

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of February 26, 2015**

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 Board Member Kyle Miller. Borough officials in attendance included Stacie Gibbs, Zoning Officer. Zoning Hearing Board Solicitor, Tom Goodman, Esquire, was present. Michelle Parke, court stenographer was also present.

On a motion by Leyh, and a second by Miller, the Board unanimously agreed to keep the Zoning Hearing Board positions the same.

Minutes of the July 24, 2014, meeting of the Board were approved with corrections on a Motion by Sterling and a second by Miller, 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, Shawn Myers, 101 Cherry St., Elizabethtown, PA 17022, requested a Special Exception of §270.47.B(1)(a), to allow auto repair garage use in the General Commercial Zoning District, a Variance of §270-65.E(1) and §270-65.F(3) to allow vehicle display and store vehicles within right-of-way, and a Variance of §270-96.A.(1) to allow for reduced parking requirements for the proposed uses at the property located at 259 W. Main St., Mount Joy, PA 17552.

EXHIBITS

APPLICANTS:

- A-1 – Zoning Hearing Board Application.
- A-2 – Narrative
- A-3 – Property Owner Letter.
- A-4 – Zoning Exhibit Plan.

BOARD:

- B-1 – Legal Ad with Proof of Publication February 10th and February 17, 2015.
- B-2 - Neighbor Notification Letters mailed February 10, 2015
- B-3 - Public Hearing Posting – Borough Office and Property on February 11, 2015.

QUESTIONS AND TESTIMONY

1. Shawn Myers, owner of E-Town Auto was present and was sworn in.
2. Steve Gergely with Harbor Engineering was present and was sworn in.
3. Steve advised that Shawn is currently the owner of E-Town Auto.
4. Steve advised that the property that Shawn is proposing to purchase to relocate his business, is located at 259 W. Main Street in Mount Joy Borough.
5. Steve advised the property is located in the General Commercial Zoning District.
6. Steve advised that the property is under 10,000 square feet and 93% is paved. There is a small building on the property.
7. Steve advised the current use of the property is for storage and additional meeting place for the American Legion. The prior uses were auto repair and notary. Steve advised that Shawn is proposing essentially the same uses.
8. Steve advised that auto repair is permitted in the General Commercial by Special Exception and auto sales and notary public by right. Steve advised that they are asking for a Variance for a reduction in parking.
9. Steve advised that there will be no painting of vehicles, and only minor repairs like oil changes.
10. Steve advised that there will be no outdoor storage of vehicles there for repair.
11. Steve advised that there will be minimum noise and no odors.
12. Steve advised that there will be outdoor storage of vehicles in the right of way, as the site is paved to the existing sidewalk.
13. Steve advised that there is a 60' right of way and it is a Collector Road by Borough standards. Steve advised that there would be a 5' encroachment into the right-of-way.
14. Steve advised that the shape of the lot makes use of the lot extremely limited.
15. Steve advised that there would be no overnight storage of junk vehicles and that the service bay doors face west.
16. Steve provided the Board with the Zoning regulations for off-street parking for the proposed uses.
17. Steve advised that based on the requirements for parking, and the limitations of the lot, it is unrealistic to meet all of the requirements.
18. Steve advised that Shawn will have up to 4 employees plus himself.

19. Steve advised that the Exhibit should depict 6 off-street parking spaces for employees and visitors.
20. Shelby asked if they plan to keep the business name the same.
21. Shawn advised that the name may be Myers Motors.
22. Ned questioned how many small repairs a day he would be doing.
23. Shawn advised that he will be doing mostly car sales, but perhaps 2-3 small repairs a day or every other day. Shawn advised that they will be fixing cars that will be for sale. Shawn advised that he wants customers who purchase vehicles from him to come back to him for minor repairs in the future.
24. Ned questioned if Shawn was aware that there is parking on the street. Steve advised that he is aware there is on-street parking and could be used for natural overflow.
25. Ned questioned if vehicles would be stored that are getting repairs. Steve advised that there may be a vehicle stored there overnight that needs to be repaired.
26. Kyle asked what the existing inventory was. Shawn advised that his inventory consists of about 20-24 vehicles. Shawn also advised that he is selling a lot because it is income tax time. Shawn advised that he wants to try and keep at least 15 cars for sale on the lot.
27. George questioned Shawn as to why he wants to move his business to Mount Joy Borough. Shawn advised that he is currently leasing space at his current location and visibility is an issue.
28. George questioned if there would be any auto detailing with the business. Shawn advised that he currently takes all his vehicles off-site to get washed, and that is what he plans to continue to do. George questioned if Shawn has detailing equipment. Shawn advised that everything would be sent out.
29. George questioned what type of signage plans to be erected.
30. Steve advised that there are currently two existing lights on the pole that shine on the sign. Shawn also advised that he plans to install an aluminum sign on the building with reflective lettering.
31. Bob questioned how long has it been since the previous auto business was there.
32. Shelby believes the Legion has owned the property since at least 2009.
33. Bob questioned if the 5 spaces shown lined on the exhibit are to be striped. Steve advised that they just wanted to show them.
34. Bob advised that he counted maybe 19 spaces. Bob wondered how Shawn would be able to display 15 cars for sales on the lot. Shawn advised that is why they are requesting the variance for the reduction in parking requirements.

35. Gibbs advised that employees should not be parking on the street. Gibbs also wanted to confirm that all vehicles would be washed off-site. Gibbs advised that she wanted to make sure because of potential storm water management requirements. Gibbs also advised that the existing conditions of the pavement are terrible. Gibbs questioned if Shawn was going to make repairs to the pavement. Shawn advised that they plan to make repairs and patch.
36. Ned questioned if Shawn will be using the pad on the North side of the building for anything. Shawn advised that they are not really planning to use the pad for anything.
37. Gibbs asked about the removal of the donation bin on the lot.
38. Phil Kuntz with the Legion was present and was sworn in. Phil advised that they will handle the removal of the bin.
39. Bob questioned if they could share parking on the Legion site.
40. Steve advised that there is no direct access to the Legion site.
41. Ned questioned if Shawn had any plans to plant any street trees. Shawn and Steve both advised that there are no plans to plant any trees.
42. Ned questioned if the parking is required to be lined.
43. Gibbs advised that the lot is existing, and Steve advised that the lot is striped it just needs to be redone.
44. Bob advised that it appears that the spaces on the plan are shown as 10 x 18. Steve advised that is the requirement per zoning.
45. George questioned if Spanglers pulled vehicles up to the sidewalk.
46. Shelby advised that she believes they did but is not positive.
47. Steve advised that the business plans to be open Monday through Saturday from 9:00 A.M. to 8:00 P.M.
48. Shawn advised that he is currently open Monday through Friday from 9:00 A.M. to 6:00 P.M. and Saturdays from 9:00 A.M to 2:00 P.M.
49. Dennis Yates, 258 W. Main Street, Mount Joy was sworn in.
50. Dennis advised that the egress to properties in that area becomes quite congested. Dennis advised that if parking is allowed on the street, more congestion could take place making it incredibly unsafe. Dennis also advised that at times, he sits at the end of his driveway for 10 minutes before it is clear to proceed onto Main Street.

51. Dennis advised that he is concerned about the noise because he is disabled and is home. Dennis hopes that the residents are taken into consideration by whomever moves into this location.
52. Dennis advised that they already deal with noise and fumes because of the hobby shop, hair studio and craft store. Dennis also advised that there is a lot of noise and traffic with the existing Legion. Dennis advised that with the additional use of this lot, there may be more accidents with customers and cars coming and going. Dennis advised that if there is parking on the street, someone will get hurt.
53. Dennis advised that they love to spend time on their front porch. Dennis wants to make sure they are mindful of the residents as Spanglers was. Dennis advised that Spanglers was strict and did a good job running the business.
54. George questioned if Shawn was planning to erect pennants and flags and things of that nature. George wanted Shawn to consider the impact on the neighborhood with a lot of signage of that nature. Shawn advised that they do plan to erect 10' flags, but will adhere to the zoning regulations on signage.
55. Bob asked Dennis Yates to elaborate on Spanglers use of signage. Dennis advised that Kenneth Hartman would be best to answer that question.
56. Kenneth Hartman, 258 W. Main Street, Mount Joy was sworn in.
57. Kenneth advised that Willis Spangler was a good neighbor. Kenneth advised that he recalls no repairs were made outside, no noise was heard and that he did minor touch-ups.
58. Kenneth also advised that cars were neatly displayed, and he can recall Spanglers using a white chalk-like substance to write on the car windows.
59. Kenneth also advised that there were no flags or banners erected by Spanglers.
60. Kenneth also advised that the current lighting on the pole is what Spanglers was using.
61. Kenneth also advised that there were no cars parked on the street.
62. Bob advised that he is not clear on the auto repair portion of the business.
63. Shawn advised that he plans to mostly sell cars. But, if the public wants to come in for oil changes or brake service that would be okay.
64. Shawn advised that it would be just him and not his wife working at the business.
65. Shawn advised that whatever he would lose on car sales because of his other location closing, and lack of space, he would make up on service.
66. Dennis Yates advised that he feels that the business being allowed to be open until 8:00 P.M. on Saturdays is too much. Dennis advised that he would oppose the business being allowed to be open until 8:00 P.M. on Saturday evenings.

67. Bob questioned how many cars Shawn is selling in a day.
68. Shawn advised that he sold 3 cars today.
69. Bob advised that it sounds like a low traffic operation.
70. Kyle questioned what a busy day of cars sale would consist of.
71. Shawn advised that 8 car sales in a day would be a busy day.
72. George advised that Spanglers also had a notary and tag business. George advised that part of the business will also increase, if the amount of car sales increases.
73. Gibbs questioned how vehicles would get to the business.
74. Shawn advised that the vehicles will mostly be driven to the business, or by an occasional tow truck. Shawn advised that the vehicles will not be delivered by an 18 wheeler.
75. George questioned how long Shawn has been in business. Shawn advised that he has been in business since November 2012. Shawn advised that he was working at Engle Printing for 20 years and cars are his passion.

On a motion by Leyh and a second by Sterling, the taking of testimony and questions was closed. Motion carried 5-0. The Board went off record.

On a motion by Leyh and a second by Marker, the Board went back on record to enter Applicant's Exhibits. Motion carried 5-0.

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

ACTIONS BY THE BOARD

A motion was made by Sterling and seconded by Chunko, to approve the application made by Shawn Myers, 101 Cherry St., Elizabethtown, PA 17022, requesting a Special Exception of §270.47.B(1)(a), to allow auto repair garage use in the General Commercial Zoning District, a Variance of §270-65.E(1) and §270-65.F(3) to allow vehicle display and store vehicles within right-of-way, and a Variance of §270-96.A.(1) to allow for reduced parking requirements for the proposed uses at the property located at 259 W. Main St., Mount Joy, PA 17552. The Motion passed by a 5-0 vote with and by the Board's established standard conditions and additional conditions as follows:

1. The applicant shall at all times be bound by its plans and promises as presented to the Zoning Hearing Board, either in written or oral testimony, as part of the hearing and/or its application.

2. The applicant shall obtain any 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. All employees shall park on the premises.
4. All vehicles displayed for sale shall be on the premises.
5. All repairs shall be performed inside the building.
6. The hours of operation shall be from 9:00 A.M. to 8:00 P.M., Monday through Friday, and Saturday, 9:00 A.M. to 5:00 P.M. There will be no Sunday hours of operation.
7. No vehicles may be washed or painted on the premises.
8. A violation of any of the conditions of this decision shall constitute a violation of the Ordinance.
9. The decision shall bind the applicant, his heirs, successors, grantees and assigns.

OTHER MATTER PROPER TO COME BEFORE THE BOARD

None.

ADJOURNMENT

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

Respectfully submitted,

Adopted this ____ day of _____, 2015

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary