

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

IN RE: :
APPLICATION OF : Case No. 26-01
JDG HOLDINGS LLC :
: :
: :

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

A. FINDINGS OF FACT

1. Applicant is JDG Holdings LLC, 205 Fieldgate Drive, Lancaster, PA 17603.
2. The property which is the subject of this application is located at 515B Leaman Avenue, also known as 249 Millersville Avenue, in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicant is the owner of the property.
4. Applicant purchased the property March 28, 2024.
5. On December 11, 2025, Applicant filed a request for a use variance to operate a restaurant with drive-through service on a portion of the property.
6. The application was advertised, the property was posted, and adjoining property owners were notified.
7. A hearing was held January 22, 2026.
8. The Board consisted of Vicki Usiack, chair; Seth Johnson, vice-chair; Ed Hersh, and W. David Sykes, members; and Jennifer Engle, 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. The property consists of 1.75 acres and is improved with a small shopping center with several structures, the relevant one for this application being a building formerly used as a Citizens Bank branch of approximately 2400 square feet. To the north of the shopping center is the Eshelman Elementary School.

13. When the bank was built, it included a three-lane drive-through facility. As part of a financial institution, the drive-through was an allowed use by special exception.

14. The bank closed approximately eight years ago, and the building has been vacant since.

15. Applicant's principal, William Picone, testified at the initial hearing, as well as Carlos Esh, the prospective tenant. Also testifying at the initial hearing were several neighbors who expressed concerns regarding noise and traffic. Another neighbor testified in support.

16. Because Applicant was unable to present sufficient details regarding the proposal, the Board voted to leave the record open and continue the case to the next regularly scheduled meeting date of February 26, 2026.

17. The Board reconvened for a continued hearing February 26, following an executive session. The Board consisted of Vicki Usiack, chair; Ed Hersh and W. David Sykes; members; as well as Jennifer Engle, the alternate.

18. Mr. Piccone and his wife both testified, as well as Mr. Esh. Also testifying was Timothy Yohn, a project manager with Cornerstone Design-Architects, who had prepared three drawings of the site, identified as sheets A101-A103. The drawings were marked collectively as Applicant's Exhibit One.

19. The drive-through will be a single lane, with an additional lane to allow drivers to bypass the drive-up window.

20. Stacking for eight vehicles can be provided without interfering with circulation in the interior parking lot, in addition to one space at the drive-through window.

21. There will be no menu board or outside speaker system. Customers will either order in advance online or by phone or place their order at the window.

22. Vehicles leaving the drive-through will need to make a 90-degree left turn, and then will drive to an interior stop sign within the parking lot. After stopping, vehicles leaving the site can proceed approximately 200 feet to the intersection with Leaman Avenue, which is controlled with a stop sign in favor of traffic on Leaman Avenue.

23. Mr. Picone agreed as a condition of approval that he would place directional signage to ensure that customers are guided to the drive-through area.

24. Ms. Picone testified that she had spoken with the principal at Eshleman Elementary School regarding traffic. The principal, Melissa Mealy, indicated that she would contact parents to inform them that they could not use the shopping center parking lot as a pickup area, and that foot patrols on Leaman Avenue would supervise

children walking from the school to Manor Avenue to ensure that they stayed on the sidewalk along Leaman and not cut through the parking lot of the coffee shop.

25. Mr. Esh testified that the primary business would be the sale of coffee. The only food items sold would be soft pretzels, doughnuts, and similar pastries. Although the business would have indoor seating, there would be no hot food and no waitress service. The business was described as a “grab and go” operation. Hours of operation would be 6:30 A.M. to 4:00 P.M. and there would be a maximum of three employees per shift.

26. The space occupied by the coffee shop is on two levels, with approximately 1600 square feet on the ground floor and approximately 800 square feet on the upper level. The upstairs would be used for storage and offices and there would be no other business in the space which is the subject of this application.

27. No new testimony was presented by any neighbors at the continued hearing.

28. Following the close of testimony, the Board voted unanimously to grant the requested variance, subject to the condition that Applicant provide directional markings to ensure that customers can find the drive-through.

B. CONCLUSIONS OF LAW

1. The subject property is located in the NC Neighborhood Commercial District.
2. A drive-through is allowed by special exception in the district for financial institutions, but not for restaurants. Section 380-27, Table of Permitted Uses by District.
3. The property was formerly used by a financial institution, but that use has been discontinued for more than one year and is deemed abandoned.

4. The proposed use is not a prior nonconforming use because the primary use of the property is no longer a financial institution.

5. The proposed drive-through creates less adverse impact than the former drive-through because it is one lane rather than three and because the hours of operation are limited.

C. DISCUSSION

The case is simpler than it might appear at first. The coffee shop is a use allowed by right in the zoning district. The question before the Board is whether the shop should be allowed to repurpose the bank drive-through for a new use. We find that a variance should be granted for several reasons.

First, the drive-through operated as part of the bank for many years without creating substantial adverse impact. Second, because of the restricted hours and the reduced number of lanes, the proposed use will have even less impact. Third, Applicant has presented a detailed plan demonstrating that adequate stacking and traffic calming measures will be put in place. Fourth, to the extent that the nearby elementary school presents any concerns, the testimony regarding safety precautions to be undertaken by the school fully addresses those issues.

The drive-through will not discharge traffic directly onto Manor Street. Traffic exits the site into another portion of the interior parking lot and must stop at a stop sign. Traffic then stops at another stop sign before entering Leaman Avenue. The arrangement does not pose any undue risk of harm to the community health, safety and welfare.

D. DECISION

AND NOW, this 27th day of February 2026, the decision of the Board is as follows:

Applicant is granted a variance to construct and operate a drive-through in conjunction with a restaurant use, subject to the following conditions:

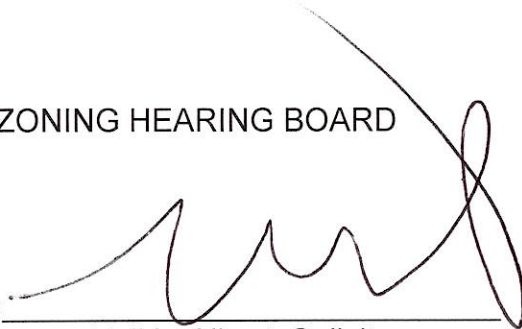
Applicant shall operate the restaurant in accordance with the testimony and exhibits presented at the hearings.

Applicant shall provide directional signage for the guidance of customers utilizing the drive-through.

THE MILLERSVILLE BOROUGH ZONING HEARING BOARD

March 9, 2026

by:

A handwritten signature in black ink, appearing to read 'Neil L. Albert', written over a horizontal line. The signature is stylized with several loops and a long, sweeping tail that extends upwards and to the right.

Neil L. Albert, Solicitor