

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
Warwick Township Municipal Office
June 10, 2020

Chairman Tom Matteson convened the June 10, 2020 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board members Dane St. Clair, Mark Will, Dana Clark, Tom Matteson and Brent Schrock. Absent was Board member Jeremy Strathmeyer. Also in attendance were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Board Solicitor; Jason, Sonya, Chase, Tyler and Logan Widders 104 Briar Hill Road, Lititz; Claudia Shank with McNees, Wallace and Nurick; Bernard Allaire; Ashlee Ludwig; Jamie Garland; H. Gerhard Hollingshead; Michael O'Rourke; Elmer Zimmerman; Amos Hurst; Mel Hess with Gibbel, Kraybill & Hess; Robert Gabriel with RGA; and Alan Blank, Court Reporter.

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

MINUTES APPROVAL: On a motion by M. Will, seconded by T. Matteson, the minutes were approved as submitted.

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

CASE #895-BERNARD ALLAIRE-CONTINUED: N. Albert noted that D. Clark and D. St. Clair were not at the last hearing but are present tonight and inquired if C. Shank had any objection to their participation in tonight's hearing. C. Shank stated she did not.

Claudia Shank from McNees, Wallace and Nurick along with Bernard Allaire, Jamie Garland and Ashley Ludwig were present. C. Shank gave a brief review of what is proposed for the property and what is being requested. At the last hearing before the Board, some additional information regarding parking allocation and usage of floor space was requested. This is the evidence that will be presented before the Board tonight. C. Shank stated the area for the residential use is approximately 1,900 square feet and the area for the spa is approximately 1,700 square feet. T. Zorbaugh, Zoning Officer, determined that a total of 11 parking spaces would be required however there will be ten spaces allocated for clients and employees and two would be allocated for the residence. No more than 49% of the building would be used for the Medical Spa. A maximum of five employees and four clients could be at the property at any one time. The Board Members questions were all answered to their satisfaction.

The Board went into an executive session at this time.

Upon return from the executive session, the Board ultimately felt that the proposal was for a commercial use in a residential district. While the request is for a substitution, it is a substitution that increases the impact in a way that violates the ordinance in a way the Board of Supervisors is not inclined to see this Board go. On a motion by T. Matteson, seconded by D. St. Clair the Board by a vote of 5-0 denied Case #895.

CASE #896-HOLLINGSHEAD/RISSLER-VARIANCE: G. Hollingshead was sworn in. The proposal is for a 20 x 24 garage addition along with some additional lengthening of the driveway. The garage will be set back approximately

four feet from the existing home. G. Hollingshead explained that the homeowner would like to add a garage to the west of the dwelling over top an existing stone driveway, by adding the two car garage it will encroach into the right-of-way along Dridge Hill Road. Discussion between the Board and the applicant was held trying to lessen the encroachment.

The Board went into an executive session at this time.

Upon return from the executive session, on a motion by T. Matteson, seconded by D. St. Clair, the Board unanimously voted to continue Case #896 until next month to allow the applicant time to reduce the encroachment into the required front yard setback.

CASE #897-JASON & SONYA WIDDERS-VARIANCE:

Jason & Sonya Widders were sworn in. The proposal is for a 16 x 20 master bedroom addition along the Skyview Lane side of the dwelling. The addition will encroach into the front yard setback by 8'2". Discussion between the Board and the applicant was held trying to lessen the encroachment.

The Board went into an executive session at this time.

Upon return from the executive session, the Board requested the Applicant to modify the proposal by pushing back the addition to 25 feet off of the right-of-way. If by doing this, it will interfere with the sewer system, the Applicant is to verify the exact location of the sewer system and come back before the Board with this information. J. Widders stated by pushing the addition back it would interfere with an existing in ground pool. Since the pool was put in by the Applicant, this now becomes a self-imposed hardship and the Board was not willing to grant the request. The Board suggested the Applicant go back to their architect/engineer and see if the plan can be reworked to get to five feet in and 25 feet back. By meeting the Board halfway they would be more inclined to grant the request. Based on this information, the Applicant is asking for a continuation.

On a motion by T. Matteson, seconded by D. St. Clair, the Board unanimously voted to continue Case #897 until next month.

CASE #898-CHARLES WEAVER-SPECIAL EXCEPTION/VARIANCE: All the participants were sworn in. The variances for the business to exceed 25% and to allow for a bigger sign have been removed from this hearing. Dwight Yoder from Gibbel, Kraybill & Hess was present on behalf of Michael & Sheila O'Rourke who are next door neighbors of the Weaver's and are opposed to the application. Mr. O'Rourke requested party status. On a motion by T. Matteson, seconded by M. Will, the Board unanimously granted M. O'Rourke party status.

Mr. Weaver stated his business has grown and there are two more employees in addition to him and his son. The employees come to the house in the morning to meet for 10-20 minutes and then leave. The employees are not parking at the house and are not coming back to the house at the end of the day. No customers or vendors come to the house. The Board's questions up to this point were answered to their satisfaction so D. Yoder was given a chance to cross examine Mr. Weaver.

Tom Rossman, 616 Owl Hill Road, stated if there were any thoughts of moving the driveway to the opposite side of the property he would be adamantly opposed to it.

D. Yoder then cross examined M. O'Rourke, 608 Owl Hill Road. After the cross examination and closing argument by D. Yoder, the Board went into an executive session.

Upon return from the executive session, on a motion by T. Matteson, seconded by B. Schrock, the Board by a vote of 5-0 denied Case #898.

CASE #899-ELMER ZIMMERMAN-SPECIAL EXCEPTION: All the participants were sworn in. Mel Hess with Gibbel, Kraybill and Hess was present representing the Applicant. The Applicant desires to raze an existing shop building and build a new structure on the same footprint in which he would like to operate an auto repair service. He is seeking a variance since he is demolishing and rebuilding rather than restoring an existing building. He is also seeking a determination as to if the nonconformity arising out of the mixed use constituting two principal uses on the property be permitted to continue pursuant to Section 340-109 or alternatively a variance to permit two principal uses on one property. In addition, there currently exists a dimensional nonconformity. He is seeking a determination if these dimensional nonconformities may continue pursuant to Section 340-109 of the ordinance or a variance from Section 340-17F(1) and (2) and also from 340-17F in that the current buffer between the commercial and residential use and between the commercial building and the street are noncompliant. M. Hess requested to amend the application to include a request for a Special Exception 340-113 if the Board concludes that tearing down a building and rebuilding terminates the principal use. N. Albert explained that the Board must vote on whether or not to accept this request. On a motion by T. Matteson, seconded by D. St. Clair, by a vote of 4-1 the Board approved the addition of the request for a Variance of Section 340-113.

M. Hess then asked various questions of A. Hurst. The Board's questions to A. Hurst were answered to their satisfaction. M. Hess then asked various questions of E. Zimmerman. E. Zimmerman testified there are currently 17 parking spaces four of which will be used for employees and the rest will be used for storage of finished vehicles until the respective owner can come and pick them up. Nothing will be stored outside. Ventilation for the building will not be directed toward any residential housing. The Board's questions were answered to their satisfaction. Robert Gabriel was then questioned by M. Hess. He reviewed the proposed new building plans with the Board which will go over the existing foundation. There will be the addition of a 20 x 40 office to the east which will be conforming as it is outside of the setback area. The access drive will be widened from 12 feet to 24 feet. The Board asked numerous questions to M. Hess and R. Gabriel.

The Board went into an executive session. Upon return from executive session on a motion by T. Matteson, seconded by D. St. Clair by a vote of 4-1 the Board voted to approve the application by variance using Section 340-113 which would allow the reconstruction of the building on the same footprint that it is now and the Special Exception for the auto repair shop.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 10:45.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Zor', with a long horizontal flourish extending to the right.

Thomas Zorbaugh
Code and Zoning Officer