

Manor Township Zoning Hearing Board Minutes

Wednesday, June 3, 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 June 3, 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, Dennis Funk and Scott Ream

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 May 13, 2020 meeting minutes as they have been submitted. Missy Charles seconded and the motion carried unanimously.

Old Business

Case #3-2020: Brad A Hirneisen, 1325 Central Manor Rd, Washington Boro, PA 17582. The applicant is requesting a Variance to section 425-13.G(1)(b). The applicant is requesting approval to permit the construction of an attached garage that would encroach into the minimum required side setback. The property in question is located at 1325 Central Manor Rd, Washington Boro, PA 17582, Tax ID 4100198700000 and is in the Low Density (RL) Residential Zone.

Chairman Singer explained that tonight the Board will be rendering a decision on the case that was presented at the May 6, 2020 meeting. Testimony has been closed and the Board members individually submitted their opinions to the Township Solicitor. The Solicitor compiled the decisions and drafted a legal document that includes the Board's Decision. He explained that the Decision contains Findings of Fact, Conclusions of Law, and the Proposed Action by the Board. Mr. Singer verified that all Board members had received a copy of the draft and had time to review the Decision as drafted by the Solicitor. All members responded by saying that they did have ample time to read over the Decision and no further discussion was required by the Board.

The Decision, as drafted, states that the proposed addition shall not be located nearer than 11 feet from the southern property line. The Applicant shall at all times comply with and adhere to the plans, exhibits and all evidence presented and the Applicant shall comply with all applicable government rules, ordinances, regulations regulating construction use and occupation for the proposed garage addition. It was additionally stated that any violation of the conditions contained in this Decision shall be a violation of the Zoning Ordinance and shall be subject to

the penalty and remedies as set forth in the Pennsylvania Municipal Planning Code. Scott Ream made a motion to approve the application in accordance with the Decision as prepared. Missy Charles seconded the motion carried unanimously. The Board signed two copies of the Decision. One copied will be mailed to Mr. Hirneisen and the other will be retained in Township files.

New 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 the procedure that the Board will follow. The Applicant will present his case explaining why the special exception is being requested. The Board Members and Township Solicitor will then be able to ask questions. At the end of the hearing, Board Members will review the Ordinance and think about the testimony that was presented. They will individually give a Decision to the Solicitor and the Solicitor will draft a Decision.

James McManus verified that the Applicant, Peter Espinal, was present. Jim A. Livermore, neighbor living at 326 Rock Hill Road, was also present and requested Party Status. Mr. McManus requested that Nate Taggart, Peter Espinal and Jim Livermore be sworn in.

Mr. 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 for a special exception indexed at #5-2020 from Peter Espinal. The application was completed on a standard form provided by the Township. The application consists of a two page standard form, a one page narrative, a hand drawn dimension of rooms labeled second floor apartment, a hand drawn dimension of rooms labeled first floor studio and garage, a letter from David L. Lockard, a work order from John Kline Septic Services, a list of adjoining property owners, and a subdivision plan dated January 24, 1984. The application was marked as Exhibit #1.

Mr. Taggart posted a notice of the time, date, place, and subject matter of the hearing in Lancaster Newspaper on May 20, 2020 and May 27, 2020. 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 May 27, 2020. Additionally, a notice was posted in the Manor Township Municipal Building on May 27, 2020. Mr. Taggart has a list of adjoining property owners. Notice of the time, date, place and subject matter of the hearing were mailed to these property owners. The list of adjoining property owners was marked as Exhibit #3. All notices contained the same information.

Peter Espinal would like to register the pre-existing in-law quarters as a conversion apartment. The dimensions of the unit are provided on page two of the application. The unit is located behind the main property at 318 Rock Hill Road. The existing garage contains two floors. The first floor is a non-living studio space for personal use. It has its own entrance and exit. There is not an access to the second floor from the studio. The second floor is where the conversion apartment is located. It also has its own entrance and exit. There is a garage attached to the unit. The single family detached dwelling unit legally existed prior to September 2, 1992. There will not be any modifications to the external appearance of the building. All dwelling units have direct means of escape to exterior ground level and meet current building codes. There will not be any signage to advertise the rental unit. Mr. Espinal's mother will be living in the apartment. The conversion apartment consists of one dwelling unit on the second floor of the existing detached garage. There is a two car garage attached to the unit. The property also contains off-street parking that can fit up to six vehicles. The second floor conversion apartment will be considered a second dwelling unit on the property which meets the requirements of one dwelling unit per acre. The unit existed prior to Mr. Espinal purchasing the property. No modifications of structure will be made. Mr. Espinal is asking the Board to approve his request because the unit was pre-existing and he purchased the property with the intent of his mother living in the apartment. Mr. Espinal provided the Board with an exterior photo of the building. The photo was marked as Exhibit #4.

Dennis Funk asked Mr. Espinal if he lives in the main residence. He confirmed that he does. Mr. Funk wanted clarification on the studio space. He asked if it was going to be used as a work place. Mr. Espinal confirmed that the studio space will be used for his personal business and his mother would be living in the apartment above. There will only be two families living on the property. Mr. Funk asked what the exact acreage of the lot is. Mr. Espinal testified that it was over two acres. Mr. Taggart stated that the tax records show 2.04 acres. The survey may show more acres, but 2.04 acres is the minimum.

Missy Charles asked about future plans for the conversion apartment. After Mr. Espinal's mother no longer resides there what will he do with the apartment. Mr. Espinal is not sure what will be done with the area. He has not made any plans.

Brad Singer asked for clarification on the date which the building was in existence. Mr. Espinal is going off a deed agreement that the previous owner had with the neighbor. The agreement was dated 1982 and it shows the dwelling unit existed at that time. Mr. Taggart stated that the first requirement in the Ordinance for a conversion apartment is the building legally existed on September 2, 1992. Only buildings existing on that date can be converted into dwelling units. The subdivision plan that was provided with the application is dated 1984 and the garage is listed on the plan.

Mr. Livermore testified that the deeds have not yet been finalized. Part of the garage is located on his property and they are working with an attorney to get things figured out. The provided subdivision plan shows two hatched areas. The garage was constructed on the property line by previous owners. There was a land swap done in the subdivision plan in 1984. The plan was

approved, but never officially recorded. The tax assessment office has not made the updates and the property lines that we see do not reflect the land swap. Mr. Espinal and Mr. Livermore are in the process of making this happen. The hatched areas are going to be swapped so that the garage is no longer on the property line. Mr. Espinal recently had the property surveyed and the pins are set up. Mr. McManus asked Mr. Livermore to identify his property on the plan. The Livermore property is located on Rock Hill Road immediately north of the Applicant's tract. Mr. Singer wanted to know if moving the property lines will meet setback requirements. Mr. Taggart confirmed that it will. Mr. Livermore is not sure when the legal process will be completed. Mr. Livermore stated that the well for the proposed conversion unit is on his property. The attorney is working on this issue as well. Mr. Espinal has a well on his property that services the main residence. Mr. Livermore has two wells on his property. One well services his main residence and the second well services Mr. Espinal's garage. The attorney is drafting an easement that will allow Mr. Espinal to service the well. Mr. Livermore would not be responsible for contamination or other water related issues. Mr. Espinal identified the location of the well on the map. He stated that the well is located in the triangular area marked 2B. Even with the land swap, the well will remain on Mr. Livermore's property. Mr. Taggart stated the garage was turned into two or three apartments many years ago; however, the previous owners never came to the Township for approval. Mr. Espinal removed a kitchen that was on the first floor to make it legal so there is only two dwelling units on the property. Mr. Espinal is trying to make it right.

James McManus wanted to know the square footage of the conversion apartment. Mr. Espinal calculated the square footage of the apartment to be approximately 800 sq. ft. It contains two bedrooms, a kitchen, one bathroom and a living area. The access to the conversion apartment is the burgundy door at the front of the building. Mr. McManus asked what the first floor studio would be used for. Mr. Espinal responded by stating that he will be using the area for nonbusiness/personal use. He is a designer and will be sewing clothing and fabric in the studio. There will be no advertisement. Based on the conversations between Mr. Livermore and Mr. Espinal the well will remain on the Livermore property. It would be difficult to find water in the area if the existing well could not be used. The main dwelling is a two story residence and Mr. Espinal will reside there. The main residence is serviced by on-site sewage and water. Both dwellings will be serviced by on-site systems. There are two parking spaces contained in a garage that would be used by the resident of the conversion apartment. There are six parking spaces in the driveway that the residents of the main dwelling will use. There is not a garage attached to the main dwelling. Mr. Espinal confirmed that the square footage of the studio area is 667 sq. ft. This is different than the conversion apartment because of the garage. The studio will have a bathroom, but it will not have a kitchen.

Mr. McManus asked Mr. Livermore if he consents to the recording of a subdivision plan that would reflect the hatched area land swap. He is in agreement and thought that this was completed 30 years ago. Mr. Livermore also consents to the grant of an easement to access the well. Any maintenance or repair of the well would be solely the responsibility of the Applicant. Mr. Livermore confirmed that he has separate on-lot water and sewer service for his residence and stated that the building that is the subject of the application was in existence prior to 1992.

Mr. Espinal confirmed that he will not be making any exterior changes to the building. Any alterations that are made to the building will be interior alterations to conform to the plans.

Testimony was closed on Case #5-2020. The Decision will be rendered at the meeting which will be held on July 1, 2020 at 7:00 p.m. The next meeting will be held on June 10, 2020. Mr. Singer commented that with no further business to discuss the meeting will close. Dennis Funk made a motion to adjourn the meeting. Missy Charles seconded and the meeting adjourned at 7:48 p.m.

Respectfully Submitted,

Dennis Funk
Secretary

Recording Secretary
Michelle Smith