

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
WARWICK TOWNSHIP MUNICIPAL BUILDING
SEPTEMBER 13, 2023
6:30 p.m.

Chairman Tom Matteson convened the September 13, 2023 meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were Board Members Tom Matteson, Dana Clark, Mark Will, Dane St. Clair, and Joel Lingenfelter. Also in attendance were Barb Kreider, Warwick Township; Neil Albert, Township Solicitor; Allen Blank, Court Reporter; Deborah Weaver, 140 Church Road, Lititz; Charles Sweigart, Jr., 918-A Rabbit Hill Road, Lititz; Kris & Shanelle Lee, 142 Church Road, Lititz; Allen Martin, 937 E. Newport Road, Lititz; Amanda Groff, Harbor Engineering; Sam Stoltzfus, Cedar Run Construction; Deb Ressler, 569 Millway Road, Lititz; and Jim Bushong, 1403 Brunnerville Road, Lititz.

MINUTES APPROVAL: On a motion by D. Clark and seconded by M. Will, the Board unanimously approved the minutes as submitted.

MEETING PROCEDURE: For the benefit of those present, Neil Albert, Township Solicitor, explained the procedure to be followed for this evening's hearings.

POSTINGS, PROOFS OF PULICATIONS AND NOTICES: B. Kreider confirmed that both cases were properly posted and advertised as required by the law. The agenda was posted at the Township Office and on the Township website.

CASE #941: An application has been received from Kris & Shanelle Lee, owners of the property located at 142 & 144 Church Road, Lititz, PA, within the R1 Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance of a Special Exception of Section 340-113 to substitute a commercial use and a Variance of Section 340-113.F to allow a portion of the existing business to remain. The application has been assigned Case #941 and is scheduled for a public hearing this evening.

Kris Lee was sworn in by the court reporter. Mr. Lee stated that there was a building on their property that was occupied as an office space for Weaver Energy for the past 25 years. Weaver Energy has moved off of the property. The applicant is looking to use that existing office building as a short-term rental. The applicant was asked to look at the impact that Weaver Energy had on the property and what the potential impact would be with their proposed use. Mr. Lee stated that Weaver Energy stored anywhere between 6-8 trucks on the property on a daily basis and they had 15-20 employees reporting to the property. The hours for Weaver Energy were 7:00 a.m. until 4:00 p.m. and drivers would show up at 6:00 a.m. and would leave most evenings around 6:00 p.m. The impact of the tractor trailers and the delivery trucks coming in and out of the property 5-6 days a weeks was significant. With the short-term rental being proposed they are looking to house between 4 and 6 occupants. They applicants feels they can upkeep the property rather than looking to do a long-term permanent apartment style rental. With this proposal they have more control over the flow of people in and out of the property and the outdoor presence of the property by being able to regulate and screen who would be using the property. The applicants have family outside of town and out of state that could be housed on the property when they

come in for holidays. The applicant's church has a fair number of youth members that are in different mission groups throughout the world and the rental would be a place to house them when they are home on sabbatical or short-term leave. Right now no Weaver Energy employees report to the property and no trucks, vans, trailers or equipment are stored on the property. The fuel storage is still on site on the property so the trucks are in and out. The applicant feels the impact would be a lot less for them as they live on the property and for the neighbors around them in terms of noise and the busyness of the property.

T. Matteson asked when Weaver Energy left the property. Mr. Lee stated that Weaver Energy vacated the property by July 1, 2023. J. Lingenfelter asked if the goal was to maintain the energy storage at the north end of the property. Mr. Lee stated that the goal is to have that energy storage out of there within the next 5 years. Mr. Lee reviewed the overview of the property with the parking spaces noted and potential tenant traffic and the truck traffic and how they would utilize the two driveways that horseshoe around the house. T. Matteson asked how the property is provided with water and sewer. Mr. Lee stated that their water is provided from a well and they are on public sewer. The plan is for 2 bedrooms and 2 bathrooms. Mrs. Lee stated that they want the property to be well kept and quiet. T. Matteson asked if the applicant would have any issue with a condition that the use would only be permitted as long as the operator lived in the house. Mr. Lee stated he didn't think they would have a problem with that. Matteson also asked if the applicant would have an issue with a sunset put on the property of 5-7 years for the energy storage.

The Board went in to Executive Session. Upon return from the Executive Session, T. Matteson stated that the Board needs more information from the applicant as well as from others. The Board would like to hear more about how Weaver Energy came to be non-conforming and they would like to hear from Tom Zorbaugh on some past decisions from the board that granted them the ability to be there, expand, or to substitute that use. The board would also like to hear from Shane Weaver regarding a plan on how he is going to remove the fuel island because it is essentially a second non-conforming use even if it is only temporary. T. Matteson made a motion with a second from D. St. Clair to table this application until the October 11, 2023 meeting with a request for the Zoning Officer for some additional information. They would like that Shane Weaver be present at the October hearing so he can offer some testimony on how his business has evolved there and also what his plan would be to get the fuel tank removed from the site so that use is completely discontinued on the site.

CASE #942: An application has been received from Samuel E. Stoltzfus, owner of the property located at 140 Rothsville Station Road, Lititz, PA, within the CC Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance of a Special Exception of Section 340-112 to expand a nonconforming use and a Variance of Section 340-17.F.(1) to reduce parking setbacks and 340-35.D.(1)(a) to reduce a landscaping strip. The application has been assigned Case #942 and is scheduled for a public hearing this evening.

Amanda Groff from Harbor Engineering and Sam Stoltzfus were sworn in by the Court Reporter. Groff stated that the property is 3.3 acres and it is within the Community Commercial Zoning District. The property currently has a business, Lititz Collision, which is at the north end of the property, as well as a single-family residence located in the middle of the property. Each of those uses had their own access drive to Rothsville Station Road. As part of the plan, the applicant is proposing some additional storage area to the rear of the property which would be for Cedar Run Construction which currently operates out of 143 Rothsville Station Road. There is a small portion of the Cedar Run property that is on the western side of Rothsville Station Road and would be to the north and east of the subject property. Cedar Run is looking to expand to this property because their business is expanding and they could use some additional area. They noted that Cedar Run received zoning approval in December of 2021. They received a variance for the reduced parking setback as well as a variance for reduced side yard setback for both a building and for parking. As part of the proposed improvements it will be primarily for indoor and

outdoor storage for Cedar Run. There will also be a new access drive to the south of the property which will serve both Cedar Run's use of the storage area as well as Lititz Collision because their existing driveway to Rothsville Station Road will be removed so that they only maintain two driveways to the subject property. The existing driveway for the residence is to remain as is to keep the residential access separate from the business access to the property. Cedar Run will also have access via their existing parking area to the north which is on 143 Rothsville Station Road so they would like to connect to this existing parking area to be able to access the storage area. They are also proposing to expand some parking there consistent with what they have on the property to the north. In June of 2023 a sketch plan was submitted to the Planning Commission and as part of that they did revise the access drive that is internal to the site shifting it further from the house to be able to provide a landscape buffer between the house and the access drive. They also increased the island that is between the access drive and the storage area to provide more separation there. The applicant is requesting a Special Exception for an expansion of a non-conforming use per Section 340-112. The existing dwelling that is at the property is a non-conforming use in the zoning district. The desire is to convert that dwelling to a 2-unit dwelling. That will all be done with internal renovations to the building, primarily to the 2nd floor of the dwelling which will be reconfigured to be a second unit which will have its own external access. There will not be any additions to the building. They are proposing 2 additional parking spaces. The building does comply with the area requirements of the specific zoning district other than the existing non-conformity for the front yard which will not be changing as part of the renovations should the special exception be approved. The exterior of the building will not be altered. Buffers and screens, if they are determined to be necessary, can be added but Groff does note that the dwelling is in the middle of the property. As part of the land development they will be required to screen the business use around the property or expand what is already there. The building conversion will not increase the dimensional nonconformities and the property is not within the floodplain. Both of the variances requested pertain to the parking. One is regarding Section 340-17.F.(1) for the front yard setback for parking and the requirement is for a 20 foot setback from the right-of-way for a parking lot. The second request is for Section 340-35.D.(1)(a) – parking lot landscape strip. The requirement is 15 feet from the right-of-way for a parking lot. Both of these pertain to two different areas of the property. The first being the 2 additional spaces pertaining to the dwelling. As part of converting it to a second dwelling they would need additional parking spaces. The requirement would be for a total of 6 spaces or 3 spaces per unit. They would be adding 2 spaces, there are 2 spaces in the existing garage and then there would be room for 2 spaces in front of the garage as well. They are unclear if both variances apply to residential since they both speak to parking lots. The closest parking space is 2½ feet from the right-of-way so they would need both of the requests. There is an existing retaining wall along the southern edge of the existing driveway so adding the parking spaces would be at the end of the retaining wall. This would also allow the applicant to utilize some of the existing pavement to add the 2 additional spaces. The other area is pertaining to the parking expansion off of the existing Cedar Run parking area. This parking area would be 15 feet from the right-of-way so they would only need the one variance request for this area. The improvement for the storage area for Cedar Run are accessory to the business at the adjacent property. They will not be adding any additional employees, therefore no additional parking is required for this use but the desire is since they will be providing the connectivity to the storage area through the existing parking it would be beneficial to add additional parking spaces at this time. There is an access drive that connects the parking area to the existing property across the street.

T. Matteson asked what is driving the desire for the second unit. S. Stoltzfus stated that the dwelling is a big house with 6 bedrooms and they are looking for 2 smaller families. He stated that it makes more sense to split it into a 2-unit dwelling and then preferably bring in smaller families. There was a discussion on relief that was given approximately 2 years before. M. Will asked if the applicant would be okay if the board took some time to understand what has been granted in the past and what was not

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granted for the properties. Mr. Stoltzfus was fine with that. The subject house was not a rental when Mr. Stoltzfus purchased the property.

The Board went in to Executive Session. Upon returning from Executive Session, T. Matteson stated that the Board has significant concern with the expansion of residential uses in this area which is densely used for a commercial area. Expanding the use of the existing home into a second dwelling gives the Board some concerns. The Board asked if Mr. Stoltzfus considered converting part of the dwelling to an office because you could rent out part of it as an office by right because it is a commercial zone and then keeping an apartment on the second floor. That would be more in keeping with the intent of the zoning ordinance for that area. The Board is not comfortable with a second dwelling in the existing house and adding more potential families and children. Matteson mentioned that residential and commercial does not mix well especially when it is intense commercial and that commercial area is right around the dwelling. T. Matteson made a motion to deny the Special Exception of Section 340-112, that the board approve the Variance of Section 340-17.F.(1) as it relates to the expansion of the parking lot on the adjacent lot north of the house, and to deny the Variance of Section 340-17.F.(1) and 340-35.D.(1)(a) as both relate to the two spaces in front of the house. The motion was seconded by J. Lingenfelter.

ADJOURNMENT: With no further business, T. Matteson moved that the meeting be adjourned.

Respectfully Submitted,

Tom Zorbaugh
Zoning and Code Officer