

## Manor Township Zoning Hearing Board Minutes

Wednesday, August 5, 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 August 5, 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, 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 July 1, 2020 meeting minutes as they have been submitted. Scott Ream seconded and the motion carried unanimously.

### **New Business**

Case #7-2020: Craig & Lori Brought, 506 Blue Ln, Columbia, PA 17512. The applicant is requesting a Variance to sections 425-11.B (Agricultural Zone Permitted Uses) and 425-11.F(4) (Minimum Setbacks and Maximum Height Requirements – Other Permitted Uses). The applicant is requesting approval to construct a pole barn that will serve as a residential garage for the benefit of the applicants. The property in question is owned by Keith Zimmerman & Katrina Wyse and is located at 501 Blue Ln, Columbia, PA 17512, Tax ID 4100776900000 in the Agricultural (A) Zone.

Chairman Singer explained the procedure that the Zoning Hearing Board will follow. The Board will listen to testimony for or against the plan. At the conclusion of the meeting, testimony will close and the Board members will make an independent decision and forward this to the Township Solicitor. The Solicitor will compile all the views and opinions and draft a Decision.

James McManus requested that Nate Taggart be sworn in. Mr. Taggart is the Zoning Officer for Manor Township. In that capacity, Mr. Taggart is responsible for and administers the applications that come before the Zoning Hearing Board. He received Application #7-2020 which is an application for a variance. The application was prepared on a standard form provided by the Township. The application consists of a two page standard form, a one page summary of requested relief and list of adjoining property owners, a cover page under

the signature of Aaron Zeamer, a page of email exchanges and finally an Agreement of Sale. The application was marked as Exhibit B #1.

Mr. Taggart posted a notice of the time, date, place and subject matter of the hearing in Lancaster Newspaper on July 22, 2020 and July 29, 2020. Proofs of publication have not yet been received; however, Mr. Taggart has an invoice sent by Lancaster Newspaper that includes the publication. The publication receipt was marked as Exhibit B #2. The property that is subject of this application was posted with the same notice on July 29, 2020. Additionally, a notice was posted in the Manor Township Municipal Building on July 29, 2020. The adjoining property owners were sent a notification via US mail. All notices contained the same information.

Aaron Zeamer, attorney with Russell, Krafft, and Gruber, provided the Board with a packet of information. The packet contains four photographs. The photos were marked as Applicants Exhibit A. It also contains an Agreement of Sale, which was marked as Applicants Exhibit B. There is a one-page subdivision plan, a drawing prepared by Harbor Engineering and a two-page elevation drawing also included in the packet. The subdivision plan was marked as Applicants Exhibit C, the drawing prepared by Harbor Engineering was marked as Applicants Exhibit D and the elevation drawing was marked as Applicants Exhibit E.

Mr. McManus requested that all individuals wishing to provide testimony be sworn in. Lori Brought opened by stating that she is a 34-year resident of 506 Blue Lane. 501 Blue Lane is a vacant lot that it located across the street, situated catty corner from their primary residence. 501 Blue Lane contains drainage pipes and weeds. The photographs that are in front of the Board were taken by Mrs. Brought in March 2020 are an accurate depiction of the property at that time. The owners are currently working to clean up the lot by removing the pipes and mowing the tall grass and weeds. The lot was for sale for approximately 10 to 15 years prior to Keith Zimmerman and Katrina Wyse purchasing the property. Mr. Zimmerman and Ms. Wyse were interested in purchasing nine acres to the rear of the lot. It is the Brought's understanding that the two lots were sold as a package deal. Mr. and Mrs. Brought approached Mr. Zimmerman and Ms. Wyse to express their interest in purchasing the small lot. 501 Blue Lane is approximately 1/3 acre and is located in the Agriculture Zone. The lot is not serviced by public water or public sewer. On lot systems would be required for water and sewer.

The subdivision plan dated 1976 shows a proposed future street. A street has never been laid. The Broughts hired Steve Gergely from Harbor Engineering to identify potential uses for the property. Mr. Gergely prepared a drawing that depicts the placement of on lot water and on lot sewer systems. The drawing shows that it would be impossible to position a well and septic tank on the lot without encroaching on any of the neighbor's systems. Mrs. Brought does not believe that it would be possible to develop the lot for a residential

purpose because of this hardship. The Broughts would like to build a pole barn on the lot that would serve as a garage for their personal use.

The elevation drawing that is before the Board was prepared by Kohler and Kohler. The Broughts are currently seeking estimates from several builders. They would like to construct a building that is 50 ft wide by 30 ft deep. They are also gathering estimates for a 50ft by 36 ft garage. Cost will determine the size of the building that they construct. They do not believe the additional six foot would significantly change the height of the building or cause any issues from a zoning standpoint. Mr. and Mrs. Brought intend to use the building for ATV and vehicle storage. Mr. Brought would like to have an area where he could work on projects. The second floor of the garage would be used for storage of belongings. The building would be used exclusively for personal use. The elevation drawing is an accurate depiction of what the building will look like. The Brought's want the building to be aesthetically pleasing and blend in with the surrounding homes. They have spoken with the adjacent neighbors and all of the neighbors are in favor of their plans to build a garage. The neighborhood contains 12 homes and there are farm fields and livestock surrounding the residential lots. There are several other pole barns in the area. There is a wooded area directly behind the lot where the Brought's would like to construct the garage.

Dennis Funk asked what the original intentions of the lot were. Mrs. Brought reiterated that Keith and Katrina did not want the small lot but were required to purchase it as a part of the package deal. Mr. Funk asked why the lot could not be developed as a residential property. Mr. Zeamer referenced the drawing that shows it is impossible to position a well and septic system on the lot without impeding on a neighbor's system. The surrounding lots may have been developed prior to the 100 ft buffer requirement or there was relief requested from DEP. Mr. and Mrs. Brought do not intend to add a well or septic system to the lot. Mr. Funk asked Nate Taggart if he felt that the lot could be developed as a residential property. Based on the well and septic issues, Mr. Taggart does not feel that it could. The subdivision plan was approved in 1976 and Mr. Taggart is not sure that the same plan would be approved if it came through today.

James McManus asked if the 1/3-acre lot is suitable for any use permitted or permitted by special exception within the Agriculture zoning district. Mrs. Brought testified that it is not. The lot will be accessed solely off of Blue Lane, which is a Township road. The interior space of the garage will not exceed 3600 sq ft. Mr. and Mrs. Brought are asking the Board to approve the larger building, which is 50 ft by 36 ft. Mrs. Brought testified that her residence is a ranch style home that is approximately 1500 sq. ft. The adjoining properties are bi-level homes. When selecting a size for the proposed garage, the Broughts tried to pick something that would not overpower the neighbors' homes. The height, width and depth of the garage is similar to that of neighboring buildings. The paper street that is

shown on the subdivision plan has never been developed. It is a dirt road owned by Keith Zimmerman and Katrina Wyse; however, they do not use it to access their property. Mrs. Brought testified that there will be normal residential lighting located on the outside of the garage. The lighting will not be directed toward neighboring properties nor will it produce any glares. Apart from the garage and the paved driveway area, the remainder of the property will remain as pervious surface.

Steve Gergely, President of Harbor Engineering, provided further details on the drawing that he prepared. The drawing shows, theoretically, if a well and septic system could be placed on the lot. Based upon the current DEP regulations, a well could not be placed on the lot that meets isolation distances from a septic system. Mr. Gergely is not sure if DEP would grant a waiver as he has never been through this process. At the time of subdivision in 1976, the property was zoned R1. The second part of the drawing shows the maximum size of the garage as well as the driveway. The setback lines are detailed. It is not clear if this project would need to abide by the single-family requirements or the accessory use requirements. The front yard setback for a residential structure is 35 ft. The side yard setback for an accessory structure is 5 ft. Mr. Gergely had a conversation with Mr. Taggart and they agreed to show the setbacks referenced above. The maximum lot coverage for a single-family dwelling is 30% and the proposed coverage is 21.2%. The drawing shows the proposed building as being 50 ft by 36 ft. Mr. Gergely does not believe that a residential use is feasible on this lot as it currently exists without the provision for public water and sewer. If the application is approved, the next step would be to obtain a driveway and stormwater management permit from the Township.

Mr. Funk asked for clarification on which use this project would fall under. Mr. McManus stated that the building appears to be a principle use that is not otherwise authorized by the Zoning Ordinance. It is not a single-family dwelling and for it to be an accessory use it would need to be on the same lot as a principle residential use. According to the plan, the front yard setback is 35 ft and the side yard setback is 13 ft. The minimum side yard setback for a single-family detached dwelling is 15ft. The garage would need to be reduced in size to meet the residential requirement. The building would then be 48 ft wide. There are no plans to add a well or septic system to the lot.

Mr. Zeamer closed by stating that the request is reasonable in light of the limitations of the property. Given the testimony and exhibits provided there would need to be relief granted and he is not sure if that is even feasible. The proposed use is in line with the neighborhood. The Broughts talked to their neighbors and are doing their best to build something aesthetically pleasing. The Broughts are willing to condition the application so that a commercial use would not be allowed. If the Board requires residential dimensional setbacks, they are requesting a small dimensional variance granted to the side yard setback.

Mr. McManus asked if there are any plans to provide screening. The current plans do not detail screening, but they are willing to add shrubbery or trees. Mr. Funk asked if they would be willing to turn the garage 90 degrees to reposition the building on the lot. The plans are for a three-bay garage and if the building were turned they would not have enough room to add all of the garage doors. Mrs. Brought stated that their preference is to reduce the building size to 48 ft instead of turning the garage. With no further business to discuss, testimony will conclude and the meeting will close. The next meeting will be held on September 2, 2020 at 7:00 p.m. Dennis Funk made a motion to adjourn the meeting. Scott Ream seconded and the meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Dennis Funk  
Secretary

Recording Secretary  
Michelle Smith