

**WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES**  
**May 09, 2018**

Vice-Chairman Tom Matteson convened the May 9, 2018 meeting of the Warwick Township Zoning Hearing Board at 6:35 p.m. Present were Board Members Dane St. Clair, Tom Matteson, and Mark Will. Absent were Board Members Gary Lefever, Brent Schrock and Dana Clark. Also present were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Zoning Hearing Board Solicitor; Allen Blank, Court Reporter; Marie Snively, 9 Longenecker Rd, Jerry Laudor, 9 Longenecker Rd, Ted Schmid, 1507 Brunnerville Rd, Ken Kase, 1516 Brunnerville Rd, Michelle Bigham 603 Woodcrest Ave, Denise Freeman, 603 Woodcrest Ave, Wade Hartz, 615 Log Cabin Road, John Gibbel, 828 Ballstown Road, Lititz; Matthew Gibbel, 156 Church Road, Melvin Hess from Gibbel, Kraybill & Hess, 2933 Lititz Pike, Walter & Linda Piasecki, 11 Longenecker Rd, Troy & Joni Halligan, 13 Longenecker Rd, Dan Rusnock, 15 Longenecker Rd, Dale Hershey, 1684 Wheatland School Rd, Steve Fetterman, 8 Irvin Dr, Earl & Lyndell Martin, 634 Lincoln Rd and Jennifer Henry, 20 Pfautz Ave.

**EXECUTIVE SESSION:** T. Matteson stated that the Zoning Hearing Board had been in executive session with the Solicitor discussing the Gibbel case.

**MINUTES APPROVAL:** On a motion by St. Clair, seconded by Will, the minutes of April 11, 2018 were approved as submitted.

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

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

**CASE #855- JOHN GIBBEL-SPECIAL EXCEPTION/VARIANCE:** The property in question is located at 156 Church Road, Lititz, PA. The Applicant is seeking a Special Exception for uses not provided for under Section 340-5 for a Bed & Breakfast under Section 340-11.C(a). Variances of 340-11.B to allow the use as a permitted use; Section 340-53 B&B criteria if needed and Section 340-31 as a second principal use.

Melvin Hess stated that John Gibbel and Matthew Gibbel were sworn in at the last meeting.

T. Matteson asked if anyone in the audience wanted party status to this hearing. Hearing none, he turned the meeting over to the applicant to provide any further information.

M. Hess asked for J. Gibbel to further explain the use of the property. J. Gibbel stated that the primary farm is meadow and is being maintained by the neighboring Amish farmer and the front half is part of the Shenk berry farm. John feels that the tiny home will not affect the farming operation due to where it is located and that the occupants of the tiny home have enjoyed seeing the farming life.

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M. Hess asked M. Gibbel who he typically rents the tiny house out to. M. Gibbel shared that the tiny home is primarily rented up to two people, some have brought children, but mostly couples. Matt stated that most of the renters have been from out of the area and mainly want to see the tiny house.

M. Will asked about the use of the existing dwelling and would they consider turning that into a B&B. M. Gibbel stated that it has been considered and that if the existing tenant leaves, it is a possibility.

With no other questions from the Applicant, the public or the Board, the Vice Chairman closed testimony on a motion by D. St. Clair and seconded by M. Will.

T. Matteson stated a tiny house is considered an RV and as such to grant this application would open the door for anyone to take an RV and park it on a farm and rent it out. The Board of Supervisors has made it clear this is not what they are looking for in the Ag Zone. The Zoning Hearing Board has made it known to the Board of Supervisors that this needs to be addressed. Because of this fact, the Zoning Hearing Board does not feel they can approve this as it is a use not provided for.

On a motion by T. Matteson, seconded by D. St. Clair, the Board voted unanimously to deny the case as submitted.

**CASE #856-LYNDELL BRUBAKER MARTIN-VARIANCE:** The property in question is located at 634 Lincoln Road, Lititz, PA. 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. Earl and Lyndell Brubaker Martin were sworn in. The Applicant would like to build a two car garage to the rear of the existing house however it would only be 4' from the neighbor's property line at the end of the existing driveway. The front of the garage would face the rear of the Martin's property as well as the neighbor's property to the rear. T. Matteson inquired if L. Martin has had any conversation with the neighbor regarding this proposal. L. Martin stated she has and they are ok with the project. The Board asked questions regarding where the septic tanks were located as well as the well for water. T. Matteson inquired why the garage is going to be 4 feet wider than a conventional garage? E. Martin replied he would like a work bench alongside the vehicles. M. Will stated the garage could be lengthened instead and the work bench placed in front of the garage therefore eliminating the extra 4 feet in width. This brought up some confusion as to where exactly the garage will be located in relation to the house. The Board would like to see a drawing that is to scale. T. Zorbaugh recommended that the Applicant get in touch with Penryn Construction to work on another sketch and to continue this case next month.

On a motion by M. Will, seconded by D. St. Clair, a motion was made to continue the case to June 13, 2018 to allow the applicant to provide additional information.

**CASE #857-MICHELLE BINGHAM-SPECIAL EXCEPTION-** The property in question is located at 603 Woodcrest Avenue, Lititz, PA. The Applicant is seeking a Special Exception to the Warwick Township Zoning Ordinance under Section 340-14.C(1) to allow a Home Occupation within the R-1 Residential District. Michelle Bingham and Denise Freeman were sworn in. Bingham and Freeman have a day lily display garden that is open for tours and they also have a market stand. Bingham and Freeman would like to be able to sell the lilies out of their home as well. Due to parking issues, sales would be by appointment only as this is the only way to control how many cars are there at any one time. T. Zorbaugh stated that for the open garden tours, Bingham and Freeman notify the Township as to when the tours will be held as cars will need to park along the street. The open garden tours occur every other Sunday from 9:00 am until 4:00 pm. At any one time during these tours there are typically five to six vehicles. Along with the tours special events are occasionally held such as fundraisers. When these events occur there are more vehicles and permission has been received from a neighbor who owns a vacant lot to use for additional parking. There will no other employees other than Michelle and Denise. The selling of lilies would basically only involve the months of June and July as that is the growing season of the lilies.

T. Matteson inquired if anyone from the audience would like to be made a party to the case.

D. St. Clair inquired how many cars fit in the driveway. Freeman stated approximately five. T. Zorbaugh inquired if the garage was a one car or two car. Freeman stated it is a one car garage. T. Zorbaugh stated with a one car garage the requirement is to have two parking spaces off street for the dwelling. T. Matteson inquired if the Township had any objection to parking on 6<sup>th</sup> Street. When the special events have occurred in the past this has not been an issue. T. Matteson inquired if some type of temporary signage could be placed directing overflow parking to 6<sup>th</sup> Street. M. Bingham stated they would be willing to place signage if required.

The Board went into an Executive Session at this time.

Upon returning from Executive Session, M. Will inquired if any Saturday hours were going to occur. D. Freeman stated no. T. Matteson inquired if they would specifically state what hours the business will be open. The requested hours are as follows: Monday 9:00 am to 8:00 pm and Tuesday through Friday 6:00 pm to 8:00 pm with no Saturday hours.

With no questions from the Applicant, public or the Board, the Chairman closed testimony on a motion by D. St. Clair seconded by M. Will.

M. Will made a motion on Case #857 for a Special Exception to allow a home occupation to be approved with the following conditions: 1. That the hours be Monday 9:00 am to 8:00 pm and Tuesday, Wednesday, Thursday, and Friday 6:00 pm to 8:00 pm. 2. During these hours it be limited to appointment only and also three customers at a time. 3. All signage must comply with the zoning regulations. 4. The Sunday tours and special events must be approved by the Board of Supervisors. This motion was seconded by D. St. Clair and unanimously approved by the rest of the Board.

**CASE #858-MARIE SNAVELY-SPECIAL EXCEPTION:** The property in question is located at 9 Longenecker Road, Lititz, PA. The Applicant is seeking a Special Exception to the Warwick Township Zoning Ordinance under Section 340 to allow a Home Occupation within the R-1 Residential District. Marie Snavely and Jerry Laudor were sworn in. M. Snavely stated she is a licensed massage therapist and has an office set up in her house. She is the only employee and hours are by appointment only. The hours are Monday, Wednesday and Friday 10:00 am to 7:00 pm, Tuesday and Thursday 10:00 am to 6:00 pm and Saturday 11:00 am to 4:00 pm. There are no Sunday hours. M. Snavely tries to make sure there is no overlapping of clients. The only time this occurs is if a couple has booked back to back massages. No type of merchandise is sold. The Solicitor inquired if the square footage of the dwelling and the square footage of the area used for the business was known. J. Laudor stated the office space is 18 x 20 and the half bath is approximately 6 x 4 and the square footage of the house is approximately 2,432. D. St. Clair inquired if the two of the parking spots were designated for the business and not used for other parking. M. Snavely replied no.

T. Matteson inquired if anyone from the audience would like to be made party to the case. Walter Piasecki requested party status due to being a neighbor to the property at 11 Longenecker Road. T. Matteson made a motion that the Board allow W. Piasecki to made party status. This was seconded by M. Will and unanimously agreed upon by the rest of the Board.

W. Piasecki stated that there are numerous cars parked in the driveway and lawn of 9 Longenecker at times. He has also noticed that customers have had to wait at times to for someone to pull out of the driveway in order for them to pull in the driveway. Approximately six months ago W. Piasecki placed stanchions along his property line and they have been knocked over on numerous occasions by vehicles trying to back out of the driveway. The driveway is not lighted after dark making it even more difficult for motorists to see when exiting the driveway.

J. Laudor stated his work truck was responsible for knocking the tree branch off of W. Piasecki's tree. He also stated he is not sure what W. Piasecki is referring to as far as the stanchions are concerned. He hit one once time but put it back up and is unaware of any being hit any other time. T. Zorbaugh stated there have been complaints regarding the number of occupants that reside at the home and the number cars that are being parked there. M. Snively stated the following individuals currently reside at 9 Longenecker Road: one of her sons, a friend of hers and her daughter and J. Laudor will eventually be moving in. The yard has recently been reseeded and no more vehicles will be parking or driving on it. T. Zorbaugh wanted to verify the number of vehicles on the property. M. Snively stated Laudor has two, she has one and her friend has one. M. Snively stated her car is kept in the garage.

Troy Halligan was sworn in. T. Halligan stated the driveway is not 16 feet wide and only goes up to the garage.

D. St. Clair inquired if M. Snively was going to have a sign. T. Zorbaugh stated a sign can be placed on the backside of the mailbox or 12 feet from the right-of-way.

Dan Rusnock was sworn in. He questioned if M. Snively had the appropriate permits and or licenses for a massage business. M. Snively stated she does.

Jennifer Henry was sworn in. J. Henry is a resident in the neighborhood and had a question about the violations that have already occurred. TZ stated once Snively applied for the permit, the process began. Since M. Snively has come before the Zoning Board as requested, she has complied thus far with all requests and is not in violation of any ordinances at this time.

At this time the Board went into an Executive Session.

Upon return from Executive Session, T. Matteson made a motion to approve the case under the following conditions: 1. The hours will be Monday, Wednesday, and Friday from 10:00 am to 7:00 pm, Tuesday and Thursday from 10:00 am to 6:00 pm and Saturday from 11:00 to 4:00 pm and no Sunday hours. 2. There will be no sales of any merchandise. 3. The business is limited to a space of 384 square feet within the house. 4. A sign needs to be installed in accordance with Township regulations. 5. There needs to be a minimum of 30 minutes between the end of each appointment and the start time of the next. 6. A designated space needs to be provided for clients to park and must be clearly delineated as such. This motion was seconded by D. St. Clair and unanimously approved by the Board.

**EXTENSION OF TIME FOR MICHAEL PALASZ, CASE #818:** On a motion by D. St. Clair, seconded by M. Will, the Board approved a six month extension of time for Michael Palasz with T. Matteson abstaining.

**EXTENSION OF TIME FOR DANIEL & MEREDITH MILLS, CASE #839:** T. Matteson made a motion to grant a six month extension of time for Daniel & Meredith Mills, seconded by M. Will, and unanimously approved by the Board.

**ADJOURNMENT:** With no more business to come before the Board, the meeting was adjourned at 8:30.

Respectfully submitted,

Tom Zorbaugh  
Code and Zoning Officer