

Manor Township Zoning Hearing Board Minutes

Wednesday, January 6, 2021

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 January 6, 2021 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

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

Re-Organization

Appointment to the Zoning Hearing Board by the Township Supervisors – Dennis Funk was appointed for a three-year term, beginning January 4, 2021 and expiring December 31, 2023.

Election of Officers

Chairman- Dennis Funk made a motion to appoint Brad Singer as Chairman of the Zoning Hearing Board for 2021. Scott Ream seconded and the motion carried unanimously.

Vice Chairman – Scott Ream made a motion to appoint Dennis Funk as Vice Chairman of the Zoning Hearing Board for 2021. Brad Singer seconded and the motion carried unanimously.

Secretary – Scott Ream made a motion to appoint Missy Charles as Secretary of the Zoning Hearing Board for 2021. Dennis Funk seconded and the motion carried unanimously.

Set Meeting Dates

The Zoning Hearing Board will meet the first Wednesday of each month at 7:00 p.m. If there are any changes to the schedule, the meetings will be dually advertised according to the Municipalities Planning Code.

Selection of the 2021 Zoning Hearing Board Solicitor

Dennis Funk made a motion to retain James R. McManus as Solicitor for the Zoning Hearing Board for 2021. Scott Ream seconded and the motion carried unanimously.

Previous Month Minutes – Dennis Funk made a motion to accept the November 4, 2020 meeting minutes as they have been submitted. Scott Ream seconded and the motion carried unanimously.

New Business

Case #1-2021: Michael & Dora Booth, 2053 Manor Ridge Dr, Lancaster, PA 17603. The applicant is requesting a Special Exception to section 425-14.C(6) (Medium Density Residential Zone Special Exception Uses – Accessory Dwelling Unit) to install an Accessory Dwelling Unit on their property. The applicant is also requesting a Variance to section 425-73.D to allow for the connection of public utility services separate from those serving the principal dwelling. The property in question is located at 2053 Manor Ridge Dr, Lancaster, PA 17603, Tax ID 4103964700000 and is in the Medium Density Residential (RM) Zone.

Chairman Singer explained the procedure that the Board will follow for the hearing. Testimony will be presented and hopefully close this evening. Board members will individually give their thoughts and decisions to the Board Solicitor, who will then draft a Decision.

James McManus recognized that Benadette Hohenadel was present and will be representing the Applicant this evening. Ms. Hohenadel informed the Board that the property that is subject of this hearing has been sold since the application was filed. The application was filed under the names Michael and Dora Booth. On December 31, 2020 Carlos and Marisela Barreras purchased 2053 Manor Ridge Drive. Mr. and Mrs. Barreras were present at the hearing along with their son, Jorge Nunez. Ms. Hohenadel will forward a copy of the deed to Nate Taggart and James McManus as proof of ownership.

Denise Brooks, 2068 Temple Avenue, was in attendance and requested party status. She is an adjoining property owner. All those in attendance were sworn in.

Nate Taggart is the Zoning Officer for Manor Township. In that capacity, Mr. Taggart administers and receives the applications that come before the Zoning Hearing Board. He received the application indexed at #1-2021 for a Special Exception and a Variance. The application was completed on standard forms provided by the Township. The application contains both the standard Special Exception form and the Variance form together with a two-page application narrative, a list of adjoining property owners and four pages of plans. Three pages of plans were scaled drawings prepared by Court Atkins Architects. The fourth page was a hand drawn plot plan showing the layout of improvements and site data. The application was marked as Exhibit #1 and the list of adjoining property owners was marked as Exhibit #2.

Mr. Taggart posted a notice of the time, date, place and subject matter of the hearing in Lancaster Newspaper on December 23, 2020 and December 30, 2020. He received proofs of publication from the newspaper. The proofs were marked as Exhibit #3. The property that is subject of this application was posted with the same notice on December 30, 2020. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on

December 30, 2020. All notices contained the same information. Mr. McManus reviewed the process that the Board will follow this evening.

Bernadette Hohenadel opened testimony by providing details on the property that is subject of the hearing. The property is approximately 3/10 of an acre. Improvements on the property include a single-family dwelling unit with an attached garage, a driveway and a separate dwelling unit that is connected to the main home with a breezeway. The separate dwelling unit is the subject matter of the application. The separate dwelling unit was built in Fall 2019. At that time, the plans marked as Exhibit #1 were submitted to the Township and a Building Permit was issued. A Certificate of Occupancy for in-law quarters was issued after construction was complete. Sometime thereafter a stove was added. With there being cooking facilities, the separate unit must be deemed an Accessory Dwelling Unit. The property is owned by Carlos and Marisela Barreras. The separate unit will be occupied by their son, Jorge Nunez. This meets the criteria for an Accessory Dwelling Unit. The Ordinance allows for a unit such as this if it is connected to the main home and if it is occupied by family members related by blood or marriage.

Ms. Hohenadel went on to explain the utility details. At the time the application was submitted and the Certificate of Occupancy was issued, the Township approved the unit to have separate utility lines from the main dwelling unit. The Ordinance states that an Accessory Dwelling Unit must share utility lines with the main dwelling. Having been approved by the Township, they are requesting a Variance so they don't have to disconnect and reconnect utility lines.

Mr. Funk asked for clarification on the utilities. The application was submitted for in-law quarters in 2019. The plans came in, the Township approved them and a Building Permit was issued. Ms. Hohenadel stated there is no definition of in-law quarters. An Accessory Dwelling Unit is defined and there are specific criteria to be met. Mr. Taggart testified that the original application did not have cooking facilities, so it did not fall under an Accessory Dwelling Unit. He went on to explain that the Township does not check utility lines. The building inspector would have looked at the electric connection but we don't inspect utilities. Mr. Taggart's understanding is that the sewer and water connections are common, but the gas and electric lines are separate. Ms. Hohenadel verified this information is correct. These connections do not have to be spelled out on the application. Mr. Taggart confirmed that the hybrid connections were approved by the Township in 2019.

Ms. Hohenadel provided further explanation regarding the plans included with Exhibit #1. The first page is a cover sheet with an exterior elevation. This was marked as #1-A. The second page is an internal layout of the dwelling unit. This was marked as #1-B. The third page is another internal layout sheet. It also provides details on the roof. This was marked as #1-C. The fourth, and final, page is a hand drawn layout of the property. It shows the location of the dwelling unit in relation to the main house. This drawing also states that the dwelling unit is approximately 979 sq ft in size. This sheet was marked as #1-D. Mr. McManus asked if the permit that was approved for in-law quarters was occupied in accordance with the criteria of

the Zoning Ordinance to have a family member live in the unit. Ms. Hohenadel confirmed that it was. The cooking unit was installed in violation of the Zoning Ordinance. To bring the Accessory Dwelling Unit into compliance, they need a Special Exception and a Variance to leave the utilities as they are currently installed.

The original Building Permit was issued on May 14, 2019 and the Certificate of Occupancy was issued on September 3, 2019. Ms. Hohenadel did not know when the cooking unit was installed. Ms. Brooks commented that she was inside the new unit and saw that the stove was placed there right away.

Jorge Nunez testified his mother and father are the owners of 2053 Manor Ridge Drive. He will be testifying for them as the result of a language barrier. His parents purchased the property last week. Mr. Nunez confirmed that the Accessory Dwelling Unit is located on the property to the rear of the main residence. The Accessory Unit is attached to the main dwelling by a breezeway. Mr. and Mrs. Barreras will occupy the main dwelling and he will occupy the Accessory Dwelling Unit. There is a parking space available for the Accessory Dwelling Unit and the unit is greater than 300 sq ft. To the best of his knowledge, Mr. Nunez stated that, besides the stove, the unit was constructed according to the plans that were submitted to the Township. He is aware that if the Special Exception is approved, the Township requires an Accessory Dwelling Unit Agreement to be signed.

Mr. Singer asked for more information regarding the parking space for the Accessory Dwelling Unit. Mr. Nunez stated that he intends to park his vehicle in the driveway. The driveway can hold four or five cars and there is also a one car garage attached to the main dwelling. The paved driveway is wide enough to accommodate double parking.

Mr. Funk asked if they are currently living at the property. Mr. and Mrs. Barreras are living in the main dwelling and Mr. Nunez is living in the separate unit at the present time. He wanted to know if the new owners were aware of the violation when they purchased the property. Ms. Hohenadel confirmed that it was the previous owners that received the violation and started this process. Mr. and Mrs. Barreras were aware of the situation when they purchased the property and acknowledged that they needed to obtain approval for the unit to be considered an Accessory Dwelling Unit. Mr. Funk asked for verification on the utilities one more time. Ms. Hohenadel stated the water and sewer lines are shared, but the gas and electric lines are separate. Transfer of ownership changed rather quickly and the original property owners moved out of state.

Mr. Ream asked when the violation letter was sent out. Ms. Hohenadel responded by stating that the notice was dated November 9, 2020. This was the first available submission date and hearing date following receipt of the violation letter. Mr. Funk asked if a complaint prompted the violation letter. Mr. Taggart saw a For Sale sign in the yard and looked at the pictures displayed online. In the photographs, he saw a stove was included in the unit. The previous owner was aware of the process before construction began and found a technical loophole.

Mr. Singer wanted to make sure the new owners were aware of the Accessory Dwelling Unit Agreement. Mr. Taggart provided Ms. Hohenadel with the paperwork. She will review the form and forward a signed copy to the Township. Mr. Singer verified that they knew about the criteria for what needs to be done with the Accessory Dwelling Unit after it is no longer being occupied by a family member.

Mr. McManus asked Mr. Taggart to verify the utilities that service the property. Mr. Taggart stated that the water and sewer lines are common to both dwelling units; however, the gas and electric lines are separate. Mr. McManus asked the Applicant to explain the hardship associated with the requirement that the gas and electric be placed as common utilities rather than separate. Ms. Hohenadel responded that the utilities have already been installed and the building constructed with separate connections. Disconnecting lines would require tearing apart the structure. Expense is another factor. A Certificate of Occupancy was issued with the utilities installed in this manner. Mr. McManus asked Mr. Nunez where he will be parking his vehicle. Mr. Nunez intends to park in the driveway. The driveway is approximately 50 ft long and is wide enough to park two vehicles side by side. Mr. McManus verified that there are no exterior alterations planned for either of the dwelling units.

Ms. Brooks congratulated Mr. and Mrs. Barreras on their new home. She came to the meeting to gather information on what the unit will be used for. She was concerned about the unit being rented to non-family members. Ms. Brooks did not have a problem with the stove or separate utility lines and extended a welcome to the neighborhood.

Ms. Hohenadel stated that she will forward a copy of the deed to Mr. Taggart and Mr. McManus in the morning. This will provide proof that the Barreras are the new owners of the property. She asked the Board to accept the exhibits as submitted with the application and as marked. The Board gave their approval. Mr. Funk asked if Mr. and Mrs. Barreras bought this property at the risk of knowing that the in-law quarters were illegal. Mr. Nunez and Ms. Hohenadel confirmed that they were aware of the situation. Mr. Singer closed testimony. He stated that the Decision for this case will be rendered at the February 3, 2021 meeting. The next Zoning Hearing Board meeting will be held on January 13, 2021 at Millersville Community UMC Hope Campus. Mr. Singer commented that with no further business to discuss the meeting will close. Dennis Funk made a motion to adjourn the meeting. Scott Ream seconded and the meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Missy Charles
Secretary

Recording Secretary
Michelle Smith