

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
April 11, 2018

Vice-Chairman Tom Matteson convened the April 11, 2018 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Brent Schrock, Dane St. Clair, Tom Matteson, and Mark Will. Absent was Board Member Gary Lefever and Dana Clark. Also present were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Zoning Hearing Board Solicitor; Allen Blank, Court Reporter; Wade Hartz, 615 Log Cabin Road, Leola; Laura Knowles from the Lititz Record; Dale Hershey, 1684 Wheatland School Road, Lancaster; Jonathan Hofstetter from Blakinger Thomas, 28 Penn Square, Lancaster; John Gibbel, 828 Ballstown Road, Lititz; Matthew Gibbel, 156 Church Road and Melvin Hess from Gibbel, Kraybill & Hess, 2933 Lititz Pike, Lancaster.

MINUTES APPROVAL: On a motion by T. Matteson, seconded by D. St. Clair, the minutes were approved as submitted.

POSTINGS, PROOFS OF PUBLICATION AND NOTICES: T. Zorbaugh, Code and Zoning Officer, confirmed that the case was properly posted.

HEARING PROCEDURE: For the benefit of those present, N. Albert, the Solicitor, explained the procedure to be followed for tonight's hearing.

CASE #855- JOHN GIBBEL-SPECIAL EXCEPTION/VARIANCE: The property in question is located at 156 Church Road, Lititz, PA. The Applicant is seeking a Special Exception for uses not provided for under Section 340-5 or a Bed & Breakfast under Section 340-11.C(a). Variances of 340-11.B to allow the use as a permitted use; Section 340-53 B&B criteria if needed and Section 340-31 as a second principal use.

T. Matteson asked if anyone in the audience wanted party status to this hearing, hearing none, he turned the meeting over to the applicant.

John Gibbel, Matthew Gibbel and Zoning Officer T. Zorbaugh were sworn in.

M. Hess asked for the application to be amended where it states under 340-31 to allow the tiny house as a second dwelling to be a second use. The Zoning Officer stated that term used within the ordinance is use, not dwelling. On a motion by T. Matteson, second by M. Will, the board approved the request.

M. Hess preceded with questions for the applicant using the application and exhibit presented.

M. Hess asked J. Gibbel if page #2 of the exhibit was the deed of the property. J. Gibbel stated yes. M. Hess asked how many acres are there on the farm. J. Gibbel stated 55 acres. M. Hess asked how the property is currently be used. J. Gibbel stated that the neighbors farm the land and there is an existing 2-unit dwelling, barn and tiny house.

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M. Hess then asked M. Gibbel if page #3 of the exhibit accurately described the use of the tiny home. M. Gibbel stated that page #3 is the ad that is listed on the Airbnb website. M. Hess asked when he moved to the property. M. Gibbel stated 2014. M. Hess asked if page #4 of the exhibit accurately indicated the location of the tiny home. M. Gibbel stated yes. M. Hess asked what the distance was from the property lines. M. Gibbel stated that the tiny home is approximately 1,300' from the street, 500' from side yards and 1,000' from the rear property line. M. Hess asked when the tiny home was placed on the property. M. Gibbel stated 2016 and was put there for friends and family but grew by word of mouth.

M. Hess shared the photos listed as page #5 of the exhibit and asked M. Gibbel to explain what was being shown. M. Gibbel stated the following: page 5/1 is showing the main residence from the road; page 5/1 is showing the tiny home from the back of the barn behind the main dwelling; page 5/3 is showing the rear of the tiny home looking at the back of the barn; page 5/4 is the side view of the tiny home; page 5/5 top picture is from the living area looking back toward kitchen & bath and the bottom picture is looking from the kitchen toward the living space; page 5/6 top picture is another image from kitchen to living area and the bottom picture is the loft bedroom; page 5/7 is showing the bathroom.

M. Hess then went into a discussion using the narrative listed as page #6 of the exhibit. It is M. Hess' opinion that the tiny home does not fit within any of the Township's criteria and therefore should be considered as a Special Exception as a use not provided for.

The Zoning Officer asked if the tiny home was considered a trailer, camper or RV. M. Hess stated that even though it still sitting on wheels, it is not the applicants wish to move and therefore should be considered an accessory structure and not a trailer and maybe even a second principal use. The Zoning Officer asked for M. Hess to give the definition of transient lodging. M. Hess stated that the Township's ordinance does not reference a definition.

The Zoning Officer had a short discussion with the applicant making them aware that permits are required for anything placed on a property, a change in usage and possible land development approval. M. Hess stated that the applicant is willing to abide by any Township requirement if approved.

M. Will asked M. Hess to clarify that comment. M. Hess stated that if the use is approved, they will apply for any permit required, including building, land development and sewer permits if needed.

B. Schrock stated that he did not believe the applicant answered what the use is. M. Hess stated that they still believe that the use is not provided for.

T. Matteson asked if anyone in the audience had any questions, no one responded.

EXECUTIVE SESSION: With no other questions from the Applicant, the public or the Board, the Vice Chairman closed testimony and the Board went into an Executive Session to discuss the Case.

Upon return from the Executive Session, on a motion by T. Matteson, seconded by M. Will, the Board voted to reopened testimony. The Board then on a motion by T. Matteson, seconded by B. Schrock, unanimously agreed to continue this hearing until the May 9, 2018 meeting.

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

Respectfully submitted,

Tom Zorbaugh
Code and Zoning Officer