

WARWICK TOWNSHIP

315 Clay Road

P.O. Box 308

Lititz, PA 17543-0308

(Lancaster County)

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES

July 8, 2015

Vice-Chairman Scott Goldman convened the July 8, 2015 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Scott Goldman, Dane St Clair, Mark Will, Thomas Matteson and Brent Schrock. Gary Iefevr was absent. Also present were Zoning Officer Thomas Zorbaugh, Zoning Hearing Board Solicitor Neil Albert, Court Reporter Lisa Miller, Sue Trafford, Tamra Wannenmoher, Tara Will, Jim Miller, Nancy Miller, Dan Rusnuck, Bill Flickinger, Regina Gills, William Gillis, Mike Garman, Richard Cagno and Paul Strauss Jr.

MINUTES APPROVAL: On a motion by Goldman, seconded by Matteson, the Board voted unanimously to approve the minutes of the June 10, 2015 meeting with the revision of the Court Reporter was Ms. Adams not Ms. Anderson.

POSTING, PROOF OF PUBLICATION AND NOTICE: The Zoning Officer confirmed that this meeting was a continuation and that the properties did not need to be posted or advertised any further.

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

CASE #819 - WILLIAM & SHIRLEY FLICKINGER - VARIANCE: The Vice-Chairman read the application received from William & Shirley Flickinger, 17 Lonegenecker Road, Lititz PA. The Flickinger's were requesting a Variance of Section 340-14.J to allow a side yard to be 6 foot instead of the required 10 foot in a R-1 zoning district.

William Flickinger was sworn in.

Tom Matteson stated that his firm had done work for the Flickinger's in the past, but that he had no part in the process. The Township's Solicitor asked if Mr. Flickinger had any issue with Mr. Matteson being part of the hearing. Mr. Flickinger stated that he did not.

Mr. Flickinger stated that he wanted to add a garage addition to the side of his home to park there second car and to store his lawn equipment. He stated that currently they have a shed in the rear of the property that they would like to eliminate and the garage addition would take care of the need for the shed.

Scott Goldman asked for the distance needed for the relief. Flickinger stated 4 foot leaving a 6 foot side yard setback.

Matteson asked if Flickinger had spoken with any of the neighbors and did they have any issues with the request. Flickinger stated that the closest neighbor was here and was not against the proposal.

Matteson asked the neighbor, Richard Cagno, if he had an issue. Mr. Cagno stated that he does not.

Schrock asked if there was a front yard issue. The Zoning Officer stated no.

Goldman asked if there was anyone else in the audience that wanted to make a comment or had any questions. No one else addressed the Board.

On a motion by Goldman, seconded by St. Clair, the board approved the applicants request to reduce a side yard setback to 6' in a R-1 residential zoning district. This motion was approved by a vote of 5-0.

CASE #820 - 3 SONS PROPERTIES, LLC - VARIANCE: The Chairman read the application received from 3 Sons Properties, LLC, Garman Builders, equitable owners of the tract located at 1110 Orcahrd Road, Lititz PA. The applicant was requesting a Variance of Section 340-14.E, "Design Standards" in the R-1 zoning district.

Mike Garman, representing 3 Sons Properties, was sworn in.

The Township's Solicitor, Neil Albert stated that he was a resident of one of the Garman's Communities that was in litigation with Garman Builders. Albert stated that he did not personally have any issues with Mike Garman, that the litigation was dealing with an exterior material that was used and is failing and will be taken care of. Garman and the Board did not have any issue with Albert being part of this hearing.

Tom Matteson stated that Deihm & Son was currently doing work for 3 Sons Properties on this project and will step aside from making a motion on this case and Brent Schrock, the alternate could fill in. Garman had no issue with Schrock filling in.

Garman stated that he had just purchased this property at public sale and it requesting a Variance to allow a 5th lot to be built on the tract. He submitted Applicants Exhibit #1 showing that 4 lots could be built on the tract meeting all design standards, but that he was here to ask for a 5th lot since the frontage would allow it.

The Zoning Officer stated that Garman had been before the Township's Planning Commission (PC) and that the PC did not recommend adding the 5th lot. The Planning Commission Memo was marked Board Exhibit #1.

Garman stated that he felt that this would be a good in-fill development and submitted Applicants Exhibit #2 showing the Township's Ordinance dealing with the R-1 zoning district without water & sewer. The Zoning Officer stated that there is water & sewer along the frontage of this proposed development.

Garman stated that he was having the property surveyed and that although the frontage was adequate for 5 lots, the depth hindered him meeting the required lot sizes. He stated that if the Board granted him the relief being requested, he would make as part of this hearing, a condition on the size and style of homes to be placed on the proposed 5 lots.

Will asked if the house would match the style homes Garman had built across the Street. Garman stated that the style would match but that the size of the homes would be smaller.

Will asked if there would need to be a front yard setback relief. Garman stated no.

Goldman opened the hearing to the public asking is anyone had any questions or comments.

William Gillis, 226 Andover Lane asked about rear yard setback. Garman stated he was not seeking a rear yard relief and that if he does not receive approval for 5 lots, there is no need for a rear yard relief.

Goldman asked if he was removing the rear yard request. Garman stated that he did not need a rear yard setback relief unless he gets the 5th lot.

St. Clair asked Garman for his hardship. Garman stated the depth of the lots.

Garman presented Applicants Exhibit #3 showing that he could put 4 double wide manufactured homes.

Goldman stated that the plans submitted by Garman show that he can meet all requirements as a 4 lot subdivision but that the 5th lot being requested makes all the lots nonconforming.

Garman presented Applicants Exhibit #4 showing the neighboring duplex and a single family home closer to the street.

On a motion by Goldman, seconded by Schrock, the board voted to deny the applicants request to reduce lot sizes to allow 5 building lots and to reduce a rear yard setback. This motion was denied by a vote of 4-0. Tom Matteson abstained.

CASE #821 - JAMES & NANCY MILLER - VARIANCE: The Chairman read the application received from James & Nancy Miller, 633 Lititz Reserve Lane, Lititz PA. The Millers were requesting a Variance of Section 340-15.E to allow a patio to be installed within a rear yard setback in a R-2 zoning district.

James Miller was sworn in.

Mr. Miller stated that he had attended the meeting were the Board had approved the Lititz Reserve plan to have lesser rear

and side yard setbacks along the common areas. He does not own a home along the common areas but is asking relief to allow a patio to be built reducing a rear yard setback to 20' not 30' as required. He stated that they had bought a model home since they need to move quickly and that the builder had stated that this home was available and that there was an option for a patio or sunroom. They choose the sunroom to be built over the existing patio thinking that they could come back and add a patio. They were not aware that the Township has such a larger rear yard setback for accessory structures.

Solicitor Albert asked for Mr. Miller to show them the lot in question on the smart board. The Zoning Officer pointed it out.

Goldman asked for a recess. The Board took a recess at 7:25 and reconvened at 7:35.

Matteson asked for a continuation to allow the plan to be heard by the Township's Planning Commission for a recommendation. Miller agreed to a continuation.

On a motion by Goldman, seconded by Will, the board voted to continue this case to seek comments from the Planning Commission. This motion was approved by a vote of 5-0.

CASE #822 - MARTIN NESS - VARIANCE: The Chairman read the application received from Martin Ness, owner of the tract located at 102 Shober Lane, Lititz PA. The applicant was requesting a Variance of Section 340-14.E to reduce a rear yard setback from 35' to 30'.

Mike Garman, representing Mr. Ness was already sworn in.

Garman presented the proposal requesting a minimum rear yard setback relief to allow a patio to be built between the home and the accessory structure to be built on the property.

The Zoning Officer shared the plot plan and the minimum relief being requested.

On a motion by Goldman, seconded by Schrock, the board voted to approve the applicants request to reduce a rear yard setback from 35' to 30' to allow a pervious patio without a footer. This motion was approved by a vote of 5-0.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Thomas Zorbaugh
Code & Zoning Officer