

Manor Township Zoning Hearing Board Minutes

Wednesday, March 3, 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 March 3, 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 Missy Phelan
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 approve the February 3, 2021 meeting minutes as they have been submitted. Missy Phelan seconded and the motion carried unanimously.

New Business

Case #3-2021: Thomas & Julia Sensenig, 1502 Water Street, Columbia, PA 17512. The applicant is requesting a Special Exception to section 425-12.C(6) (Rural Zone Special Exception Uses – Accessory Dwelling Unit) & 425-73 (Accessory Dwelling Unit) to install an Accessory Dwelling Unit on their property. The property in question is located at 1502 Water Street, Columbia, PA 17512, Tax ID 4107318100000 and is in the Rural (R) Zone.

Chairman Singer explained the procedure that the Board will follow for the hearing. James McManus verified that Thomas and Julia Sensenig were present. Mike Landis, 1550 Water Street, was also in attendance and requested party status. Mr. Landis is an adjoining property owner. All those in attendance were collectively sworn in.

Mr. McManus outlined the procedure for the hearing. First, the Manor Township Zoning Officer will present information regarding the application. Next, the Applicants will present their application to the Board. There will then be an opportunity for the Board and others in attendance to ask the Applicants questions based upon the information they presented. Next, the Applicant will have an opportunity to say more if they need to present additional information after the questioning. Finally, the parties could present testimony, make a statement or tell the Board information with respect to the application.

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 #3-2021 for a Special Exception. The application was completed on standard form provided by the Township. The application contains the standard

Special Exception form together with a list of adjoining property owners, a scaled floor plan prepared by Cozy Cabins LLC, a page showing front and rear elevations, a page showing right and left-side elevations, a site plan and a one-page narrative summarizing the request. The application was marked as Exhibit #1. The list of adjoining property owners was marked as Exhibit #1-A, the floor plan was marked as Exhibit #1-B, the front and rear elevations were marked as Exhibit #1-C, the right and left-side elevations were marked as Exhibit #1-D and the site plan was marked as Exhibit #1-E.

Mr. Taggart posted a notice of the time, date, place and subject matter of the hearing in Lancaster Newspaper on February 17, 2021 and February 24, 2021. He received proofs of publication from the newspaper. The proofs were marked as Exhibit #2. The property that is subject of this application was posted with the same notice on February 24, 2021. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on February 24, 2021. Notice was provided to adjoining property owners by US Mail. All notices contained the same information. A copy of the application was provided to Mr. Landis.

Thomas Sensenig opened testimony by explaining the request for an Accessory Dwelling Unit. The unit will be a removable structure built by Cozy Cabins LLC. Julia's mother will be living in the home. Her health is declining and the Sensenig's would like to have to have live close so they can provide better care. The structure will have two bedrooms and is 24' x 36'. The structure will be 864 square feet, which is below the maximum allowed. All utilities will be connected to the main home. Mr. Sensenig has been working with Dave Lockard to explore options for a septic system upgrade. A parking space will be available for the structure. The space is outlined on Exhibit #1-E. It is adjustable and can be moved if need be.

Mr. Singer asked if the Sensenig's live on property. Mr. Sensenig verified that he and his wife live in the main dwelling along with their four children.

Mr. Funk wanted to know more information regarding the septic options. Mr. Sensenig explained the options that were discussed with Dave Lockard. He initially asked for a holding tank, but Mr. Lockard told him this was not an option. Mr. Sensenig currently has a 500 gallon tank. One option would be to add a 1000 gallon tank in front of the 500 gallon tank so they wouldn't disrupt the drain field. If this option does not work, a new system would be required. Mr. Funk asked for further information on the site plan. There is an existing driveway but the parking space for the unit will need to be added. Mr. Funk wanted to know if the modular unit will have a foundation? Mr. Sensenig confirmed that it will have a foundation with a crawl space.

Mr. Singer asked if the Accessory Dwelling Unit will be attached to the main house. Mr. Sensenig stated that it will not be attached. Mr. Taggart testified that the unit is not required to be attached in the Rural and Ag zones, which is where this property is located.

Mr. McManus asked Mr. Sensenig to verify all the buildings and structures that are presently on the lot. Mr. Sensenig stated there is currently the main house with an attached one car garage,

a 30' x 24' shed, a woodshed and an outdoor wood stove located on the property. It is a two-acre lot and the main driveway is paved. There are at least two parking spaces for the main residence. There is on-site water and on-site sewer. There is adequate water supply to service the Accessory Dwelling Unit in addition to the main house. Mr. McManus wanted to know who owns the driveway that is used to access the property from Route 441. Mr. Sensenig testified that the driveway is owned by Janet Sauder, 1500 Water Street. Mr. Sensenig has a Private Road Maintenance Agreement that was provided to him by Ms. Sauder. The Agreement needs to be updated. The driveway services both 1500 Water Street and 1502 Water Street. Mr. McManus asked if Mr. Sensenig would be willing to prepare and record an Easement Agreement over the driveway. Mr. Sensenig testified that he would be willing to record an Easement Agreement and would accept this as a condition of approval by the Board. Mr. Sensenig does not think there would be any problem obtaining the Easement Agreement from Ms. Sauder. The access driveway is approximately 10' or 12' wide and is constructed with crushed stone.

Mike Landis wanted to know what was meant by the term temporary unit? If the property is sold in the future, will the Accessory Unit remain on the lot or will it be removed? Mr. Sensenig stated that the unit will be sold when Julia's mother passes away. It is a sizable investment and they hope to recover some of the costs by selling the Accessory Dwelling. Mr. Landis stated that the previous owner of 1510 Water Street had his property surveyed and the driveway actually comes on that property too. Mr. Landis went on to explain that there is a larger passage coming into the Sensenig's property from the East. Mr. Sensenig has never been able to obtain legal documents on this right-of-way. It is a verbal right-of-way only. The access lane would go next to the water retention pond for Richland Downs. Mr. Landis stated that Weber Surveying did the original survey and encouraged Mr. Sensenig to contact them.

Mr. McManus asked if the location of the proposed dwelling is located behind the required front yard setback and within the side yard of the property. Mr. Taggart testified, that based on the submitted plot plan the location of the unit meets the requirements. The proposed Accessory Dwelling Unit will be located on the Northern side of the tract. It will be 60 feet from the side property line and 75 feet from the front property line. Mr. McManus reiterated the Access Easement and septic upgrades would need to be addressed prior to applying for a permit. He went on to explain that the Accessory Unit would need to be removed after it is no longer being used by a qualifying family member. The Applicant will be required to sign an Accessory Dwelling Unit Agreement.

Mr. Singer closed testimony. He explained that the Board will review the Zoning Ordinances and testimony presented this evening. Each Board member will individually provide the Solicitor with their decision. Mr. McManus will compile the three decisions and draft a legal document. The Decision for this case will be rendered at the April 7, 2021 meeting. Ms. Phelan asked why the easement needs to be a requirement if it is not specifically related to the Accessory Dwelling request. Mr. McManus stated that when development is being proposed it is the obligation of the property owner to demonstrate that they have lawful access to a public road. This may be an old driveway that predicated regulations.

Chairman Singer commented that with no further business to discuss the meeting will close. Missy Phelan made a motion to adjourn the meeting. Dennis Funk seconded and the meeting adjourned at 7:47 p.m.

Respectfully Submitted,

Missy Phelan
Secretary

Recording Secretary
Michelle Smith