

**WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES**  
**June 13, 2018**

Chairman Gary Lefever convened the June 13, 2018 meeting of the Warwick Township Zoning Hearing Board at 6:30 pm. Present were Board Members Dane St. Clair, Mark Will, Brent Schrock, Gary Lefever, Tom Matteson, and Dana Clark. Also present were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Zoning Hearing Board Solicitor; Meghan McMahon, 642 Owl Hill Road, Lititz; Caroline Hoffer from Barley Snyder; Dan Bleznak from ARC One; Steve Stuart, 515 Colonial Crescent, Lititz; Kay Weber, 137 Snavelly Mill Road, Lititz; Lyndell Brubaker 634 Lincoln Road, Lititz; Troy & Cynthia Weaver 330 W. Lexington Road, Lititz; Jay & Kathleen Wenger 304 E. Newport Road, Lititz; Claudia Shank from McNeess Wallace & Nurrick LLC; Billy Clauser, Township Planner; and Allen Blank, Court Reporter.

**MINUTES APPROVAL:** On a motion by M. Will, seconded by T. Matteson, the minutes from the May 9, 2018 meeting were approved as submitted. B. Schrock, G. Lefever, and D. Clark abstained as they were not present at this meeting.

**POSTINGS, PROOFS OF PUBLICATION AND NOTICES:** Tom Zorbaugh, Code and Zoning Officer, confirmed that all the cases were properly posted.

**HEARING PROCEDURE:** For the benefit of those present, Neil Albert, Zoning Hearing Board Solicitor, explained the procedure to be followed for tonight's hearings.

**CASE #856- LYNDELL BRUBAKER MARTIN-VARIANCE (CONTINUATION):** An application has been received from Lyndell Brubaker Martin, 634 Lincoln Road, Lititz, PA 17543. The Applicant is seeking a Variance to the Warwick Township Zoning Ordinance under Section 340-14.G.2 to allow an accessory structure to be closer than 10' to a property line within the R-1 Residential District.

Lefever inquired if anyone from the audience wanted to become party status to the case. Ivan Fisher was sworn in.

T. Zorbaugh related that at the last meeting the Board had requested a submittal of a rendering of the project. This was submitted by I. Fisher. The plans shows the garage has been moved over from 4' to 5' in order to use the existing driveway and two garage doors on the front of the building.

I. Fisher stated there is difficulty in getting in two 9' garage doors and a work bench along one side at 25'. T. Matteson inquired if there will be enough room to back vehicles out of the new garage in order to be able to pull out onto the road. I. Fisher stated "yes."

On a motion by G. Lefever, seconded by T. Matteson, the Board unanimously approved Case #856 for a Variance with the revisions made from the original application.

**CASE #859- ANDREW ORWIG & MEGHAN MCMAHON- VARIANCE:** An application has been received from Andrew Orwig and Meghan McMahon, 642 Owl Hill Road, Lititz, PA 17543. The Applicants are seeking a Variance to the Warwick Township Zoning Ordinance under Section 340-14.J and/or 340-112.B, to allow a porch roof and porch expansion within the required front yard setback within the R-1 District.

G. Lefever inquired if anyone from the audience wanted to become party status to the case. Meghan McMahon was sworn in.

M. McMahon stated this is the oldest house on the street and they are trying to update the look. The porch will not be brought any closer to the road. T. Matteson inquired of T. Zorbaugh what the right-of-way is of Owl Hill Road. T. Zorbaugh stated it is 40'. T. Zorbaugh stated he spoke with some of the neighbors and none had an issue with what is being proposed.

On a motion by G. Lefever, seconded by D. St. Clair, the Board unanimously approved Case #859 as it applies to Section 340-112.B a Special Exception to maintain the setback as it exists today and to confirm that the front will remain open and not an enclosed structure.

**CASE #860- TROY & CYNTHIA WEAVER- SPECIAL EXCEPTION/VARIANCE:** An application has been received from Troy & Cynthia Weaver, 330 W. Lexington Road, Lititz, PA 17543, equitable owner of the property located at 304 E. Newport Road, Lititz, owned by Jay & Kathleen Wenger. The Applicant is seeking a Special Exception and/or the following Variances to the Warwick Township Zoning Ordinance, Section 340-113 to allow the substitution of a nonconforming use or Section 340-14.B to allow a business as a permitted use; and if needed Section 340-53.A to allow a non-owner occupied B&B and Section 340-53.F to allow the existing sign to advertise both uses within the R-1 District.

There was no one present requesting to be party status.

Claudia Shank from McNees Wallace & Nurick LLC was sworn in. C. Shank stated the property is located in the R-1 District and is currently owned by Jay & Kathleen Wenger. The building is approximately 4,380 square feet with the majority of the building being used as a Bed & Breakfast. There is a common dining area, a foyer, a library and a kitchen that is used by the guests and the Wenger's on the first floor of the building. The remainder of the building is occupied by the Wenger's as a dwelling.

The Bed & Breakfast use was originally approved by the Board in 2001 as Bed & Breakfasts are not permitted in the R-1 District. The Weaver's would like to continue the Bed & Breakfast use and convert the portion of the building currently being used as a dwelling, approximately 850 square feet, into office space for Brookside Builders which is a family owned remodeling business. Currently these offices are located on W. Lincoln Avenue in the Township. The hours of operation for the business would be Monday through Friday 7:00 am to 5:00 pm with the occasional Saturday. The office would be used for administrative purposes such as bookkeeping and client meetings. There would be two employees in the office on a daily basis and there would be approximately one client per week coming to the office for a meeting. All the tools and equipment used for the operation of the business would be stored offsite.

The first piece of relief needed in order to proceed would be permission to allow the office use within the R-1 District. This can be granted one of two ways. The first would be substitution of a nonconforming use. The substitution would consist of approximately 850 square feet. C. Shank pointed out the office will generate little traffic. The second way to grant approval would be through a use variance. This would be to allow an office use in the R-1 District.

If the Board is willing to approve the office use by either way mentioned above, there are two other points of relief needed. The first relates to a Bed & Breakfast owner occupancy requirement. A variance would be requested to allow the Weaver's to continue to operate the Bed & Breakfast without them actually living on the premises. The Weaver's would be on the premises Monday through Friday during the business operation hours and on the weekends to provide meals for the guests of the Bed & Breakfast.

Another relief required relates to signage. The sign currently located on the property is a pre-existing nonconforming sign approved under a prior zoning ordinance. The Weaver's would be looking to replace the sign with a new sign of the same size and placed in the same location to advertise the Bed & Breakfast and the business.

The Applicant is proposing the following conditions upon approval: 1. The office be limited to 850 square feet of the building. 2. The owners of the property have to have an ownership interest in the business utilizing the office space.

T. Weaver described his business to the Board. He also stated he spoke with some of the neighbors and received no negative feedback with what is being proposed with the property. If approval were granted, settlement would be at the end of July and the business would be up and running by approximately September.

Jay & Kathleen Wenger were sworn in. They gave a brief background on their history of owning the Bed & Breakfast.

Steve Stuart, a neighbor of the Wenger's, was sworn in. He stated he was impressed with all the restoration work the Wenger's have done with the building since they have owned it. He feels the best way to ensure the building is kept as an historical structure is for it to remain as a Bed & Breakfast. He feels the Weaver's have the resources and commitment to keep the historical status of the building.

Kay Weber was sworn in. K. Weber stated she represents the Hershey Family who occupied the farm for close to five generations and still care about the property and hope the Weaver's would respect the historical nature of the building.

T. Matteson inquired who was going to prepare and serve the meals. T. Weaver stated he and his wife will.

The Board then went into an Executive Session.

After returning from Executive Session, G. Lefever inquired of the Weaver's if there was any consideration to keep the Bed & Breakfast owner occupied meaning the Weaver's would live on the property. T. Weaver stated no. G. Lefever made a motion to deny Case #860 as presented, seconded by D. St. Clair, and unanimously approved by the rest of the Board with the exception of T. Matteson.

**CASE #861- ARC ONE LITITZ PARTNERS, L.P.- VARIANCE MODIFICATIONS:** An application has been received from ARC One Lititz Partners, LP, 1845 Walnut Street, Philadelphia PA 19103, owner of the property located at 50 Rock Lititz Boulevard, Unit 1B, Lititz, PA. The Applicant is seeking to amend the Variances received from the Warwick Township Zoning Ordinance, Case #831 of Sections 340-19.M(2).(c) additional wall signs; 340-38.B & 340-19.M directional signs and is requesting an extension of time in the I2 Zoning District.

Daniel Bleznak was sworn in.

Caroline Hoffer from Barley Snyder who represents the Applicant, ARC One Lititz Partners, LP and D. Bleznak who is a principal of the entity were present. C. Hoffer stated the property is located at 50 Rock Lititz Blvd. and is in the Campus Industrial District. The Applicant was before the Board previously to obtain a Variance to put on an additional canopy sign. The purpose of tonight's hearing is to modify the location of this canopy sign and to propose another wall sign and the removal of the ground signs.

The original placement for the canopy sign was mounted to the front canopy. A variance was obtained to treat this as an additional wall sign. The first proposal tonight is to move this sign from the front to the eave of the canopy. It will still be within the 50 square feet that was approved previously. The second proposal tonight is to add a 50 square foot wall sign in the east elevation and remove the ground signs altogether.

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In summary the requests are as follows: two signs are proposed to be removed, a 48 square foot and a 12 square foot, and the addition of a 50 square foot sign is proposed. After a discussion on size and how to measure the square footage, it was determined that the size as proposed in the hearing is adequate for the location on the wall.

On a motion by G. Lefever, seconded by T. Matteson, the Board unanimously approved Case #861 as presented.

**ADJOURNMENT:** With no other business to come before the Board, the meeting was adjourned at 8:16 pm.

Respectfully submitted,

Thomas Zorbaugh  
Code and Zoning Officer