

**BEFORE THE MILLERSVILLE BOROUGH ZONING HEARING BOARD OF  
LANCASTER COUNTY, PENNSYLVANIA**

IN RE: :  
APPLICATION OF : CASE # 18-01  
THE PENN MANOR SCHOOL DISTRICT :  
FOR A SPECIAL EXCEPTION :

**DECISION OF THE ZONING HEARING BOARD**

**A. FINDINGS OF FACT**

1. Applicant is Penn Manor School District, P.O. Box 1001, Millersville, Pennsylvania 17551.
2. The property which is the subject of this Application is located at 66 East Cottage Avenue in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicant is the record owner of the subject property, having acquired the property in December, 2017.
4. On December 21, 2017, Applicant filed a request for a special exception to demolish a building in the Historic District.
5. The Application was advertised, the property was posted, and the adjoining property owners were notified.
6. A hearing was held January 25, 2018.
7. Members participating in the hearing were Lindsay Gerner, Chairman, James Sanchez, Vice Chairman, and David Fisher, Alternate.

8. Presenting the case on behalf of the Applicant was James F. Hocker, the project manager, from Derck & Edson Associates.

9. Also present at the hearing were Chris Johnston, the business manager of the Penn Manor School District, and Larry Levato, the architect for the project.

10. The hearing was stenographically recorded.

11. The property involved is a deteriorated single-family residence and some sheds located at 66 East Cottage Avenue.

12. The premises adjoins the northwest edge of the Penn Manor campus and is located on East Cottage Avenue, just west of the intersection with Maple Avenue.

13. The subject property adjoins the School District property to the east and south.

14. To the west and north of the subject property, are residential properties.

15. The School District intends to use a portion of the front of the property for a wider turning lane from East Cottage Avenue into the main driveway and intends to use the rear for expanded parking. Portions of the subject property will also be used for storm water management.

16. The western edge of the property, which will adjoin residential uses, will be planted as a buffer between campus and residential uses.

17. At the time of the hearing, Mr. Hocker reported that this Application had been reviewed by the Historic Commission, as well as by the Planning Commission, and both bodies voted unanimously to recommend demolition.

18. As part of the Application, Applicants submitted an appraisal of the real estate conducted August 23, 2017, for Eldercare Solutions Inc., who at that time was the legal custodian of the property due to the fact that the then record owner was unable to care for herself or reside on the property by reasons of her age.

19. The appraisal noted many serious defects with the property and stated that it was so deteriorated that conventional financing for any sale was unlikely.

20. The Application included a report from Mr. Levato, of Baker, Ingram & Associates, detailing the very poor structural condition of the property, plus the presence of asbestos and mold. Photographs detailed extensive dry rot as well as collapsing roofs on the out buildings.

21. The Borough of Millersville had condemned the property as being unfit for habitation.

22. It was the recommendation of Lawrence Baker, the structural engineer who inspected the property December 7, 2017, that it was unsafe, that it was beyond repair, and that the buildings be demolished.

23. Photographs of the house in the various reports indicated that it was filled with debris and discarded items that would have substantially impeded any renovation efforts and which probably concealed additional unknown defects.

24. Following the conclusion of testimony, the Board voted unanimously to grant the special exception to allow the demolition of the structures on the property.

## **B. CONCLUSIONS OF LAW**

1. The property is located in the R-1 Residential District, subject to the Historical Overlay District.

2. Demolition of structures in the Historical Overlay District is allowed by special exception, subject to the criteria laid down in Section 309.D of the Millersville Borough Zoning Ordinance.

### **C. DISCUSSION**

This matter was reviewed by both the Historic Commission and the Planning Commission before coming to the Zoning Board, and both bodies unanimously recommended the grant of the demolition permit. We find that there was ample basis for the findings of those two commissions. We are satisfied that the Applicant has met all of the specific performance criteria of Section 309.D. This property was deteriorated for years, under prior ownership, and the lack of maintenance is not attributable to the Applicant because it did not own the property at the time.

As far as preserving the historic characteristics of the neighborhood are concerned, this property is a border area. On two sides it adjoins residential uses and on two sides it adjoins the existing school campus. The Board believes that the School District's plans, which will include installing new buffering on the west side of the property, coupled with the removal of deteriorated buildings, will enhance the residential uses to the north and west. In its present condition, the property presents opportunities for vandalism. There are no historical characteristics of the property that can reasonably be preserved. Demolition of the house and the other structures on the property is appropriate under the Zoning Ordinance.

### **D. DECISION**

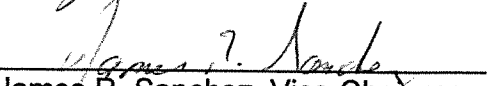
And now this 25<sup>th</sup> day of January, 2018, Applicant's request for a demolition permit to demolish all structures on the subject property is granted.

THE MILLERSVILLE BOROUGH  
ZONING HEARING BOARD

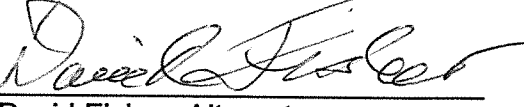
By:

  
Lindsay Gerner, Chairman

By:

  
James R. Sanchez, Vice-Chairman

By:

  
David Fisher, Alternate

James A. Kirk, Jr., Member, Vickie Usciak, Member, and Karen Eckert, Member, were not present at the hearing and took no part in this Decision.