

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
Warwick Township Municipal Office
JANUARY 09, 2019

Zoning Officer Tom Zorbaugh convened the January 9, 2019 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Brent Schrock, Dane St. Clair and Dana Clark. Absent were Tom Matteson, Gary Lefever and Mark Will. Also present were Zoning Officer Tom Zorbaugh, Zoning Hearing Board Solicitor Neil Albert, Court Reporter Allen Blank, Dan Cicala, Jacob Esh, Amos Esh Jr., Don & Karen Gehr, Matthew Garman and Mike Garman.

MINUTES APPROVAL: On a motion by Schrock, seconded by Clark, the Board voted unanimously to approve the minutes from the December 12, 2018 meeting with the revision as stated by Schrock.

ELECTION OF OFFICERS FOR 2018: The Zoning Officer opened the nominations for Chairman, Vice-Chairman and Secretary of the Zoning Hearing Board. On a motion by St. Clair, seconded by Schrock the Board voted unanimously to nominate and elect Tom Matteson as Chairman of the Zoning Hearing Board. On a motion by Schrock, seconded by Clark, the Board voted unanimously to nominate and elect Mark Will as Vice-Chairman of the Zoning Hearing Board. On a motion by St. Clair, seconded by Clark, the Board unanimously voted to nominate and elect Brent Schrock as Secretary of the Zoning Hearing Board.

POSTINGS, PROOFS OF PUBLICATION AND NOTICE: Tom Zorbaugh, Zoning and Coding Officer, confirmed that the new cases were properly posted.

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

CASE # 867- JACOB ESH – SPECIAL EXCEPTION/VARIANCE: Jacob Esh was affirmed. The property in question is located at 815 Creek Road and is zoned A Agricultural. The applicant was looking to allow a working class horse and build an addition to the existing garage to stable the horse on a property that was less than one acre.

Esh shared that he had purchased this property at auction and would like to place a carriage horse along with a few more animals on the property. He would like to extend the detached garage to allow a stable to the rear and use the front of the garage for the carriage.

St. Clair stated that since the property was less than 1 acre, no other animal would be permitted except what is permitted by the zoning ordinance. Zorbaugh stated that would be only 4 chickens and 4 dogs as permitted.

Clark asked if he had spoken with the neighboring property. Esh stated that he did.

Schrock made a motion to approve the Special Exception request of Section 340-11.C(8) to allow a working class horse and a Variance of Section 340-A to allow the horse on less than an acre and Section 340-13.(3)(a) to allow the existing garage and addition to be used to stable the horse, with a condition of no further livestock. This motion was seconded by St. Clair and unanimously approved by the Board.

CASE # 868- DON & KAREN GEHR – SPECIAL EXCEPTION/VARIANCE: Don and Karen Gehr were sworn in. The property in question is located at 117 Ashley Drive and is zoned R1 residential. The applicant is looking to locate a nail & hair salon as a home occupation and sell products they use within the business to their clients.

Zorbaugh showed the Board the GIS map of the property, clearing lot lines and yard setbacks.

D. Gehr testified that they would like to build an addition on the side of the dwelling for the salon. He stated that all requirements under Section 340-78 could and will be met.

K. Gehr testified that she currently works at a locale salon that is located on a second floor and that most of her clients are not able to do the stairs. She would like to open her own salon and be able to see these customers and grow her own client base.

St. Clair asked K. Gehr her hours of operation. K. Gehr stated Monday evenings from 4:30pm – 9:00pm; Tuesday – Friday from 9:00am – 1:00pm & 4:40pm – 9:00pm; and Saturday 8:00am – 2:00pm.

St. Clair made a motion to approve the Special Exception request of Section 340-14.C(1) to allow the salon as a home occupation and a Variance of Section 340-78.F to allow the applicant to sell merchandise used within the business to their customers, with a condition of the hours as stated. This motion was seconded by Schrock and unanimously approved by the Board.

CASE # 869- MATTHEW GARMAN – VARIANCE: Matthew & Mike Garman were sworn in. The property in question is located at 245 E. Lexington Road and is zoned CC community commercial. The applicant is looking to remove the existing mobile home and replace it with a duplex unit.

Matt Garman testified that he purchased this lot at public auction and would like to remove the existing nonconforming mobile home and place a duplex on one lot. This would match the unit installed by his brother on the neighboring lot.

The Board went into an executive session. Upon return, the Board's Solicitor stated that the Board was struggling with the fact that the property could be built as a commercial lot and that by allowing a duplex might not be the proper use. It would appear that no hardship exists and the Board if asked to vote this evening would probably deny the request.

Mike Garman stated that there is a unit next door, why would this be out of character. He also stated that he believed the Township was in support of the use since they approved a land development plan for the neighboring use.

Zorbaugh asked the applicant if he would like to continue the hearing at the February 13th to present new evidence or revise the application. Matt Garman said he would like to continue.

St. Clair made a motion to continue Case #869 at the February 13, 2019. This motion was seconded by Schrock and unanimously approved by the Board.

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CASE # 870- DAN CICALA – VARIANCE: Dan Cicala was sworn in. The property in question is located at 750 Lititz Pike and is zoned LC local commercial. The applicant is looking to place a sign within 3' of the street right-of-way along Lititz Pike.

Zorbaugh shared that the building is located within the LC zone which requires buildings to be at a minimum 15' from the right-of-way but no more than 25'. This requirement of pulling the building forward was to enhance the view of the building instead of the parking lot. By pulling the building forward, it makes it hard to place a sign along the frontage. Cicala shared the plot plan, a picture taken from the car wash and a sign image. He stated that he agrees with Zorbaugh and that he is not building a large sign, but even a small sign will need a Varaince.

Schrock asked for the setback from the right-of-way. Cicala stated that it would be no closer than 3' to the right-of-way line.

Schrock made a motion to approve the Variance request of Section 340-38.B(2)(a)(2) to allow the sign to be no closer than 3' to the right-of-way line. This motion was seconded by Clark and unanimously approved by the Board.

With no other business to come before the Board, the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Tom Zorbaugh
Zoning and Coding Officer