

## Manor Township Zoning Hearing Board Minutes

Wednesday, July 1, 2020

Time: 7:00 p.m.

Chairman, Bradley Singer called the Manor Township Zoning Hearing Board meeting to order in the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, PA 17603 on July 1, 2020 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Bradley Singer, Missy Charles and Dennis Funk  
Staff Present: Nate Taggart and Michelle Smith  
Township Solicitor: James McManus  
Visitors: See attached Sign-In Sheet

**Previous Month Minutes** – Dennis Funk made a motion to accept the June 10, 2020 meeting minutes as they have been submitted. Missy Charles seconded and the motion carried unanimously.

### Old Business

Case #5-2020: Peter Espinal, 318 Rock Hill Rd, Millersville, PA 17551. The applicant is requesting a Special Exception to section 425-12.C(5) (Rural Zone Special Exception Uses – Conversion Apartment) and 425-70 (Conversion Apartment). The applicant is requesting for the pre-existing apartment in his existing detached garage to be approved as a conversion apartment. The property in question is located at 318 Rock Hill Rd, Millersville, PA 17551, Tax ID 4103876500000 and is in the Rural (R) Zone.

Chairman Singer explained that testimony for this case has been closed. Board members individually submitted their decision to the Township Solicitor. The Solicitor then drafted a document containing Findings of Facts, Conclusion of Law and the Decision. The Board members did not have any questions or concerns regarding the document.

The Decision, as prepared, reads: “Based upon the foregoing, the application of Peter Espinal for a special exception to convert a two-car, two-story detached garage into a second floor conversion apartment unit containing 800 square feet on his property located 318 Rock Hill Road, Millersville, Pennsylvania 17551, Lancaster County Tax Assessment Account No. 410-38765-0-0000, pursuant to the provisions of Sections 425.12.C(5); 425-70 and 425-123.C(2) of the Manor Township Zoning Ordinance is hereby granted subject to the following conditions: 1) The Applicant shall adhere to the facts and dimensional criteria contained in his application, Exhibits, Subdivision Plan and floor plans, as well as all testimony presented by the Applicant at the hearing held on June 3, 2020. 2) The Applicant shall complete the conveyance of a 0.12 acre tract of land from the Livermore Property as indicated on the 1984 Subdivision Plan. 3) The Applicant shall secure and record an easement through the Livermore Property for use of an

existing well or otherwise provide an approved alternative on-site water system to serve the Conversion Apartment Building. 4) The Applicant shall connect the Conversion Apartment Building to an approved on-site sewer system on the Property. 5) The conversion apartment will be equipped with at least one operable fire detection device. 6) The Applicant shall comply with all applicable State and Local regulations regarding the construction, use and occupancy of the proposed conversion apartment. 7) The conversion apartment use shall comply with all applicable building code regulations for the intended conversion apartment use and the Applicant shall obtain all associated required permits. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies as set forth in the Pennsylvania Municipalities Planning Code.” Dennis Funk made a motion to grant the Special Exception with the following conditions. Missy Charles seconded and the motion carried unanimously. The Board members signed two copies of the Decision. One copy will be sent to the Applicant by first class mail and the second copy will be retained in Township files.

Case #6-2020 – Applicant: John R. & Patricia Beaumont, 145 Carol Dr, Washington Boro, PA 17582. The applicant is requesting a Special Exception to section 425-13.C(4) & 425-73 (Special Exception Use – Accessory Dwelling Unit) to add an accessory dwelling unit in an existing barn on the property located at 145 Carol Dr, Washington Boro, PA 17582, Tax ID Number 410-53598-0-0000 for occupancy by a relative. The applicant also requests a Variance to section 425-73.A to the maximum allowed square footage of an accessory dwelling unit. The applicant proposes to create an 1150 square foot accessory dwelling unit. The property is located in the Low-Density Residential (RL) Zone.

Chairman Singer asked if there was any discussion on the Decision that was drafted by the Township Solicitor. Missy Charles stated that with regards to the request for a Variance to section 425-73.A, she does not think that this should be granted. She does not feel that the Applicant provided a burden of proof to show that they couldn’t remain within the 900 square feet requirement. She feels that they could have kept the renovations to one floor and used the second floor as unfinished storage area. The Applicant is requesting a 27.5 percent increase in size of what is allowed. Ms. Charles is concerned that down the road the apartment will be turned into a conversion apartment that could be changed into two units. Dennis Funk felt that the increase was minimal and he did not have a problem because they were utilizing an existing barn and not adding new walls.

James McManus summarized the Decision by stating the draft grants both the Special Exception for the Accessory Dwelling and the Variance to the maximum square footage request. It attaches, as a condition of approval, the following conditions: “1) The Applicant shall at all times comply with and adhere to the plans, Exhibits and all other evidence presented to the Board by Applicants at the hearing held on June 10, 2020. 2) Until such time as both the conversion of the barn as an Accessory Dwelling unit and the improvement of the main house as a single family detached dwelling are completed, the Property shall be used and occupied solely as one dwelling unit together with such other non-residential accessory uses authorized by the Zoning Ordinance. 3) The Applicants shall demonstrate that any on-site water or sewer

system serving the Property shall be adequate in capacity and/or quality to serve both the main residence and Accessory Dwelling as determined and approved by any governmental regulatory agency having appropriate jurisdiction. 4) The Applicant shall execute and record an accessory dwelling unit agreement in a form acceptable to Manor Township prior to the occupancy of the Accessory Dwelling. 5) The use of the small barn building as an Accessory Dwelling shall terminate at such time as it is no longer occupied by a person who qualifies for the Accessory Dwelling use as provided for in Section 425-73.A of the Zoning Ordinance. 6) The Applicants shall comply with all other applicable governmental rules, ordinances and regulations regulating the construction, provision of utilities, use and occupation of the proposed accessory dwelling use.”

The Board had no further discussion on the draft Decision. Dennis Funk made a motion to grant the Special Exception and the Variance with the following conditions. Brad Singer seconded and the motion passed two to one. The Board signed three copies of the Decision. One was given to the Applicant tonight, one will be sent to the Applicant by first class mail and the other will be retained in Township files.

The next scheduled meeting will be on August 5, 2020 at 7:00 p.m. Chairman Singer commented that with no further business to discuss the meeting will close. Missy Charles made a motion to adjourn the meeting. Dennis Funk seconded and the meeting adjourned at 7:18 p.m.

Respectfully Submitted,

Dennis Funk  
Secretary

Recording Secretary  
Michelle Smith