

Manor Township Zoning Hearing Minutes

Wednesday, April 6, 2016

Time: 7:00 P.M.

Chairman Chris Peris called the meeting to order in the Manor Township Municipal Building at 950 West Fairway Drive, Lancaster, PA, on Wednesday, April 6, 2016 at 7:00 p.m. Chairman Peris introduced the members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Chris Peris, Bradley Singer and Alex Egner
Township Officials Present: Nickolas Ebersole, James McManus III
Visitors: Matthew Cabry, Millersville University
Owen Sechrist, University Student
William Matthews, University Student
Drew Hughes, Millersville University
Jim Stauffer, 365 Weaver Rd.
Jay Stauffer, 345 Weaver Rd

Mr. Peris recognized that Evie Rineer is retiring May 27th and thanked her for 23 years of service to Manor Township.

Minutes – Mr. Peris made a motion to accept meeting minutes from March 2, 2016. Mr. Egner seconded the motion and the motion carried unanimously.

Old Business

Case #1-16 - The application of James D. Stauffer, property located at 118 Weaver Road, Lancaster, PA 17603, Account # 4100690200000 for a variance of Section 214.2.18 a Duplex provided that both public sewer and public water are used, in accordance with Section 605.4 - Variances. The Applicant would like to create a duplex use without utilizing public water. The property is zoned Mixed Residential/Commercial (MRC). Testimony is closed and a decision will be rendered. Mr. Peris turned the meeting over to Mr. McManus.

Mr. McManus stated the process the Board went through was to individually contact Mr. McManus with their thoughts on the Application. Mr. McManus has, based upon individual communications with Board Members, prepared a draft decision which is before the Board this evening. That Decision contains Findings of Fact which are findings of the Board based upon the evidence and testimony presented at the hearing in this matter. They relate to the specifics of the property, the specifics of the request for a variance, and the reasons stated for the variance. The Decision finds and states among its findings that the Applicant failed to submit any floor plans in accordance with the requirements of the Ordinance, failed to submit any scaled site plan with any degree of accuracy to determine the location of any required setbacks as required by the Zoning Ordinance, the Applicant failed to submit any scaled site plans indicating compliance with the off street parking requirements of the Zoning Ordinance, failed to establish any credible evidence that on lot water serving the property is either available in adequate amounts or quality for the intended duplex use of the property, failed to establish that there are any physical limitations to the property that prohibits its development in strict compliance with the Zoning Ordinance. The Decision contains Conclusions of Law stating the legal basis that the Board is guided by either statutory or cases of Appellate Courts and the findings states that the Applicant has failed to establish that an unnecessary hardship would be created if he were not permitted to develop

the property as proposed and that the Applicant has not met his burden to establish a right to a variance to the requirements of the Ordinance as requested. There is a Decision contained in the proposed draft that says based upon those Findings of Fact and Conclusions the application of James Stauffer for a variance provisions of Section 214.2.8 of the Manor Township Zoning Ordinance to permit the development of a duplex dwelling without the necessity of providing public water to each dwelling unit on this property located at 118 Weaver Road, Lancaster, PA, is denied. That is the form of the Draft Decision. If the Board wishes to debate or reconsider or edit any of the Findings, it is time to do that prior to any motion regarding the approval or denial.

Mr. Egner referred to Findings of Fact #26 and #27 and questioned the wording "failed to submit any floor plan" asking if what was submitted was not scaled plan or was not a plan. Mr. McManus stated although there was a hand written plan it was not a scaled plan as required by the Ordinance. Mr. McManus stated this finding would suggest it would be impossible to state accurately the compliance with setbacks in the dimensional requirement to the Zoning Ordinance. Mr. Egner agreed with that.

Mr. Egner referred to #19 and #20 and questioned that the conversion was complete. Mr. Egner stated it was not completed or would be two separate electrical units and two separate water units. Mr. McManus stated it is a physical conversion of a building which does not necessarily mean all the required utility attachment are connected. The testimony was that improvements were made that portioned the building into two units and the only thing that remained was the separation of the appropriate utilities. Mr. Ebersole stated there was application for that work and that is when Mr. Stauffer was made aware of what the Ordinance stated he would have to do. Mr. Egner agreed and stated the facts show the kitchenette was created and a partition was created but did not see how the conversion was completed if the utilities portion was not completed. Mr. Egner stated he believes the Solicitor is saying the language is referenced to separating of the physical units of the house then he has no issue.

Mr. Peris made a motion to accept the Decision as rendered. Mr. Egner seconded the motion. Mr. McManus stated the motion formally is to deny the application. Mr. Peris called for the vote. The motion carried unanimously.

The Applicant was provided a signed copy of the Decision and Mr. Ebersole will additionally send a copy by first class mail Thursday.

Mr. Stauffer asked what is a scaled plan and must it be an engineered site plan. Mr. Peris stated the lot dimensions were on the plan but not the setbacks so it did not show where the house was located. Mr. McManus stated it was determined that those dimensioned hand drawn numbers on the plan could not be reasonably depended upon from building to setback to determine actual distances. There was no scale on the plan simply an arrowed dimension. There were no dimensions showing the parking area and how it complied with the dimensional requirements of the Zoning Ordinance for off street parking. There were a few dimensions showing that one was 40 but no way to determine whether that 40 was properly measured from the nearest point of the building. The building was very roughly placed on the lot and may or may not accurately reflect the actual placement of the building on the lot. In that regard, the scaled drawing at best was an approximation of the location of everything on that plan and not sufficient detail.

Mr. Peris stated the dimensional drawing was not the only reason for denial. There are multiple reasons listed. The real burden of proof is if the property did not have any value. Because the property is not valueless, you can still rent it, and are capable of selling it as an individual home, it does not meet the burden of a variance. Mr. Peris stated if public water was brought to the property then it would comply.

There being no further business the hearing was adjourned at 7:17 p.m.

Respectfully submitted,

Alexander D. Egner
Secretary

Recording Secretary
Evelyn Rineer

DRAFT