

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

IN RE:	:	
APPLICATION OF	:	Case No. 25-03
STUDENT LODGING, INC.	:	
	:	

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

**A. FINDINGS OF FACT**

1. Applicant is Student Lodging, Inc., 21 South George Street, Millersville, PA 17551.
2. The properties which are the subject of this application are located at 14 North George Street, 28 North George Street, and 30 North George Street in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicant's related company Student Services, Inc., is the owner of the property at 30 North George Street. The properties at 14 and 28 North George are owned by Millersville University, which has given permission for this application.
4. All three subject properties are contiguous.
5. On June 21, 2025, Applicant filed a request for variances relating to the spacing of shade trees, height of the building, and orientation of the building towards a private alley rather than a public street.
6. The application was advertised, the property was posted, and adjoining property owners were notified.
7. A hearing was held July 24, 2025.

8. The Board consisted of Ed Hersh, William Hess, W. David Sykes, Seth Johnston and alternate Jennifer Engle. At the request of the Board, in the absence of a chair or vice-chair, the solicitor served as acting chair.

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. The subject properties are intended for development as a mixed use building with commercial uses on the first floor, and 32 apartments on the second through fifth floors. The building will have elevators and will have provisions for sprinklers. As part of the project, parking will be provided in accordance with the zoning ordinance requirements. The first floor will include a restaurant use in the western part of the first floor near George Street. As part of the proposed restaurant use, outdoor seating will be provided on the George Street side.

13. The restaurant is intended to serve alcohol. Due to legal restrictions imposed on property owned by the university, it would be extremely difficult to obtain permission to sell alcohol if the restaurant was not on the portion of the tract owned by Student Lodging.

14. The proposed five-story building will be located on the lot at 30 North George, the lot owned by the applicant. The two lots owned by the university will be used to

provide the required parking. Applicant will provide 77 spaces on-site and additional spaces off-site for a total of 112 spaces overall, subject to land development approvals.

15. A number of existing public utility lines impact the possible placement of landscaping trees required under the ordinance. These lines are particularly a factor at the intersection of George Street and Normal Avenue.

16. Underground utilities, including water, sewer, and data lines, run through the southern part of the site. The presence of these utilities prevent the apartment building from being constructed in the southern part of the lot.

17. The site slopes from the northeast to the southwest, making it difficult to construct a building oriented north and south, parallel to George Street.

18. At its closest point, the apartment building would be 124 feet from a single family residence, the one located at 108 North George across the street. The maximum anticipated height of the building would be 68 feet, although it may be slightly lower as built.

19. The apartment building was originally planned for four stories but calculations showed that, with the anticipated costs of development, a fifth story was essential to make the project financially viable.

20. The apartments will be rented at market rates, and although students would be allowed to rent along with anyone else, Student Lodging does not believe that the tenant mix will be primarily students.

21. The required number of shade trees, being one tree for every forty feet of street frontage, can be provided on most of the street frontages, but overhead electric lines near the northwest corner of the lot prevents the placement of three of the trees

along the property edge in that area. Applicant proposes to place the trees in the parking lot as interior landscaping instead.

22. Applicant was represented by Reilly Noetzel, Esquire.

23. Applicant's witnesses were Geoffrey Beers, the CEO of Student Lodging and Student Services, and Tom Godfrey, the project engineer.

24. A member of the audience, John Lichty, raised general concerns about the impact of the project but did not request party status. No one else testified.

25. Applicant introduced four exhibits; Applicant's One, being the zoning application; Applicant's Two, the addendum submitted with the application; Applicant's Three, several computer-generated renderings of the projected appearance of the site; and Applicant's Four, a site plan slightly revised from the one submitted with the application.

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

27. Following the executive session, the Board resumed public session, closed testimony, and voted unanimously to grant the application as presented.

## **B. CONCLUSIONS OF LAW**

1. The properties are located in the R-1A Residential Academic Zoning District, subject to the LCO Limited Commercial Overlay, Chapter 380-30.2..

2. Within the R-1A District, university buildings are allowed a maximum height of 9 stories or 100 feet, provided that all portions of the building in excess of 40 feet are at

least 200 feet away from lots used or zoned for private residential purposes. 380-28.B.1.c.

3. Borough staff and the Borough solicitor agree with Applicant that the property owned by Student Services is a “university property” for purposes of this application.

4. Even though the apartment building is considered a university building, it is still subject to the height limitation of 40 feet because it will be located within 200 feet of a residential use not owned by the university. Chapter 380-028.B.1.

5. New principal buildings in the LCO Overlay district are to be oriented onto a public street. Chapter 380-30.2.d.1.b.

6. A shade tree must be planted every 40 feet of street frontage in the LCO Overlay district. Chapter 380-30.2.D.1.b.

7. The testimony of Applicant’s witnesses was credible.

8. The property is subject to unique physical conditions not the fault of the Applicant which make development in strict accordance with the ordinance unreasonably burdensome.

9. The relief requested is dimensional in nature.

### **C. DISCUSSION**

This project comes at an important moment in the history of the university and the borough. Years of decline in university enrollment levels have created a surplus of university-owned properties, which in turn creates redevelopment opportunities on the fringes of the campus. The Limited Commercial Overlay District was created in direct response to these circumstances.

Although this is the first time we have been asked to construe the Limited Commercial Overlay ordinance, we are guided by familiar principles regarding the law of variances. A property owner is entitled to have a request for a variance to be considered if the property is subject to unique physical factors, not the fault of the applicant, that render the proposed use unreasonably difficult. The factors must stem from the inability to reasonably use the land as zoned and must not be merely economic in nature. Where dimensional variances are requested, as in this case, the applicant need not demonstrate that the property cannot be used without relief, only that the restrictions unreasonably burden reasonable development. Most important, the relief granted must be the minimum relief necessary, and the variances must not cause an adverse impact on the community health, safety and welfare.

In this case, the property is burdened in several ways. The most important physical factor is the slope running downhill from the northeast to the southwest corner. This slope makes it difficult to orient the building north to south, along George Street, as the ordinance requires. However, Applicant's design will minimize the impact of the east and west orientation by placing outdoor seating as well as an interior pedestrian walkway on the western, George Street side. The design is doing what it can to provide an attractive streetscape within the limitation of the lot.

Regarding the height variance, if the apartment building could be placed on the southern end of the lot the apparent height would be less and the distance from the residence at 108 North George would be increased, possibly to the point where no relief would be necessary. However, Applicant's testimony demonstrated that such a placement is impractical for both physical and legal reasons.

Given that the affected residence at 108 North George is 124 feet away, and that no other residences are affected, we find that the height variance requested is reasonable and will not cause undue adverse impact.

The variance respecting the placement of three shade trees is reasonable and is also de minimis.

This project is not perfect. No land development is. The Board would have preferred a lower building, and one oriented along George Street. However, we are persuaded by the testimony that neither is possible. After carefully considering the project, we are satisfied that it is a reasonable response to the problems of development of the site, and that the relief requested is the minimum necessary to allow Applicant a reasonable use of the site. We also have a number of concerns about traffic and parking, but realize that these will be fully considered during the land development process.

#### **D. DECISION**

AND NOW, this 24<sup>th</sup> day of July 2025, the application is granted as presented. Applicant is granted a variance to erect a structure greater than 40 feet, not to exceed 68 feet; Applicant is granted a variance from the perimeter shade tree requirements not to place three of the trees on the perimeter but instead to place them in the interior; and Applicant is granted permission to construct the building in the general location and orientation shown in the exhibits.


These approvals are subject to Applicant obtaining all necessary government approvals, including but not limited to land development, code compliance, and permits

from the Borough and the Pennsylvania Department of Transportation respecting access to state roads.

These approvals are further subject to the condition that Applicant erect and operate the property in accordance with the exhibits and testimony offered at the hearing.

THE MILLERSVILLE BOROUGH ZONING HEARING BOARD

August 4, 2025

by:   
Neil L. Albert, Solicitor