

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
MARCH 8, 2017

Vice-Chairman Scott Goldman convened the March 8, 2017 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Scott Goldman, Dane St. Clair, Mark Will and Tom Matteson. Also present were Zoning Officer Tom Zorbaugh, Board Solicitor Neil Albert, Court Reporter Lisa Miller, Ted Kleinsasser, Betty Kleinsasser, James & Susan Kleinsasser, Frank Kleinsasser, Samuel & Dorothy Wurtz, Martin & Robbin Flegal, Fred Heim, Daniel & Meredith Mills, Kim Melton, Mike & Matt Garman and Tom Benjamin.

MINUTES APPROVAL: On a motion by Goldman, seconded by St. Clair, the Board voted unanimously to approve the minutes from the February 8, 2017.

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

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

CASE # 839 – DANIEL & MERIDITH MILLS – 6 KITTY DALE – VARIANCE: Daniel & Meredith Mills were sworn in and Meredith presented this case. The request was for a Variance of Section 340-14.E to allow the western side yard setback to be reduced from 25' to 15' in the R-1 zoning district.

The Zoning Officer gave some background sharing that the property is served by public water but not public sewer and therefore a Variance had been received by the developer for a reduction of the setbacks for the development to 25' for both sides. This was the existing farm house that relocated to this lot and was arranged with the front door facing east.

Meredith Mills testified that the design professional that they are using designed a family room and garage addition under the 15' side yard setbacks within the R-1 zoning district. That their hardship is how the home is situated on the property, the additions could not go to the rear or the east side of the property due to the storm water facilities and the layout of the dwelling.

Will asked if the garage could not be relocated to the left. Mills stated that to the left, facing east is the front door.

On a motion by Matteson, seconded by St. Clair, the Board unanimously approved the applicant request as submitted.

CASE # 840 – RENOVATION BY GARMAN/ANDREW & KATHERINE FRIES – 1510 ROTHSVILLE ROAD – SPECIAL EXCEPTION/VARIANCE: Andrew & Katherine Fries are the owners of the property and are being represented by Fred Heim with Renovation By Garman. Fred Heim was sworn in. The Special Exception being requested was for Section 340-113 to allow a substitution of a nonconforming use in the R-1 zoning district.

The Zoning Officer explained that currently there is a three unit building on the property that was destroyed by a fire and that the owner would like to replace it with a duplex unit. It is his opinion that it would be substitution of a nonconforming use.

Heim shared that the unit will need to be removed due the amount of damage and that the owner would like to exchange the three unit with a two unit. They will also relocated the building further from the right of way, but can only go back so far due to the outbuildings and parking area to the rear of the three unit.

Matteson asked why the owner would give up a unit. Heim stated that the two new units would have three bedrooms each allowing for better rent value.

Will asked the Solicitor if since they are relocating the structure does it have to meet the required front yard setbacks. The Solicitor stated that it is not required, although probably encourage.

On a motion by Goldman and seconded by Will, the Board unanimously approved the applicants request.

It was determined that the Variance requests for Section 340-113.A and a Special Exception request of Section 340-112 were not required.

CASE # 841 – TED KLEINSASSER – 12 SHIRLEY LANE – SPECIAL EXCEPTION: Ted Kleinsasser was sworn in and presented this case. The request was for a Special Exception of Section 340-14.C.(1) to allow a Home Occupation in the R-1 zoning district.

The Zoning Officer shared that this is a request for a Home Occupation because the client would like to use a portion of the detached structure for his business office and storage.

Kleinsasser shared that he no longer owns the top business and it had been removed from the property as required. He still has the construction business, but no longer has any employees at the property, with the exception of him and his brother, who lives there, and has been operating within the perimeters of a limited business. He stated that the accessory building had been destroyed by fire, he had obtained the proper permits for demolition and rebuild, and would like to use a portion, 600 sf, for his business, eliminating the use from the dwelling.

The Zoning Officer read the requirements for a Home Occupation, which requires zoning approval to use the accessory structure which is the only item being requested that puts him into the Home Occupation criteria.

Martin Flegal, 4 Shirley Lane, requested party status and was sworn in. On a motion by Goldman and seconded by Matteson, the Board approved Flegal's party status. Flegal wanted clarification on the use. Kleinsasser stated office and storage of his truck & skid loader.

Kim Melton, 2010 Old Rothsville Road, had some questions and was sworn in. Melton asked if with this approval if he can do all things listed under Limited Business and Home Occupation. The Zoning Officer stated that the items under Limited Business are a right, and Home Occupation are permitted by Special Exception. The application is not requesting any Variances, but he is limited to his testimony at this hearing.

The Zoning Officer asked if the applicant was going to have any set hours of operation. Kleinsasser stated no, if any one was to come to the property it would be by appointment only from 9:00 am to 2:30 pm. He does most of his work and appointments at the residents being worked on.

On a motion by Goldman and seconded by Matteson, the Board unanimously approved the applicants request.

CASE # 842 – LITITZ SIGN COMPANY/LAPIAZZA – 800 LITITZ PIKE – VARIANCE: Tom Benjamin represented LaPiazza and was sworn to present this case. The request was for a Variance of Section 340-38.B(1)(n) to allow an electronic message board in the LC zoning district.

Benjamin shared that LaPiazza is installing new signage and would like to add an electronic message board on the sign. The Township's Ordinance does not permit electronic message boards in the LC zone, but does allow them in the CC zone which both allows the same uses; the LC zone only allows smaller uses. The electronic part will be 17 sf, smaller than the 20 sf foot permitted in the ordinance.

St. Clair stated that he understands the Township wanting to eliminate size and types of signs within the Township and will not support the request.

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Matteson does not believe there is a hardship.

Benjamin stated that this is no different than the LAMS sign the Board approved on Newport Road.

Matteson and St. Clair disagreed.

The Board took a recess and asked the Zoning Officer to join them.

After reconvening, Will asked the applicant if the existing static message board was backlighted. Benjamin stated yes.

On a motion by Will and seconded by Matteson, the Board approved the applicants request, 3-1, St. Clair voting no, with the following conditions: 1) the sign can only have a dark background with lighter lettering; 2) the message can only change once in a 24 hour period; 3) the sign can be no larger than 17 sf; and 4) the message board must be at least 300 ft from the traffic light.

With no other business to come before the Board, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Tom Zorbaugh
Zoning and Coding Officer