

## WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES

July 11, 2012

Chairman Gary Lefever convened the July 11, 2012 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Gary Lefever, Scott Goldman, Dane St. Clair, Brent Schrock, and Tom Matteson. Mark Will was absent. Also present were Zoning Officer Thomas Zorbaugh, Zoning Hearing Solicitor Neil Albert, Steve Gergely, Mike Leeking, Ryan McCreary, Greg Lessig, Mike Swank, Jeff Tennis, Ray Hurst, Rob Homan, Martin Weaver, and Scott Prohaska.

**MINUTES APPROVAL:** On a motion by Schrock, seconded by Lefever, the Board voted unanimously to approve the minutes of the June 13, 2012 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 hearings.

**CASE #777, KELLER DODGE - CONTINUATION:** The applicant, Dan & Sue Keller Family LP, 730 South Broad Street, Lititz, PA 17543, is the owner of the property located at 395 North Broad Street, Keller's Dodge. The applicant is seeking a Special Exception to the Warwick Township Zoning Ordinance under Section 340-22.F.(1), pertaining to adding a parking lot in a Floodplain Zone. The applicant is also requesting Variances to Sections 340-35.D.(2)(a) to eliminate interior landscaping and provide it elsewhere, and Section 340-35.G.(1) to allow the parking lot to be used for automotive sales.

The Chairman explained that this hearing is being continued from the June, 13, 2012 hearing. He announced that the Board will recess to meet in an Executive Session with the Solicitor to discuss the case.

Upon reconvening the meeting, the Chairman inquired whether the applicant or their representative have anything to add to their previous testimony. The applicant indicated that they have no new testimony. The Chairman inquired whether anyone present wishes to comment on the proposal. No one present indicated their desire to comment on the proposal.

Matteson stated that the Board is agreeable to the Variance request to relocate the required interior landscaping elsewhere on the site due to the site's use as a car dealership. He added that if this project were being submitted as a new proposal, it probably would not be approved without some street trees. He stated that the Zoning Hearing Board would like 4 trees planted between the northern access point and the northern property line. He noted that the trees should be of a type and size required by the Ordinance, although the Board is aware that the spacing would be farther than the Ordinance requires, and they should be evenly spaced. He explained that this would be a required condition of the Variance to eliminate the required trees in the parking lot to the rear of the site.

On a motion by Lefever, seconded by Matteson, the Board voted unanimously to grant a Special Exception under Section 340-22.F.(1) to allow a parking lot in a Floodplain Zone; to grant a

Variance under Section 340-35.G.(1) to allow the parking lot to be used for automotive sales; and to grant a Variance under Section 340-35.D.(2)(a) to eliminate interior landscaping, contingent upon the Applicant providing 4 street trees between the northern access point and the northern property line, and to limit the parking area at the northwest area of the site (where 4-wheel-drive vehicles are currently parked) to only two vehicles.

**CASE #780, SECHAN ELECTRONICS - VARIANCE:** The Chairman read the zoning notice for the application received from SEO Partnership, Sechan Electronics, Inc., 525 Furnace Hills Pike, Lititz, PA 17543. The applicant will be represented by Benchmark Construction, Brownstown. The applicant is seeking a Variance to the Warwick Township Zoning Ordinance under Section 340-38.B.(1).(I) for a wall sign to exceed the allowable 40 square feet.

Tom Matteson announced that he will abstain from rendering a decision on the case due to a conflict of interest.

Ryan McCreary, representing Benchmark Construction, was sworn in. McCreary testified that he is representing the applicant this evening. He explained that they are requesting a Variance to allow a 65 square foot wall sign, so it is proportional to the size of the building, and due to the elevation. He noted that they reviewed the allowable smaller size sign; however, it appeared too small and out of place on the building. He added the sign location would be 275' from SR 501 and shielded by trees, which would make it difficult for motorists to see. He provided an illustration of the proposed sign in relation to the building. McCreary explained that a smaller pylon sign would be located along SR 501. He stated that a paper template sign, measuring 40 square feet (approximately 14' x 2' 6" in size), was placed on the building wall and appeared too small. The current proposed sign dimension is approximately 16' 8" x 3' 11". The letters comprising the sign would be backlit around the edges. McCreary noted that the sign along the roadway is smaller than the Ordinance allows.

The Chairman inquired whether anyone present wishes to comment on the proposal. No one present indicated their desire to comment.

A Board member inquired whether the Applicant considered relocating the sign to a point on the building that is closer to the roadway and not blocked by trees. McCreary stated that the signage is also intended as an architectural element. Goldman stated that the Zoning Hearing Board decisions regarding Variances are based on a hardship, and the Applicant has stated that the sign is not needed to advertise the business to the public, it is simply an architectural element. He added that the Board considers sign Variance applications periodically, and they do not wish to establish a precedence. The Code and Zoning Officer explained that the Ordinance would allow an approximate 61 square foot pylon sign at the front of the building, and a wall sign is not permitted to exceed 40 square feet. He added that it appears the Applicant is requesting to switch these two sign locations, which would result in less signage area than the Ordinance would allow (if the current pylon sign remains at 6' x 4'). St. Clair inquired whether the Applicant would consider creating a sign where the lettering meets the guidelines of the Ordinance (40 square feet) and the larger area could be a border around the lettering, which could be allowed. The individual representing the sign company expressed the opinion that the letters would look small within the larger background.

On a motion by Lefever, seconded by Goldman, the Zoning Hearing Board voted unanimously to deny a Variance under Section 340-38.B.(1).(I) since the Applicant did not prove a hardship for the

request.

**CASE #781, TAIT TOWERS - VARIANCE:** The Chairman read the zoning notice for the application received from Michael Tait, 9 Wynfield Drive, Lititz, PA 17543. The applicant is being represented by Harbor Engineering, Manheim. The applicant is seeking a Variance to the Warwick Township Zoning Ordinance under Section 340-26.D, pertaining to dumpster locations in an Industrial Zoning District at 11 Wynfield Drive, Lititz. The applicant would like to place the dumpsters in a front yard location, away from the residential district.

Steve Gergely, representing Harbor Engineering, was sworn in. Gergely stated that Tait Towers owns three properties along Wynfield Drive, with the address of 7, 9 and 11 Wynfield Drive, respectively. He stated that the case involves the property at 11 Wynfield Drive. He explained that currently, each property has an existing building, dumpsters, and an access from Wynfield Drive. The proposal would consolidate all of the dumpsters to the area in front of the building at 11 Wynfield Drive. This would reduce truck traffic across the properties, and move the dumpsters farther from the R-2 zoned lands that adjoin the Tait properties. He noted that the dumpsters would be enclosed in a self-locking gate. He stated that a few trees on the property would need to be removed to accommodate the proposal. He noted that there is currently a dumpster at this location. The Code and Zoning Officer explained that the proposal was part of a parking plan submitted by the Applicant. The dumpsters were shown at this location on the parking plans, which is when it was determined that they would not be in compliance with Ordinance requirements. He added that several adjoining residential property owners had inquired whether the dumpsters could be relocated elsewhere for the business. This would reduce noise related to dumpster use in the residential area.

The Chairman inquired whether anyone present wishes to comment on the proposal. No one present indicated their desire to comment. On a motion by Goldman, seconded by St. Clair, the Zoning Hearing Board voted unanimously to grant a Variance under Section 340-26.D to allow dumpsters in a front yard location, away from the residential district, as discussed this evening.