

## WARWICK TOWNSHIP

315 Clay Road  
P.O. Box 308  
Lititz, PA 17543-0308  
(Lancaster County)

### WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES

April 13, 2022

6:30 p.m.

Vice Chairman, Mark Will convened the April 13, 2022 meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were Board Members Mark Will, Dana Clark, Brett Nolt, and Dane St. Clair. Also in attendance were Billy Clauser, Planner/Assistant Zoning Officer; Neil Albert, Zoning Hearing Board Solicitor; Melvin Hess, Gibble Kraybill Hess, LLP; Sheila O'Rourke, Gibble Kraybill Hess, LLP; Lawrence & Barbara Vennell, 32 Mt. Kineo Road, Kennebunkport, Maine; Nick Perrefort, Perrefort Construction, Manheim; and Tom & Sue Rossman, 616 Owl Hill Road, Lititz; and Allen Black, Court Reporter.

**APPROVAL OF MINUTES:** Deferred approval until next meeting.

**ELECTION OF OFFICERS FOR 2022:** M. Will opened the nominations for Chairman, Vice-Chairman, and Secretary of the Zoning Hearing Board. On a motion by D. St. Clair, and seconded D. Clark, the Board approved the nomination of Tom Matteson as Chairman of the Zoning Hearing Board. On a motion by D. Clark and seconded by D. St. Clair, the Board approved the nomination of Mark Will as Vice Chairman of the Zoning Hearing Board. On a motion by D. St. Clair and seconded by B. Nolt, the Board approved the nomination of Dana Clark as Secretary of the Zoning Hearing Board.

**POSTINGS, PROOF OF PUBLICATIONS AND NOTICES:** B. Clauser confirmed the postings and proof of publication were completed.

N. Albert, Zoning Hearing Board Solicitor confirmed with B. Clauser that the agenda has been posted at least 24 hours beforehand on the Township Website and also posted in the Township Building.

### **ZONING CASES:**

Neil Albert explained the procedures for tonight's meeting.

**CASE #921 – Michael & Sheila O'Rourke – Variance:** An application has been received from Michael & Sheila O'Rourke, 608 Owl Hill Road, Lititz, PA, within the R-1 Zoning District. The applicants are seeking relief from the Warwick Township Zoning Ordinance for a Variance of Section 340-14.E, design standards; and Section 340-31, for more than one principal use on a lot; to place a second dwelling on the property. The application has been assigned Case #921.

M. Hess called upon Sheila O'Rourke to testify. S. O'Rourke stated that their property is in the R-1 Zoning District and contains 1.5 acres, improved with a single family dwelling, detached garage, and u-shaped driveway. O'Rourke oriented attendees of the exhibit photos. She stated the front elevation of their property is higher and the property slopes back towards the rear. The area in front of and including the detached garage is where the property levels off. M. Hess asked for a description of the footprint for the proposed single family residence. O'Rourke states the proposal is to remove the existing garage and in the same location build a single family home that would be occupied by the applicant's parents. The building would be a single floor dwelling along with a one car garage. M. Hess asked how



many square feet the proposed building would be. O'Rourke stated the building would be approximately 1,000 square feet with 1 single bedroom and an open concept living area, bathroom, and office. O'Rourke reviewed exhibit A-3 which is an existing conditions survey. M. Hess asked the applicant to explain the traffic flow and parking for the property. O'Rourke stated that the way they use their property and the configuration didn't change. The access to the property and the driveway would not change with plenty of parking. S. O'Rourke reviewed the floor plans and elevation for the proposed dwelling. The dwelling and garage would essentially be over the existing impervious garage pad and also part of the driveway, with the impervious coverage of the lot increasing by 1%. When the applicant submitted their application, they did speak to the neighbors on either side of their property and they received the support of both adjacent property owners. Exhibit 6 is a letter from Mr. James Painter who lives on the side of their property where the building is proposed stating his support of the applicant's proposal. M. Hess asked the applicant to explain the variances they are requesting. S. O'Rourke stated that they did consider building an addition to their home, but there were a number of reasons that it was not feasible, one being the slope of the property and another being if they were to build off the back of the residence it would require completely changing the configuration of their home. O'Rourke was asked to describe the surrounding neighborhood. She stated that it is a residential neighborhood with residential and agricultural uses. The lots are of varying sizes with varying lot widths as well. M. Hess asked if it was her belief that if the relief is granted and the structure is constructed that it would have no untoward impact on the neighborhood. O'Rourke stated it would be no harm to the neighborhood. O'Rourke noted that the request is to place two principle building uses on the lot, with no issue with lot area or lot coverage. She states that they are asking for a fairly technical variance from lot width. The minimum lot width is 100 feet, and they have a lot width of approximately 167 feet. Because the provision in the ordinance says that each use must be positioned as if it were on its own independent lot and meet all of the requirements, the applicant would need a lot width of 200 feet. The property would effectively be used as a single unit, they would require a variance from lot width and also a variance to the side yard set-back. While the proposed building would meet the accessory set back of 10 feet, the front corner of the building would be just over 14 feet from the property line and the rear corner of the proposed building would be approximately 11 feet from the property line. The proposal would meet the accessory building set back but they would need a variance with regard to the principal building set back. O'Rourke confirmed that the property is served by public water and sewer.

M. Will questioned the encroachment with the proposed building. S. O'Rourke stated that there is an increase in the encroachment. The existing building is at 12.3 feet and the proposed corner would be at 10.95 feet.

Nick Perrefort from Perrefort Construction 602 Quail Creek, Manheim, Pennsylvania was sworn in. M. Hess asked Mr. Perrefort how long he has been in the profession. Perrefort stated he has been in the construction field for 40 years. Hess asked if Perrefort's work was in commercial or residential construction. Perrefort confirmed his work experience has been in residential construction. Mr. Perrefort explained the reasoning for the placement of the proposed structure. He stated that the patio at the rear of the existing dwelling is at a lower elevation than the existing driveway, so in order to minimize the effect of grade changes, it allows them to swale the water coming down the driveway to properly slope to the rear of the property and maintain the storm water runoff on their property through the existing pad. M. Will asked if the proposed structure could be moved so there would be no need for the side yard variance. Perrefort stated that the structure could be moved over however that would increase the slope in the swale that they would need to create which would make it more difficult for maintainability. M. Hess asked if Perrefort would concur with S. O'Rourke's opinion that this particular proposed use would not have any adverse effect on the character of the neighborhood, to which Perrefort agreed.

Tom Rossman of 616 Owl Hill Road, adjoining land owner, asked how it would work with sewer and water on the proposed building. B. Clauser stated that he would check with municipal authority on how that situation would be handled. O'Rourke stated that if a separate connection was required, they would be willing to do that.

M. Will asked what the current garage is used for. O'Rourke stated that the garage is used for storage. They do not park their cars there. Will asked how the applicant planned to accommodate that use in the future. O'Rourke stated that they are proposing a single car garage with a large storage area in the back of the garage with a larger door on the side



Zoning Hearing Board  
April 13, 2022

where the riding mower can come in and out. N. Perrefort mentioned that they are doing attic trusses above the garage so this allows additional storage as well. Will asked if there are plans to add an additional garage in the future. O'Rourke stated that there were no plans to add an additional garage.

M. Hess gave his closing remarks, mentioning previous cases.

N. Albert stated that the Board is considering a condition that the property, if allowed, would be used only by members of the family to avoid other uses. He asked if this would be agreeable as a condition to approval. There was a discussion of the ordinance and the property uses.

On Case #921 M. Will made a motion, seconded by D. Clark to approve Section 340-14.E lot width and side yard setback per testimony given and Section 340-31 per the testimony given on the setbacks with two conditions. Condition one being that there would be no future subdivision of the property and the second condition being that the occupants of the second principal use would be family of the owner of the property. M. Hess asked if the Board is specifying which unit needs to be the owner and which unit needs to be the family member. N. Albert stated that the way it is worded the secondary dwelling would be occupied by family members of the family that owns the property. N. Albert noted that when the final decision is drafted it will reflect the fact that the owners of the property can live in either of the dwellings as long as everyone involved in both dwellings is family. M. Will amended the motion to reflect that and it was seconded by D. St. Clair.

**ADJOURNMENT:** Meeting was adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Billy Clauser", followed by a long, sweeping horizontal line that extends to the right.

Billy Clauser  
Planner/Assistant Zoning Officer