

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
October 11, 2017

Chairman Gary Lefever convened the October 11, 2017 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Scott Goldman, Dane St. Clair, Tom Matteson, Mark Will, and Brent Schrock. Also present were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, ZHB Solicitor; court reporter Allan Blank; and Doug Harris and Pam Pfautz of 939 Lititz Pike, Lititz.

MINUTES APPROVAL: Matteson wanted to clarify that the approval of Case #846 was subject to the condition that 20 feet was the closest to the property line allowed. With this clarification established, on a motion by Matteson, seconded by Will, the Board voted unanimously to approve the minutes from the September 13, 2017.

POSTINGS, PROOFS OF PUBLICATION AND NOTICE: Tom Zorbaugh, Code and Zoning Officer, confirmed that the new cases were properly posted and he was sworn in.

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

CASE #847- NORTH STAR-939 LITITZ PIKE- VARIANCE: Doug Harris and Pam Pfautz were both sworn in. The Applicants are seeking a Variance under Section 340-31 or 340-16.B.16 to allow an accessory building to be used as offices and training rooms for the existing facility in the Local Commercial zoning district.

Harris spoke first. He indicated Pfautz was the Executive Director of the organization and he sits on the Board. Some background history on North Star was given by Harris. Harris stated within the past year they acquired the facility which was the former House of His Creation. The property has been completely renovated. Currently the Administrative Staff is located within the house along with the living space for the women. Harris stated this is not an ideal situation as they feel the house should be strictly for the women's residence. Harris stated there is a two story barn on the property however it is run down. It was previously used for storage. The Applicant would like to renovate the barn into offices, conference rooms, educational rooms, and some storage therefore keeping these services separate from the residence building. The barn would not require an extension of the footprint as it exists today as all renovations would be done internally.

Zorbaugh explained the issue is for an accessory to the existing use thus the reason for the Variance being written two ways, either a variance to allow a second principal use or to allow this accessory building to be used as part of the ministry. Zorbaugh stated he did meet with the Township Staff and they had no issues.

The Board felt the barn would be not be an accessory use it would be part of the main use. Zorbaugh stated the use of the second building is changing from a storage facility to a commercial use. Mr. Albert, the Zoning Hearing Board's Solicitor, stated this could create some problems if looked at as two principal uses on a lot. This can be classified as one use with this accessory and that would be fine. However it needs to be determined how the existing use of the house is classified. Lefever stated it is a nonconforming use. Goldman inquired if House of His Creation used the barn. Zorbaugh replied it was used for storage. Matteson replied if they were using the barn for storage related to their entity then he feels North Star using the barn would not be an expansion. Zorbaugh stated this is why

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the Board needs to make this determination. Zorbaugh stated House of His Creation already expanded beyond their 50%. This is why the Applicant did not come in for another expansion of a nonconforming use. Zorbaugh stated there is now going to be a commercial identity on the property however it is an accessory to its use. Goldman felt it was a substitution with basically the same use.

Albert stated North Star is the successor of House of His Creation to the use who are doing a similar type of activity which is indistinguishable from a zoning point of view, on the same property. It is not an expansion because House of His Creation was using the barn already. If these are the facts of the case, Albert feels the Board could properly grant this relief and there would be no need to deal with the issue of two principals uses of a lot. Will questioned if the two buildings were set up as one being a residence and one office space, if they were to move does it stay as one use. Zorbaugh replied that it would need to be stated in the decision that the barn is an accessory to the primary building. In other words, the offices would need to be associated with the front building.

Matteson questioned why any relief is needed when House of His Creation got approval and they were using both buildings. This Applicant will be using both buildings for one cohesive operation the same as House of His Creation. Albert stated the Board needs to make a judgement call of whether an office use is customarily accessory to a group home. Albert stated group homes normally do not have this amount of staff and space devoted to the extent that North Star is proposing. Goldman felt that it would be difficult to make a judgement call regarding the amount of staff and the number of residents. It would be hard to determine if a 1,200 square foot barn is too big or there are too many staff members.

On a motion by Matteson, seconded by Goldman, the Board unanimously approved a Variance of Section 340-16.1.B.16 to allow the accessory use of offices on the property to a non-permitted use with the condition that the two buildings are occupied by single entity and that the Variance of Section 340-31 be denied to allow a second principle use on the property that doesn't meet the requirements.

Zorbaugh stated the Board has up to 45 days to submit a written decision. There is also a 30 day appeal period for anyone opposed to the decision.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 7:45 p.m..

Respectfully submitted,

Thomas Zorbaugh
Code and Zoning Enforcement Officer