

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

IN RE: :
APPLICATION OF : Case No. 25-01
MICHAEL KARPOUZIS :
: :
: :

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

A. FINDINGS OF FACT

1. Applicant is Michael Karpouzis, 62 Oak Ridge Drive, Lancaster, PA 17603.
2. The property which is the subject of this application is located at 108 N. George Street in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicant is the owner of the property.
4. Applicant was present and testified at the hearing.
5. On December 20, 2024, Applicant filed a request for a variance to allow a second apartment on the subject property without a commercial or institutional use.
6. The application was advertised, the property was posted, and adjoining property owners were notified.
7. A hearing was held January 23, 2025.
8. The Board consisted of Lynn Miller, chair; Vicki Usiack, W. David Sykes, and Ed Hersh, the alternate.
9. The hearing was stenographically recorded.

10. At the beginning of the hearing the solicitor announced that the Board had conducted an executive session.

11. Robert Moyer, the zoning and codes enforcement officer, was sworn and testified that the agenda had been posted on the Borough website and on the Borough municipal building at least 24 hours before the hearing and that copies of the agenda were available for the public.

12. Attorney Sheila O'Rourke represented the Applicant.

13. At the start of the hearing, Attorney O'Rourke submitted four exhibits, which later were formally received into the record.

14. The subject property is a 0.4 acre lot, improved with a two-story residence built in approximately 1881, consisting of 2,300 square feet. Five parking spaces are provided on-site. The property is a Class II historical site under the Borough zoning ordinance because of the age of the house.

15. Applicant, who has owned the adjoining commercial property for many years, stated that it was used as residential rental use until 2008, at which time it was vacated because of extensive damage done by the last tenants. After that, the property remained closed, and deteriorated over the years. It was the subject of repeated vandalism. The police were called to the property to deal with trespassers on several occasions.

16. The property was the subject of a hearing before this board December 28, 2023, involving the prior owners, case 23-03, in which they sought to demolish the building. This Board denied relief.

17. Applicant purchased the property in March of 2024. His primary goal was to protect his commercial property from what had become a blighted property.

18. At the time of the purchase, multiple trees had fallen against the structure, causing damage to gutters and brickwork. All the appliances, as well as the copper piping and heating system, had been stolen. The interior was covered in graffiti.

19. Applicant removed 19 trees that were endangering the structure, repointed large areas of the front facade and installed new bricks to replace damaged ones. He had the new bricks dyed to match the original bricks. He installed new gutters and downspouts as well as new soffits. All 43 windows and 5 doors were replaced. A new heating and air conditioning system was installed. All wiring and plumbing were replaced. The driveway was resurfaced. Applicant was not allowed, because of lot coverage concerns, to replace the walkways with concrete, so he was required to install a permeable system of pavers to replace the deteriorated walkways.

20. Applicant created a three-bedroom, two-bath apartment in the second floor, which has been occupied since October 2024.

21. The first floor has not been renovated.

22. Applicant's photographs documented his testimony regarding both the condition of the property at the time of purchase as well as its present condition.

23. The first floor of the house consists of approximately 900 square feet and is bisected by a staircase leading to the basement. The staircase creates a passageway only 32 inches wide between the front and rear halves of the first floor. If the staircase was removed there would be no access to the basement.

24. Applicant has spent \$297,000 to renovate the property so far, exclusive of the purchase price. Mr. Moyer indicated that Applicant has complied with the requirements of the historic district and that he obtained permits from the Borough for all the work.

25. Applicant desires to create an apartment on the first floor, rather than a commercial or institutional use as required by the zoning ordinance.

26. If the first floor was prepared for commercial use, a fire sprinkler system would be required; further, that system would have to be installed in the apartment upstairs as well.

27. A commercial use would require the first floor be ADA-compliant.

28. If the property had a commercial use downstairs, 11 parking spaces would be required, in addition to the 2 used by the upstairs tenants. Further, if the additional parking was provided, Applicant would need to create a stormwater management plan to deal with the additional impervious surface.

29. Realtors with whom Applicant consulted indicated that the first floor could be rented for between \$825 and \$975 per month, assuming a tenant could be found who wanted a space that was subdivided into two small spaces.

30. The minimum cost of preparing the first floor for commercial use would be approximately \$300,000 and could reach \$400,000.

31. Applicant presented credible testimony in the form of Applicant's Exhibit Four to the effect that there are at least five two-family and three-family dwellings without commercial uses in the immediate vicinity of the subject property.

32. There was no testimony in opposition to the request.

33. Following the close of testimony, the Board conducted an executive session with its solicitor.

34. When the Board resumed public session, it voted unanimously to grant the requested variance.

B. CONCLUSIONS OF LAW

1. The property is located in the RP Residential Professional Office zoning district.

2. The home has been identified as a Class II historic resource.

3. More than one apartment is allowed in the RP zoning district if the property has a commercial or institutional use. Table of Permitted Uses, Primarily Nonresidential Districts, Apartments, Note 1.

4. The permitted commercial uses for the first floor are:

1. Bakery.
2. Bed and Breakfast.
3. Communications tower.
4. Crafts or artisan's studio.
5. Custom printing shop.
6. Office.
7. Personal services such as tailoring, dressmaking, and hairstyling.
8. Support uses for a college or university.
9. Cultural center or museum.
10. Community center or library.
11. Day care center.

12. Place of worship.

13. Borough-owned uses.

14. US Postal Service facility.

5. The small size of the first floor, coupled with the fact that the first floor is functionally divided in half by the stairway, plus the lack of parking, constitutes a hardship which was not of the Applicant's making.

6. Because Applicant is seeking to add only one additional apartment, the relief requested is the minimum necessary to afford relief.

C. DISCUSSION

A variance may be properly considered when the applicant shows a hardship, which means proof that the property is burdened by unique physical circumstances, not the fault of the applicant, which makes strict compliance with the zoning ordinance unreasonable. Applicant met his burden and there was no countervailing testimony.

In the usual case, the hardship stems from the land and the issue is whether the lot is too small, shaped too irregularly, or burdened with topographic problems, to allow reasonable development without a variance. Although the small size of the lot is significant, the hardship also stems from the structure itself. The 950 square feet available on the first floor is too small for most of the uses allowed in the zoning district, except for a personal services establishment. Further, even the space available is compromised by the basement stairs that divide the floor into two smaller areas with only a 32-inch-wide hallway for access.

Even assuming that a personal services office is a practical use, Applicant offered credible testimony that the costs associated with a commercial use would be financially unreasonable.

In granting the relief, we have considered the fact that there are numerous other multi-dwelling units in the neighborhood that are not accompanied by commercial or institutional uses.

The Board also notes that granting the proposed variance obviates the need for Applicant to come before us for an extensive waiver of the parking requirements that would need to be met if there was a commercial use. The five parking spaces are appropriate for two residential uses. Insisting that Applicant create a commercial use, with no clear way for him to provide the necessary parking, would be of no benefit to the community health, safety and welfare.

D. DECISION

AND NOW, this 23rd day of January 2025, the decision of the Board is as follows:

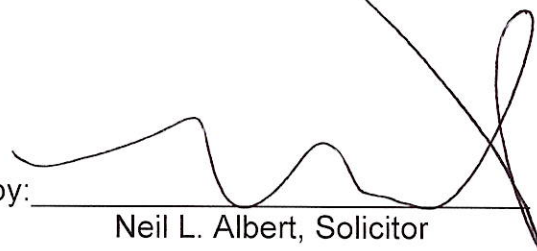
Applicant is granted a variance to maintain two apartments on the subject property without any commercial or institutional use.

THE MILLERSVILLE BOROUGH ZONING HEARING BOARD

February 4, 2025

by:

Neil L. Albert, Solicitor

A handwritten signature in black ink, appearing to read "Neil L. Albert", is written over a horizontal line. The signature is stylized with a large loop at the end.