

1 **MILLERSVILLE BOROUGH ZONING HEARING BOARD**  
2 **LANCASTER COUNTY, PENNSYLVANIA**

3  
4  
5 IN RE: : Case No. 22-03  
6 :  
7 **Christian Madera,** :  
8 *Applicant.* :  
9 :  
10 :

11 **DECISION**

12  
13 1. The **Millersville Borough Zoning Hearing Board** (herein also "**Board**"), by a 3-0 vote, renders  
14 the following decisions regarding the Property that is owned by Applicant **Christian Madera** (herein also  
15 "**Applicant**" or "**Owner**") and located in a Residential/Professional Office (RP) District at 330 North George  
16 Street, Millersville, PA 17551 (UPI #440-87193-0-0000) (herein also "**Property**") as follows:  
17

- 18 A. **AFFIRMS** the **Zoning Ordinance Violation Notice** dated September 16, 2022 (herein  
19 also "**Violation Notice**") from the Millersville Borough Zoning Officer (herein also  
20 "**ZOF**") in every respect, and directs the Applicant to move or remove the wall he installed  
21 between the Studio Apartment and the First Floor Apartment in order to restore the Studio  
22 Apartment to its original 440 square feet;  
23  
24 B. **DENIES** the requests for **equitable relief** in order to allow a fourth apartment in the  
25 basement of the Property and below the ground level;  
26  
27 C. **DENIES** **variances** from the *Millersville Borough Zoning Ordinance* (herein also "**ZO**")  
28 § 380-55(C) in order to allow a fourth apartment in the basement of the Property and below  
29 the ground level; and  
30  
31 D. **APPROVES** continuing the three apartments not in the Basement without having to  
32 include a principal commercial or institutional use in the building as would normally be  
33 required by ZO Ch. 380, *Attachment 2, Table of Permitted Uses-Primarily Nonresidential*  
34 *Districts*, Note 1.  
35

36 2. This Decision is subject to, and the Applicant and Owner shall comply with, the following  
37 **general conditions**:  
38

- 39 A. Except as modified by this Decision, in which case the Applicant and Owner shall comply  
40 with this Decision, the Applicant and Owner shall at all times comply with and adhere to  
41 the evidence presented to the Board (including, without limitation, the Applicant's  
42 application, plans, exhibits, and witnesses' testimony), all of which documents are  
43 incorporated herein.  
44  
45 B. The Applicant and Owner shall obtain all approvals and permits that are required by  
46 applicable federal, state, and local law, ordinances, codes, rules, and regulations.  
47  
48 C. This Decision shall be binding upon the Applicant and Owner, and their respective  
49 successors, heirs, and assigns.  
50  
51 D. Any violation of this Decision or conditions described herein also shall be considered a  
52 violation of the ZO and shall be subject to the penalties and remedies contained therein, in  
53 Pennsylvania's *Municipalities Planning Code*, or both (whichever is applicable).  
54

55 3. If this Decision is appealed, the Board reserves the right to subsequently amend or supplement  
56 this Decision, findings of fact, and conclusions of law that were drafted and adopted without reviewing the  
57 official transcript of the hearing in order to minimize the costs and expenses for all concerned persons.



58  
59  
60 **FINDINGS OF FACT, CONCLUSIONS OF LAW & DISCUSSION**  
61

62 4. The facts described above in Paragraph 1 are incorporated herein as part of these findings of fact.  
63

64 5. The Property is located in Millersville Borough (herein also "**Borough**") and contains  
65 approximately 0.16 acre.  
66

67 6. The Property is improved with a residential dwelling with three apartments and a proposed 4<sup>th</sup>  
68 apartment unit as follows:  
69

70 A. **First Floor Apartment 1** (herein also "**APT1**") is located on the ground floor, has two  
71 bedrooms, and contains around 1,000 square feet.  
72

73 B. **First Floor Studio Apartment 2** (herein also "**APT2**" or "**Studio**") is located on the  
74 ground floor, is a studio apartment, and currently contains around 300 square feet.  
75

76 C. **Second Floor Apartment 3** (herein also "**APT3**") is located on the second floor, has three  
77 bedrooms, and contains around 1200 square feet.  
78

79 D. **Proposed Basement Apartment 4** (herein also "**Basement**") is located below ground  
80 level, has one bedroom, and contains about 650 square feet.  
81

82 7. The Property is owner-occupied, with the Applicant currently residing in the Basement, which  
83 is proposed to be a 4<sup>th</sup> Apartment.  
84

85 8. The Applicant purchased the Property on May 29, 2021 and initially resided in the Studio until  
86 he moved into the Basement during June 2022.  
87

88 9. The Applicant testified that he spent approximately \$40,000 to improve the Basement for use as  
89 a separate dwelling unit.  
90

91 10. The Applicant testified that a kitchen and bathroom existed in the Basement when he purchased  
92 the Property, which he alleges is evidence that the Basement was previously used as a separate dwelling unit.  
93 The Board does not agree that such facts alone are adequate to conclude that the Basement was indeed  
94 previously a separate dwelling unit and, thus, such is merely unsubstantiated conjecture.  
95

96 11. The Property also has a detached two-car garage and a parking area to the rear of the dwelling.  
97

98 A. The parking area has at least eight parking spaces, two of which are within the garage.  
99

100 12. The Property is served by public sewer and water.  
101

102 13. The Applicant was served with both a Zoning Violation Notice (herein also "**Violation Notice**")  
103 and a Borough Code Violation Notice on or about September 16, 2022.  
104

105 14. The facts in the Violation Notice were adequately supported by documents and witness  
106 testimonies and, thus, are incorporated herein and accepted as findings of facts for this Decision.  
107

108 15. As of August 3, 2022, the Lancaster County tax assessment records show the dwelling to be a  
109 single family dwelling.  
110

111 16. As of October 22, 2022, the Lancaster County tax assessment records show the dwelling to be  
112 a three family dwelling.  
113

114 17. The **Residential Rental Unit License Applications** (herein also "**Applications**") for this

115 Property showed only 2 rental units for many years through 2020, and then showed 3 rental units for the first  
116 time on the July 5, 2021 Application.

117  
118 18. The Application dated August 24, 2022 discloses for the first time that there are 4 dwelling units  
119 with 3 being apartments.

120  
121 19. The Applicant applied for and obtained a Borough **Building/Zoning Permit** (herein also  
122 “**Permit**”) on September 21, 2022 to add a wall between APT1 and the Studio APT2 to create the Studio  
123 with only 300 square feet, when it was previously 440 square feet prior to said wall installation. This Permit  
124 was obtained only after the work was already completed.

125  
126 20. The Applicant applied for and obtained another Permit on September 21, 2022 for certain  
127 construction and improvements for the Basement, which Permit was obtained only after the work was already  
128 completed.

129  
130 21. **Borough Sewer/Trash & Recycling Services Bills** (herein also “**Trash Bills**”) bills for 2021  
131 and 2022 show that the Applicant was being charged for 3 and not 4 dwelling units.

132  
133 22. The Applicant presented several **Property Maintenance Inspection Notices** (herein also  
134 “**Inspection Notices**”) through 2019, many of which are unreadable in many respects; but they all appear  
135 to show the number of apartment units to be 2.

136  
137 A. The Applicant also presented an Inspection Notice for November 17, 2021, which shows  
138 3 apartment units for the first time (specifically for APT1, APT2 & APT3, but not the  
139 Basement.

140  
141 23. The Applicant also presented a Borough **Rental License** (herein also “**License**”) for July 2021  
142 through July 2022 showing it was only for 2 apartment units.

143  
144 24. The Applicant testified he relied on the various Applications, Permits, Inspection Notices, and  
145 Licenses as approval for his 3 apartments, and he just assumed he could use the Basement as a fourth  
146 apartment. The Board believes that neither such reliance nor assumption are reasonable or justified in this  
147 case.

148  
149 25. The Applicant also made bald statements that his variances if granted would not disturb or  
150 adversely affect the neighborhood or general welfare, but no specific evidence was provided to substantiate  
151 same.

152  
153 26. The Applicant testified that he requested approval from the Borough for the 4<sup>th</sup> apartment, but  
154 the Borough rejected same. He nevertheless proceeded to improve the Basement as a separate dwelling unit.

155  
156 27. The Borough conceded that it’s prior ZOF appears to have made a mistake in approving the 3<sup>rd</sup>  
157 apartment without requiring the Applicant to obtain a Permit and instead just approved the Applicant’s  
158 Application showing three apartments. The Board does not necessarily agree that such Permit is still not  
159 required, but it will consider such issue moot for purposes of this case in light of the Borough’s concession.

160  
161 28. The evidence is clear that the Applicant did not apply for or receive a Permit to add a 4<sup>th</sup>  
162 apartment in the Basement.

163  
164 29. It should be noted that the Board had difficulty believing much of the Applicant’s testimony,  
165 because while he initially inquired about and followed the Borough’s ordinances, rules, and regulations when  
166 he bought the Property, he thereafter either conveniently failed to or deliberately did not follow all of the  
167 Borough’s applicable ordinances, rules, and regulations applicable to the 3<sup>rd</sup> and proposed 4<sup>th</sup> apartments,  
168 and he failed to obtain all the proper inspections, permits, licenses, and other procedures from which he now  
169 wants variances or to be excused from following simply because of the Borough’s failures to catch him. He  
170 even admitted at one point in his testimony that he knew he was in violation, but he nevertheless proceeded  
171 to his own detriment.

172  
173 30. The Applicant first requests that the ZOF's Violation Notice be reversed on the theories of either  
174 equitable/vested rights or a preexisting nonconforming use, which the Board finds meritless.  
175

176 31. A lawful, nonconforming use of a property is a use predating a subsequent prohibitory zoning  
177 restriction. The right to maintain a nonconforming use is only available for uses that were lawful when they  
178 came into existence and which existed when the ordinance took effect. It is the burden of the party proposing  
179 the existence of a nonconforming use to establish both its existence and legality before the enactment of the  
180 ordinance at issue. That burden includes the requirement of conclusive proof by way of objective evidence  
181 of the precise extent, nature, time of creation, and continuation of the alleged nonconforming use.  
182 *Pietro Paolo v. Zoning Hearing Bd. of Lower Merion Twp.*, 979 A.2d 969 (Pa. Commw. 2009).  
183

184 32. In the present case, the Applicant failed to provide any conclusive, objective proof of the  
185 existence and legality of the fourth apartment being a nonconforming use that should be allowed to continue.  
186

187 33. Zoning hearing boards have jurisdiction to grant **equitable relief** in the nature of a **vested right**  
188 when a municipality has taken some affirmative action such as the issuance of a permit; a **variance by**  
189 **estoppel** when there has been municipal inaction amounting to active acquiescence in an illegal use; or  
190 **equitable estoppel** when the municipality intentionally or negligently misrepresented its position with reason  
191 to know that landowner would rely upon that misrepresentation. All three theories share common elements  
192 of good faith action on the part of the landowner that he relies on to his detriment (such as making substantial  
193 expenditures), based upon an innocent belief that the use is permitted, and that enforcement of the ordinance  
194 would result in hardship (ordinarily that the values of the expenditures would be lost). Estoppel under these  
195 three theories is an unusual remedy granted only in extraordinary circumstances, and the landowner bears  
196 the burden of proving his entitlement to relief. *Vaughn v. Zoning Hrg. Bd. of the Twp. of Shaler*, 947  
197 A.2d 218 (Pa. Commw 2008).  
198

199 A. In "**vested rights**" cases, municipal action that induces reliance has generally been the erroneous  
200 issuance of a permit. *Petrosky, infra; Mirkovic v. Zoning Hrg. Bd. of Smithfield Twp*, 613 A.2d 662  
201 (Pa. Commw. 1992). The Pennsylvania Supreme Court set forth five factors for determining whether  
202 a landowner has acquired a vested right: (1) the landowner's due diligence in attempting to comply  
203 with the law; (2) the landowner's good faith throughout the proceedings; (3) the landowner's  
204 expenditure of substantial unrecoverable funds; (4) the expiration without appeal of the period during  
205 which an appeal could have been taken from the issuance of a permit; and (5) the insufficiency of the  
206 evidence to prove that individual property rights or the public health, safety or welfare would be  
207 adversely affected by the use of a permit. However, such five factors are not absolute requirements.  
208 *Mirkovic, supra; Highland Park Community Club v. Zoning Bd. of Adj. of the City of Pittsburgh*, 475  
209 A.2d 925 (Pa. Commw. 1984), *affirmed*, 506 A.2d 887 (1986).  
210

211 (1) In the present case, the Applicant is not entitled to a vested right for the 4<sup>th</sup> apartment, because  
212 the Borough never erroneously issued a permit for him to rely upon. The Applicant also never  
213 exercised good faith or due diligence in attempting to comply with the law. In fact, he didn't  
214 make any attempt to comply until he was served with the Violation Notice. He also had  
215 admitted at one point that he knew he was violating the ZO.

216 B. Courts have generally labeled the theory under which a municipality is estopped as a  
217 "**variance by estoppel**" when there has been municipal inaction amounting to active  
218 acquiescence in an illegal use. *Skarvelis v. Zoning Hearing Board of Dormont*, 679 A.2d  
219 278 (Pa. Commw. 1996).  
220

221 (1) In the present case, the Applicant has not shown that the Borough actively acquiesced  
222 in the illegal 4<sup>th</sup> apartment use. In fact, when the Applicant allegedly asked the  
223 Borough for permission for the 4<sup>th</sup> apartment, the Borough said no. When the  
224 Borough later found out about the Basement being improved and readied to be used  
225 as a 4<sup>th</sup> apartment, the Borough served the Applicant with two Violation Notices and  
226 proceeded to enforce them  
227

228 C. Courts have generally labeled the theory under which a municipality is estopped as  
229 "**equitable estoppel**" when the municipality intentionally or negligently misrepresented its

230 position with reason to know that the landowner would rely upon the misrepresentation.  
231 *Cicchiello v. Bloomsburg Zoning Hearing Board*, 617 A.2d 835 (Pa. Commw. 1992),  
232 *appeal denied*, 641 A.2d 589 (1994).  
233

234 (1) In the present case, the Borough made no such intentional nor negligent  
235 misrepresentations. The Applicant suggested that he relied on the Applications,  
236 Permits, Licenses, Trash Bills, and Inspection Notices as permission to proceed with  
237 the 4<sup>th</sup> apartment. But such reliance was unjustified and unreasonable, and none of  
238 such documents ever misrepresented the Borough's intentions. Moreover, the  
239 Applications specifically state the following: "This application is for the licensing  
240 of a residential rental unit under Millersville Borough Codified Ordinances at Chapter  
241 290. **Issuance of a Residential Rental Unit License does not indicate that the  
242 residential rental unit is in compliance with the Borough Building Code,  
243 Borough Property Maintenance Code, Borough Zoning Ordinance, or any other  
244 applicable code or ordinance.**" (emphasis added) So the Applicant could not and  
245 should not have been relying on the Applications or other documents, particularly  
246 when he was not being truthful or complete with his answers in those documents  
247

248 34. The Applicant then requested variances from ZO § 380-55(C) in order to allow a fourth  
249 apartment in the basement of the Property and below the ground level, which the Board finds meritless.  
250

251 35. ZO § 380-55.C provides in relevant part as follows:  
252

253 C. **Minimum size of dwellings. Each dwelling unit of two or fewer bedrooms shall  
254 include a minimum of 500 square feet of enclosed habitable, indoor, heated floor  
255 area, which shall be primarily above the ground level. This minimum floor area  
256 shall be increased to 800 square feet if there are three or more bedrooms.**  
257 (emphasis added)  
258

259 36. In the present case, the Studio was originally 440 square feet and such was reduced to 300 square  
260 feet by installation of the wall. The Studio violated the above section even at 440 square feet since 88 square  
261 feet is needed for the three plus bedrooms the apartments have. How that occurred is not clear from the  
262 evidence. But the Applicant certainly could not make the deviation much worse by installing the wall such  
263 that the Studio is now 300 square feet. Consequently, he must comply with the Violation Notice and move  
264 or remove the wall in order to restore the 440 square feet at a minimum for the Studio. Furthermore, the  
265 proposed 4<sup>th</sup> apartment would be primarily below ground level contrary to the above section. The Applicant  
266 is not entitled to a variance for either the square footage or below ground violations for the reasons stated  
267 below.  
268

269 37. ZO § 380-12.D(3) provides in relevant part as follows:  
270

271 (3) Variances.

272 (a) The Board shall hear requests for variances filed with the Borough staff in  
273 writing.

274 (b) Standards. The Board may grant a variance only within the limitations of  
275 state law. (Note: As of the adoption date of this chapter, the Municipalities  
276 Planning Code provided that all of the following findings must be made,[5]  
277 where relevant:

278 [1] There are unique physical circumstances or conditions (including  
279 irregularity, narrowness, or shallowness of lot size or shape or  
280 exceptional topographical or other physical conditions peculiar to  
281 the particular property) and that the unnecessary hardship is due to  
282 such conditions and not the circumstances or conditions generally  
283 created by the provisions of this chapter in the neighborhood or  
284 district in which the property is located;

285 [2] Because of such physical circumstances or conditions, there is no  
286 possibility that the property can be developed in strict conformity  
287 with the provisions of this chapter, and a variance is therefore  
288 necessary to enable the reasonable use of the property;

289 [3] Such unnecessary hardship has not been created by the appellant;

290 [4] The variance, if authorized, will not alter the essential character of

- 291 the neighborhood or district in which the property is located, nor  
292 substantially or permanently impair the appropriate use or  
293 development of adjacent property, nor be detrimental to the public  
294 welfare; and  
295 [5] The variance, if authorized, will represent the minimum variance  
296 that will afford relief and will represent the least modification  
297 possible of the regulation in issue.)  
298 (c) In granting any variance, the Board may attach such reasonable conditions  
299 and safeguards as it may deem necessary to implement the purposes of this  
300 chapter.  
301

302 38. Variances may be granted only in exceptional circumstances, with an applicant's burden of  
303 proving such circumstances being a heavy one. *E.g., Township of Washington v. Washington Township*  
304 *Zoning Hearing Board*, 365 A.2d 691 (Pa. Commw. 1976). Applicants failed to meet such burden of proof  
305 in this case in several manners as further described in this Decision.  
306

307 39. An applicant for a variance bears the burden of proving that unnecessary hardship will result if  
308 the variance is not granted, and that the grant of the proposed variance will not be contrary to the public  
309 interest. *E.g., Valley View Civic Association v. Zoning Board of Adjustment*, 462 A.2d 637 (Pa. 1983);  
310 *Zaruta v. Zoning Hearing Board of the City of Wilkes-Barre*, 543 A.2d 1282 (Pa. Commw. 1988); *Hertzberg*  
311 *v. Pittsburgh Zoning Bd. of Adjustment*, 554 Pa. 249, 256-257, 721 A.2d 43, 47-48 (1998); *Appeal of Musser*  
312 *from the Decision of the Clay Township Zoning Hearing Board*, 77 Lanc. L.R. 53, 56 (2000); 53 P.S.  
313 §10910.2.  
314

315 40. Pennsylvania courts have long held that circumstances unique to the user of a property and not  
316 to the property itself do not constitute unnecessary hardship. *E.g., Chrin v. Zoning Hearing Board of the*  
317 *Borough of Nazareth*, 127 Pa. Commw. Ct. 279, 561 A.2d 833 (1989).  
318

319 41. Unnecessary hardship justifying the grant of a variance can be shown when denial of a variance  
320 would render the property practically useless. Economic and personal considerations in and of themselves  
321 are insufficient to constitute hardship. *McNally v. Bonner*, 165 Pa. Commonwealth Ct. 186, 645 A.2d 287,  
322 289 (1994) (citations omitted). *See also Evans v. Zoning Hearing Board of the Borough of Spring City*, 723  
323 A.2d 686 (Pa. Commw. 1999).  
324

325 42. Variances are not granted to allow the highest and best use of land. Instead, variances are granted  
326 to allow a reasonable use of land. As the Commonwealth Court stated long ago in *Marple Gardens, Inc. v.*  
327 *Board of Zoning Adjustment of Marple Township*, 8 Pa. Commw. Ct. 436, 303 A.2d 239, 242 (1973), "[T]he  
328 test is not whether the desired use of the property by its owner is the more desirable or even the best use."  
329

330 43. A variance, if granted, must be the minimum that will afford relief and will represent the least  
331 modification of the ordinance. *E.g., Rogers vs. Zoning Hearing Board of East Pikeland Township*, 520 A.2d  
332 922, 924 (Pa. Commw. 1987); MPC § 9102(a)(5); Zoning Ordinance § 184-65(D)(4).  
333

334 44. Based upon the foregoing facts, legal principles, testimony, and other evidence presented at the  
335 hearing, the Applicant's above variance requests should be and are hereby denied because, *inter alia*, he has  
336 not met his heavy burden of proof for said variances in at least the following respects:  
337

- 338 A. The Applicant failed to adequately prove that there are unique physical circumstances  
339 peculiar to his Property that results in "unnecessary hardship" as is needed under applicable  
340 zoning law. The only discernable "unnecessary hardships" expressed by the Applicant  
341 appeared to be (1) the original Basement kitchen and bathroom somehow constitutes an  
342 hardship necessary that prevents him from using the dwelling for multi-unit apartment  
343 rentals, or (2) it would be too costly to renovate the Property to add a commercial or  
344 industrial use in order to comply with the ZO. But the Applicant provided no specific  
345 evidence to confirm his subjective opinion about excessive renovation costs. And the  
346 Board disagrees and cannot imagine how the Basement kitchen and bathroom could even  
347 create an unnecessary hardship or how such prevents him from using his dwelling for  
348 multiple apartments, particularly since he already is doing so with his 3 apartments.  
349 Moreover, economic and personal considerations in and of themselves are insufficient to

350 constitute an “unnecessary hardship” caused by unique physical circumstances or  
351 conditions of the Property including, without limitation, irregularity, narrowness, or  
352 shallowness of lot size or shape, or exceptional topographical or other physical conditions  
353 peculiar to the Property.  
354

- 355 B. To the extent the Applicant has actually suffered an otherwise legally proper “unnecessary  
356 hardship” under applicable zoning law, such hardship appears to be personal and unique  
357 to the user of the Property and not to the Property itself.  
358
- 359 C. The Applicant failed to adequately prove that because of some unique physical  
360 circumstances or conditions of the Property, there is no possibility that the property can be  
361 developed in strict conformity with the provisions of the ZO and that the authorization of  
362 a variance is therefore necessary to enable the reasonable use of the Property. To the  
363 contrary, the Property can be and has been reasonably used in the past for a three unit  
364 apartment building, and it also could be used for other uses permitted by the ZO outright,  
365 as special exceptions, or as conditional uses, all without the need for variances as requested  
366 by the Applicant.  
367
- 368 D. The Applicant failed to adequately prove that the variances, if authorized, will not  
369 adversely alter the essential character of the neighborhood or district in which the Property  
370 is located. Yes, the Applicant made bald statements to that effect, but he still needed to  
371 support same with some evidence. He didn’t.  
372
- 373 E. While the desired variances may make the Property more desirable to the Applicant, or  
374 result in a better or best use of the Property, those are not the tests for granting traditional  
375 variances. And  
376
- 377 F. The Applicant failed to adequately prove that the variances, if authorized, will represent  
378 the minimum variance that will afford relief and will represent the least modification  
379 possible of the regulation in issue. Again, no evidence of such was presented.  
380

381 45. ZO Ch. 380, Attachment 2, Table of Permitted Uses—Primarily Nonresidential Districts, Note 1,  
382 provides in relevant part as follows:  
383

- 384 1. **Within the RP District, this use shall be limited to within buildings that**  
385 **existed at the time of adoption of this chapter. Minor additions shall be**  
386 **allowed to an existing building for handicapped accessibility and**  
387 **emergency access. See minimum floor area requirements for dwellings**  
388 **in § 380-55. Apartments shall only be allowed in a building that also**  
389 **includes an allowed principal commercial or institutional use. (emphasis**  
390 **added)**  
391

392 46. The Borough conceded that despite the above requirement, the Applicant need not provide a  
393 commercial or industrial use in the Property dwelling with the 3 apartments, because the known history for  
394 this Property confirms that such commercial or industrial use requirement has not previously been imposed  
395 or enforced for this particular Property. Accordingly, the Board believes it is reasonable not to enforce the  
396 above requirement in this particular case due to such concession.  
397

398 47. FOR THE FOREGOING REASONS, the Board affirms the ZOF’s Violation Notice in all  
399 respects and denies Applicant’s variance requests as more fully described herein.  
400

401 **MILLERSVILLE BOROUGH ZONING**  
402 **HEARING BOARD**

403  
404 By: 

405 Lindsay Gerner, Chairperson

406  
407   
408 Vickie Usciak

409  
410   
411 W. David Sykes

412  
413 **DATED AND FILED DECEMBER 22, 2022**, after public notice and hearing duly commenced on  
414 November 17, 2022 and continued until December 22, 2022 solely for purposes of voting upon this Decision.  
416  
417

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418 **APPEALS DEADLINE**

419  
420 **ALL APPEALS OF THIS DECISION MUST BE FILED WITH THE LANCASTER COUNTY**  
421 **COURT OF COMMON PLEAS, LANCASTER COUNTY, PENNSYLVANIA, WITHIN THIRTY**  
422 **(30) DAYS OF THE DATE OF SERVICE OF THIS DECISION.**  
424  
425

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426 **PROOF OF SERVICE**

427  
428 The undersigned hereby certifies that the **Date of Service of this Decision** is on **December 22, 2022**, and it was served  
429 upon the persons at their respective addresses and in the manners as follows [*applicable boxes* are checked]:  
430

431 **PERSONS SERVED:**

**METHOD OF SERVICE:**

432 **Applicant:**

433 **Christian Madera**  
434 330 North George Street  
435 Millersville, PA 17551  
436

- Hand delivery  
 Ordinary United States first class mail

437 **Applicant's Attorney:**

438 **Sheila V. O'Rourke, Esquire**  
439 Gibbel Kraybill & Hess, LLP  
440 2933 Lititz Pike, POB 5349  
441 Lancaster, PA 17606  
442

- Hand delivery  
 Ordinary United States first class mail

443 **Other Parties:**

444 **Millersville Borough**  
445 100 Municipal Drive  
446 Millersville, PA 17551  
447

- Hand delivery  
 Ordinary United States first class mail

448 **Millersville Borough's Solicitor:**

449 **Josele Cleary, Esquire**  
450 Morgan Hallgren Crosswell & Kane, P.C.  
451 700 N Duke Street  
452 Lancaster, PA 17602

- Hand delivery  
 Ordinary United States first class mail

453  
454 DATED: December 22, 2022  
455

  
\_\_\_\_\_  
Greg Sahd, Millersville Boro. Mgr.