

Manor Township Zoning Hearing Board Minutes

Wednesday, May 13, 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 May 13, 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 – Missy Charles made a motion to accept the May 6, 2020 meeting minutes as they have been submitted. Dennis Funk seconded and the motion carried unanimously.

Old Business

Case #3-2020

Brad Singer reminded the Board to get their decision to James McManus as soon as possible. The Decision will be rendered at the June 3, 2020 meeting.

New Business

Case #4-2020: Lisa L. Geiman & Eric Perez. E.O., 3731 Columbia Ave, Mountville, PA 17554. The applicant is requesting a Variance to section 425-12.B (Rural Zone Permitted Uses) and 425-111 (Nonconformities – Abandonment). The applicant is requesting approval to operate an automotive repair business in a detached 2 story garage currently located on the property. The property in question is located at 1510 Water Street, Columbia, PA 17512, Tax ID 4103597900000 and is in the Rural (R) Zone.

Brad Singer explained the procedure that the Zoning Hearing Board will follow. The Board will hear testimony from the Applicant. After the testimony has been closed, the Board members will make their independent decisions and submit them to the Township Solicitor. The Solicitor will then draft a Decision.

James McManus requested that the individuals in attendance intending to provide testimony this evening be sworn in. Michael Grab, Richard Geiman, Lisa Geiman, James Kurtz, Vicki Kurtz and Nate Taggart were sworn in. Mr. Taggart is the Zoning Officer for Manor Township. In that capacity, Mr. Taggart receives and administers the applications that come before the Zoning

Hearing Board. He received the application for a variance indexed at #4-2020 from Lisa L. Geiman and Eric Perez E.O. The application was submitted on a standard form provided by the Township. The application consists of a two page standard form, a paragraph summarizing the intended use of the property that is subject of this hearing, a page identifying the subject property and surrounding properties, an aerial photo, a dimension plot plan with improvements and setbacks, a plot plan key, a list of adjoining property owners and an Agreement of Sale. 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 April 29, 2020 and May 6, 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 6, 2020. Additionally, a notice was posted in the Manor Township Municipal Building on May 6, 2020. Adjoining property owners were sent a notice of the time, date, place and subject matter of the hearing via US mail. All notices contained the same information.

Mr. McManus provided a brief outline of the hearing. He described the procedures and defined party status. Mr. and Mrs. Kurtz requested party status. Michael Grab, attorney representing applicants Lisa Geiman and Eric Perez, stated that Rick Geiman is the operator of the auto repair business and will be presenting testimony on behalf of the applicants. For many years, the property that is subject of the application had been used for a motorcycle repair business. The owner/operator of the motorcycle repair shop passed away in 2016 and the property has not been used for a nonconforming use since then. Mr. Geiman currently operates his auto repair business, Geiman Family Automotive, at 3731 Columbia Avenue, Mountville, PA. He resides at this address and has operated his auto repair business at this location for the past six years. He operates the business in conjunction with his wife, Lisa Geiman, who is one of the named applicants. The property is located near the intersection of Donerville Road and Columbia Avenue. It is in East Hempfield Township and is in a highly visible area. Mr. Geiman distributed two photographs to the Board members. The photos were marked as Applicants 1. The first photograph is of the business sign located on his current property. The sign is in compliance with East Hempfield Township. The second photograph shows a front view of the property. It shows the residence, the garage and a parking area. The cars parked in the lot are customer vehicles and personal vehicles. All automobile repairs are completed inside the garage. There is very minimal work completed outside of the garage. Mr. Geiman makes every effort to keep his property neat and clean and free from debris or outside storage. He has never been cited by East Hempfield Township for a violation.

Mr. Geiman went on to explain that he intends to move his business from the Columbia Avenue location to 1510 Water Street, Columbia, PA. After doing some research, Mr. Geiman found that the property at 1510 Water Street was utilized by the owner as a motorcycle repair facility for many years. That use was an existing nonconforming use of the property. The owner that operated the motorcycle repair shop passed away in 2016. At that point the use ceased. Under the zoning ordinance there is a two year period after which an existing nonconforming use will expire if it is no longer in place. The nonconforming status of this property would have

terminated in 2018. The Geimans are asking for a variance from that two year limitation, extending it to 2020 to allow the continuation of the nonconforming use for an auto repair shop.

Mr. Grab explained parts of the application in more detail. He started by reviewing 1D, which is the schematic showing the layout of the property. This is a Lancaster County GIS map. The property consists of 2.5 acres and contains several buildings. The building located closest to Water Street was the previous motorcycle repair shop. Mr. Geiman intends to remove this building and will not be replacing it with another structure. The next building is the existing residence. Mr. Geiman will live in the home. The building located farthest from the road is the existing two story garage. It has ten foot garage doors and will be used for the auto repair shop. There is also a shed on the property, but this structure will not be used for business related purposes. The only structure that will be used for the business is the two story garage.

Mr. Grab went on to explain 1E, which is an overhead photograph of the property. It shows the front half of the property and includes all of the buildings that were previously discussed. Mr. Geiman explained how customers will access the property. Customers will enter at the right side of the house. The customer vehicles would be parked on the south side of residence. There are two existing driveways. Customer vehicles will be worked on inside the garage. If the cars are waiting to be worked on, they will be parked in the existing stone/macadam area south of the house. Vehicles would go onto Water Street and use the other access to get to the garage. There is sufficient existing area for parking and no additional impervious surfaces will be added. There will be a maximum of seven customer vehicles in addition to personal vehicles on the property at one time. The residence will not be used in conjunction with the operation of the business. The building that is to be torn down will not be replaced with another structure. It is unknown whether this area will be used for parking. There is concrete there, but they need to get clarification on the right-of-way from Penn DOT. Jeff Seibert is their realtor and he is working with Penn DOT to find out more information. There is no intent for outside storage of business materials. Overall, Mr. Geiman intends to significantly improve the appearance of the property. He will remove the building located closest to Water Street and plans to take down two large pine trees. At some point, a fence and shrubbery will be added to the property.

Next, Mr. Grab referred to 1F and 1G, which is the schematic of the property and the key. These documents show the location of driveways as well as all of the setbacks of the buildings. It is Mr. Geiman's understanding that with the removal of the building closest to Water Street, all of the existing structures comply with the required setbacks. He will not be asking for a variance from any of that. Mr. Geiman explained page 1C, which is the narrative that was submitted with the application. The property will be used for general auto repair. The business hours of operation will be Monday through Friday 8:00 a.m. to 5:00 p.m. The repair shop will not have weekend hours. Customer vehicles will be limited to six vehicles parked outside and two vehicles inside the shop. Customer parking will be accommodated on the south side of the property and landscaping would be put in place to improve the property from its current state. Mr. Geiman intends to keep the property clean and tidy at all times. He confirmed that the

property is unique in several ways. First of all, it contains a number of buildings that are unusual for a residential property. In addition to that, the property is significantly sloped in the rear and for many years it was operated as an existing nonconforming use for motorcycle and vehicle repair even though it is located in the Rural district. Although Mr. Geiman's proposed use of the property is different from what rural zoning district permits, is actually in conformity with what the property has historically been used for. Mr. Geiman has not talked to any neighbors about the proposed use of the property, nor have any neighbors approached him with an objection to the proposed use. On the exterior of the garage, the proposed use will not create any noise, dust, odors, fumes or other objectionable aminations. The business will operate as a sole proprietorship, so Mr. Geiman will be the only employee.

Mr. and Mrs. Kurtz were provided with a copy of the application to review what has been submitted. Dennis Funk asked Mr. Geiman why he is moving from East Hempfield to Water Street. Mr. Geiman went out on his own in 2012 and he rented a building from someone in Columbia. After being there for three years, he lost the building and had to find another location in a hurry. He found 3731 Columbia Avenue for rent. There was an understanding that the property would be sold to Mr. Geiman. The property was not commercial so he worked with East Hempfield, cleaned up the property, added a sewer line and updated the electrical service to get the property in compliance. On March 20, 2020 he received a letter from his landlord stating that due to age and personal reasons he was divesting his properties. The purchase price for 3731 Columbia Avenue was \$700,000 and Mr. Geiman stated that this was above the assessment and fair market value of the property. He is looking to move his business to a location that he owns. Mr. Funk asked if this was the only property that he looked at. Mr. Geiman looked at Scott's Tune-Up in Millersville, but was not willing to pay the purchase price without seeing financial records. Lisa Geiman and Eric Perez will be purchasing 1510 Water Street. Eric Perez is an acquaintance. Mr. Funk asked for clarification on the Penn DOT permit. Mr. Geiman needs to know the right-of-way for parking. His friend works for Penn DOT and he told him that it was 12 feet plus four feet additional. They are not actually getting a permit from Penn DOT, they are simply trying to confirm the right-of-way. Mr. Funk asked if they are planning to use only the existing buildings and driveways or if they will pull additional permits. Mr. Geiman confirmed that the existing structures are sufficient for his needs.

Missy Charles asked Mr. Geiman if he plans to use the same sign that is at his current location at the new property. Mr. Geiman will be using a different sign at the new property, but the location has not been determined. Ms. Charles asked if the purchase of the property is conditioned on being able to have his business at the location or if he plans to buy the property regardless. Mr. Geiman has the option to back out of the sale if he does not get approved. Ms. Charles asked if anything will need to be done to the current garage to get ready for the business. Mr. Geiman has not had access to the building, so he is unsure what all will need to be completed. He will do whatever needs to be done to comply with Department of Labor and Industry regulations.

Brad Singer asked if Mr. Geiman if he is a PA Inspection Station? Mr. Geiman stated that he is not. He has his inspection and emissions license, but his current location did not meet the

required setback. Mr. Singer asked if he operates a towing business to get vehicles to his location. Mr. Geiman responded by saying that he uses tow companies. Mr. Singer asked if this property is located in a flood plain. Mr. Geiman was not sure, but he does have to get flood insurance. Mr. Singer wanted clarification on why the building that was used as a repair shop is being torn down and the other building is planned for the business even without seeing the inside of the structure. Mr. Geiman thought that the previous owner had intentions of moving his repair shop into the new garage because it was taller. It is a newer building and it has potential for Mr. Geiman to add lifts.

James McManus wanted clarification on the access driveways. He asked Mr. Geiman to point them out on the aerial photo. Mr. Geiman outlined the parking area on the photo. Customer vehicles will be parked approximately seven to ten feet off the road. The right-of-way needs to be identified because it may impact parking. Mr. Funk asked if the existing driveway to the new garage will be utilized. Mr. Geiman stated it will be used for access. No new driveways will be added. Mr. Geiman testified that the diagrams he provided do not give specific dimensions of the parking areas or identify parking stalls. Mr. Geiman confirmed that the home on the property is a two story single family detached dwelling. It has an on-lot septic system and well. Mr. Geiman does not know the present use of the garage. He does not have a floor plan or elevations of the building. Mr. & Mrs. Geiman and Eric Perez have been denied access to the home and the garage. Mr. Geiman would only add water and restroom facilities to the garage if it were required by law. Mr. McManus asked how far back the lot does the slope begin. Mr. Geiman stated that the slope begins about half way back the lot. The front half is not sloped and there is in excess of one acre that does not present an impediment to development. Mr. Geiman confirmed that vehicles waiting to be serviced will be parked outside, but there will be no other outdoor storage of business materials. Mr. Geiman does not know the square footage of the home or the garage. There is information on the key that would provide these details.

Vicki Kurtz asked about a discrepancy on 1G. The key states that there will be a parking area behind the torn down building. Mr. Geiman testified that parking will be on the other side of Building C. Mr. Geiman confirmed that the key was not correct. Item #12 should be removed. There is no parking intended behind the torn down building. Mrs. Kurtz asked about the placement of the business sign. She is concerned that the sign will obstruct the view of vehicles. Mr. Geiman may place the sign on the south side of the property and he will adhere to right-of-way requirements. Mr. McManus asked Mrs. Kurtz to verify the location of her property with reference to 1510 Water Street. The Kurtz's live on the north side the property. Their property is elevated and they look down on property that is subject of the application.

James Kurtz is concerned about the commercial aspect of the property. There will be increased traffic and noise. Mrs. Kurtz said that an auto repair shop is an active business and there will be a lot of traffic coming and going. Currently there are no businesses located from Columbia to Washington Boro and she is concerned about adding one. Ms. Charles asked how many cars will be serviced by the business per week. Mr. Geiman estimates that there will approximately five or six cars each day.

Mr. Grab closed by stating that the Mr. Geiman had limited access to property and there may not be enough information, particularly with regard to parking and access, for the Board to make an appropriate determination. Mr. Grab would be willing to keep the record open and get additional information. He feels that it is a good application and that it makes sense at this location, particularly given the historic use of the property as a motorcycle repair shop. The property will be greatly improved from what it currently looks like and all of the neighbors will be happy to see the property being functionally used. Mr. Grab feels that it will be a hard property to sell from a residential standpoint given its proximity to the road and other limitations. The Board felt that they had enough information to make a reasonable decision.

Ms. Charles asked if the property is abandoned. Mr. Geiman responded by stating that the property is currently vacant. Mr. Taggart commented that the reason the Geimans cannot access the buildings is probably due to the restrictions in place as a result of Covid-19. At the present time, no in person real estate showings are allowed. Brad Singer closed testimony. He stated that the Decision for this case will be rendered at the June 10, 2020 meeting. The next meeting will be held on June 3, 2020 at 7:00 p.m. The Board briefly reviewed the testimony that was presented at tonight's meeting. 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 8:21 p.m.

Respectfully Submitted,

Dennis Funk
Secretary

Recording Secretary
Michelle Smith