailer park that are both served by public water. Lefever advised the water main on Main Street is not large enough to connect and would be infeasible.
15. Attorney Kenneff asked if there would be an impact on the surrounding neighborhood by granting the variances to drill a well. Lefever advised that there would be no impact on the surrounding neighborhood. Lefever advised with the construction of a new home, he would be improving the neighborhood.
16. Attorney Kenneff asked if there would be any new traffic. Lefever advised there would be no new traffic that would impact the neighborhood.
17. Gibbs advised she received a letter from the Mount Joy Borough Authority that explains there is currently no watermain that fronts the property for the owner to connect. The Authority further advised that the costs to the property owner to extend the existing watermain to the property would create a financial hardship. The Authority Board did agree that a waiver of connection to the watermain for the property was acceptable. Gibbs provided a copy of this letter to the Board and the applicant at the meeting.
18. Marvin Gerhart, 524 West Main Street, Mount Joy, PA asked if he could see a picture of what the house is going to look like that is to be built. Lefever provided him with a picture.
19. Rod Goodling, 512 W. Main Street, Mount Joy, PA asked how big the proposed house will be. Lefever advised the house will be approximately 1,200 s.f.
20. Rod Goodling, 512 W. Main Street, Mount Joy, PA, was sworn in. Goodling advised that the sewer runs down the alley and there is a main line that runs across from Wood Street to Main Street. Goodling advised that this was his parents property. He advised he father had to pay front footage for the house and front footage for the alley also. Goodling advised that the house next door is not connected to the water at the trailer park. Goodling advised that all the properties ran from Main Street to the railroad tracks. He advised the alley not Clay Alley but was an extension of a driveway and use to go through the trailer park. He advised every decision that has been made has just made things worse there. He advised the alley used to meet up with Orchard Road. Goodling advised he looked at purchasing the property years ago and it was too expensive to run a water line.
21. Sterling asked if the white house at the end of alley has water from Main Street back. Goodling advised he does not know if it has a separate line or is tapped into the brick house along Main Street.
22. Sterling asked if it is possible to connect to another property along Main Street. Mr. Anderson advised that Authority would not allow that.
23. Sandy Anderson was sworn in. She advised that we have a letter from the Authority. She advised the Authority told her it would cost \$93,000.00. She was told she would have to connect to Orange Street and run a line all the way down. She advised a well is the only alternative to use that property.

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

**ACTIONS BY THE BOARD**

A motion was made by Sterling and seconded by Marker, to grant the application made by Robert E. Lefever, requesting a Variance of §270-50.B for minimum lot area of one acre and a Variance of §270-50.B for minimum lot width of 150 feet, if a lot will not be served by public water and public sewage service prior to the occupancy of any principal building, at the property located on Clay Alley, Mount Joy, PA 17552, Parcel ID 4504450100000. *The Motion passed by a 5-0 vote*

**ADJOURNMENT**

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

Respectfully submitted,

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary