

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES

June 12, 2013

Chairman Gary Lefever convened the June 12, 2013 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Gary Lefever, Scott Goldman, Tom Matteson and Brent Schrock. Also present were Zoning Officer Thomas Zorbaugh, Zoning Hearing Solicitor Neil Albert, Court Reporter Brenda Pardun and Galen Hess.

MINUTES APPROVAL: On a motion by Lefever, seconded by Matteson, the Board voted unanimously to approve the minutes of the May 8, 2013 meeting as submitted.

POSTING, PROOF OF PUBLICATION AND NOTICE: The Zoning Officer confirmed the posting, notice and proof of publication of the cases to be heard at this evening's hearing.

HEARING PROCEDURES: For the benefit of those present, the Zoning Hearing Solicitor explained the procedure to be followed for the evening's hearing.

CASE #798, GALEN AND PEGGY HESS - SPECIAL EXCEPTION/VARIANCE: The Chairman read the zoning notice received from Galen & Peggy Hess, 1310 Church Street, Lititz, PA 17543. The applicant is seeking a Special Exception to the Warwick Township Zoning Ordinance under Section 340-113, pertaining to a Substitution of a nonconforming use in a MU Mixed Use Zoning District. The applicant would like remove the commercial use in the accessory structure and replace it with a first floor garage and storage and a second floor apartment. A Variance of Section 340-16.B was requested if the Special Exception was not approved. A Special Exception under Section 340-112 to reduce a side yard setback from 14' to 11' was also requested for the principal structure. A Variance of Section 340-16.G.(2) was requested if the Special Exception was not approved.

Galen Hess was sworn in. The Zoning Officer presented information to the Board on the use of the property. The existing commercial use was permitted in 1992 and the owners have been paying two EDU's to WTMA indicating that this property does have two legal uses. The applicant would like to remove the commercial use and is requesting it to be converted into a second story apartment and first floor garage and storage. Mr. Hess went over the layout of the property with the Board showing how parking would be handled and how the apartment would gain access. There would be an addition to the detached garage so that the existing truck bodies can be removed. Hess also explained that due to his poor health, the addition to the home was to allow for better floor space in case the home would need to be handicap accessible. Schrock asked if this was the only way the addition to the home could be built. Hess explained that they had done a floor layout and with the existing stairway this was the only way the addition could be built to be accessible. Matteson asked for verification from the Zoning Officer and Solicitor if the building and or the use was nonconforming. Both the Solicitor and the Zoning Officer stated that both were nonconforming. Hess also asked to amend the request to allow the addition on the home be 10' from the line, not 11' as requested.

The Chairman stated that there was no one in the audience.

On a motion by Matteson, seconded by Lefever, the Board voted unanimously to grant a Special Exception under Section 340-113, to allow the substitution from a commercial use to a residential

use in the accessory structure and under Section 340-112, to allow the addition to the home to be built 10' from the property line for Case #798 as submitted with revision.

REQUEST FOR EXTENSION OF TIME FOR LINDA DEMMY (CASE #758): The Board reviewed the request. On a motion by Goldman, seconded by Lefever, the Board voted unanimously to grant an extension of time until December 12, 2013.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Thomas Zorbaugh
Zoning Officer