

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

IN RE: :
APPLICATION OF : Case No. 22-02
SCOTT AND STEPHANIE GEBHARD :

**DECISION OF THE
MILLERSVILLE BOROUGH ZONING HEARING BOARD**

A. FINDINGS OF FACT

1. Applicants are Scott Gebhard and Stephanie Gebhard, 109 Manor Avenue, Millersville, Pennsylvania 17551.
2. The property which is the subject of this application is located at 109 Manor Avenue, in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicants are the owners of the subject property.
4. On June 8, 2022, Applicants filed a request for a variance to erect an accessory building larger than permitted by the zoning ordinance.
5. The application was advertised, the property was posted, and adjoining property owners were notified.
6. A hearing was held July 28, 2022.
7. The entire Board was present.
8. The hearing was stenographically recorded.
9. Robert Moyer, the zoning officer, testified that the application had been properly advertised and also that the agenda of the meeting had been posted more than 24 hours beforehand at the Borough municipal building, which was the place of the hearing, and also on the Borough website; he further testified that copies of the agenda were available at the hearing.

10. The property is used by Mr. and Mrs. Gebhard for residential purposes. It is improved with a dwelling, a swimming pool, a deteriorated garage, and a pergola.
11. Applicants wish to demolish the deteriorated garage and replace it with a 1,200 square-foot garage with three bays and storage on the second floor.
12. The garage would have an interior stairway.
13. The garage would be located three feet from the side property line, which is the minimum permitted distance.
14. The addition of the garage will not affect permissible lot coverage.
15. No one testified in opposition to the application.
16. Mr. Gebhard agreed, as a condition of approval, that the garage would only be used for their personal vehicles and storage, would not be rented out, and that no commercial activities would be conducted on the property.
17. The Board unanimously granted the variance, subject to the agreed-upon conditions.

B. CONCLUSIONS OF LAW

1. The property is located in the R-1 Residential district.
2. The maximum size of accessory buildings on any single floor is 600 square feet.
3. The garage would have a footprint of 1,008 square feet.

C. DISCUSSION

In determining whether to grant a variance, the Board must consider the potential risk of adverse community health, safety, and welfare, and whether physical conditions on the property create a hardship. Mr. Gehbard testified that the property is too small for their present needs, let alone anticipated future needs. He agreed that the garage would be used solely for residential purposes, which is always a concern this Board has when granting variances for over-large accessory structures.

The Board recognizes that the present zoning ordinance, allowing only a 600 square-foot area for accessory structures, such as garages, creates difficulties for homeowners with either more than two vehicles, or need for additional storage, or both. In this case, we find that, due to the size of the property, there will be no adverse community impact and that the garage will be of benefit to the neighborhood in allowing the Applicants to store all of their vehicles indoors.

D. DECISION

AND NOW, this 28th day of July, 2022, the application to erect a 1,200 square-foot garage, with a floor area of 1,008 square feet, is granted, subject to the agreed-upon condition that the garage not be rented out or used for any commercial purpose.

MILLERSVILLE BOROUGH
ZONING HEARING BOARD

By: _____
Lindsay Gerner, Chairman

By: _____
James A. Kirk Jr., Vice Chairman

By: _____
Vickie Usciak, Member

By: _____
James R. Sanchez, Member

By: _____
Karen Eckert, Member

W. David Sykes, the alternate, attended but did not vote, due to the fact that the full board was present.