

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

IN RE: :  
APPLICATION OF : Case No. 25-02  
CHRISTOPHER J. WOELFLE :  
: :  
: :

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

**A. FINDINGS OF FACT**

1. Applicant is Christopher J. Woelfle, 57 West Cottage Avenue, Millersville, PA 17551.
2. The property which is the subject of this application is located at 309 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, along with his wife Susan Woelfle.
5. On February 20, 2025, Applicant filed a request for a variance to allow the property to be used for two apartments without an associated commercial or professional use.
6. The application was advertised, the property was posted, and adjoining property owners were notified.
7. A hearing was held March 27, 2025.
8. The Board consisted of Vicki Usiack, chair, Ed Hersh, William Hess, W. David Sykes, and Seth Johnston.

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. Joseph J. Kenneff, Esquire, represented the Applicant.

13. Applicant purchased the property in August 2022. At the time of purchase the dwelling on the property was already divided into two units, one of which occupied the entire first floor and the second occupying the entire second floor. Each unit had its own electrical service and heating systems.

14. The property consists of 0.28 acres.

15. In addition to the dwelling, the property is improved with a barn in the rear and a parking area sufficient for four vehicles.

16. The parking area is accessed by a driveway seven and a half feet wide on the north side of the lot.

17. The house is set back only one foot on the south side, which prohibits access from the front to rear on that side.

18. Applicant received no offers from any prospective tenants to use the property for commercial purposes.

19. The property had last been used as offices by a group of psychologists, but after years of difficulties due to the lack of parking, they purchased the former dental office next door and relocated their business to that location.

20. In addition to the exhibits included with the application, Applicant introduced Exhibit F at the hearing, being a letter from a Michael Brunner who explained that his wife had been one of the therapists renting the property and that they relocated due to parking issues.

21. Applicant began using the property as a two-unit rental residential dwelling unit in November 2022. Applicant was not aware at that time, or at the time of purchase, that the zoning ordinance required a commercial use in order to have two apartments.

22. In addition to the testimony of Applicant and his wife, a neighbor and one of the tenants testified in support of the application. The neighbor, Ms. Cindy LeVan, of 232 North George, stated that the property was unsuited to any commercial use due to lack of parking and the narrowness of the driveway.

23. Mr. Moyer stated that Applicant has operated this rental property, as well as his other rental properties in the borough, in a clean and attractive manner.

24. No one testified in opposition.

25. At the conclusion of the hearing the board 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. 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.

3. 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.

4. Any of the allowable commercial uses would require more than the two existing parking spaces currently used by the first floor dwelling unit.

5. It is not possible to provide the required commercial parking due to the small size of the lot.

### **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.

The small size of the lot, coupled with the size of the existing structure, means that there is no possibility of providing additional parking. We also note that the seven and a half foot-wide driveway is more appropriate for residential rather than commercial use. Further, any commercial access to the rear would be further limited by the fact that no front to rear access exists on the southern side.

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. We are satisfied that Applicant showed that a hardship would result if relief was not granted.

**D. DECISION**

AND NOW, this 27<sup>th</sup> day of March, 2025, the decision of the Board is as follows:

Applicant is granted a variance to allow the property to be used as a dwelling for not more than two residential units without a commercial use, subject to the following conditions:

1. Applicant shall provide at least two parking spaces for each unit.
2. Applicant shall operate the property in accordance with the testimony and exhibits presented at the hearing.

THE MILLERSVILLE BOROUGH ZONING HEARING BOARD

April 7, 2025

by:

  
Neil L. Albert, Solicitor