

## Manor Township Zoning Hearing Board Minutes

Wednesday, September 1, 2021

Time: 7:00 p.m.

Vice-Chairman, Dennis Funk 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 September 1, 2021 at 7:00 p.m. Vice-Chairman Funk led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Dennis Funk, Missy Phelan and Scott Ream

Staff Present: Nate Taggart and Michelle Smith

Township Solicitor: James McManus

Visitors: See attached Sign-In Sheet

**Previous Month Minutes** – Missy Phelan made a motion to approve the August 4, 2021 meeting minutes as they have been submitted. Scott Ream seconded and the motion carried unanimously.

### New Business

Case #5-2021: Robert Ewing, 1938 Water Street, Washington Boro, PA 17582. The applicant is requesting a Special Exception to section 425-26.C(10) (Village Zone Special Exception Uses – Accessory Dwelling Unit) & 425-73 (Accessory Dwelling Unit) to install an Accessory Dwelling Unit on their property. The applicant is also requesting variances to the following sections: 425-73.C (accessory dwelling unit must be attached), 425-73.D(1) (all utilities must be connected to main dwelling), and 425-73.H (accessory dwelling unit must be removed within 12 months of vacancy). The property in question is located at 1938 Water Street, Columbia, PA 17512, Tax ID 410-33220-0-0000 and is in the Village (V) Zone.

Joe Stein, Robert Ewing and Nate Taggart 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 #5-2021 for a Special Exception and three Variances. The application was marked as Exhibit #1. The application was completed on a standard form provided by the Township and signed by Robert Ewing. The application consists of a standard form and was submitted with the following attachments which were marked accordingly: Two letters dating August 9, 2021 and August 16, 2021 (Exhibit #3), a colored aerial phone of the property (Exhibit #4), a site plan with marked boundaries (Exhibit #5), a first floor plan (Exhibit #6), second floor plan (Exhibit #7) and seven pages of property data and photos (Exhibit #8).

Mr. Taggart posted a notice of the time, date, place, and subject matter of the hearing in Lancaster Newspaper on August 18, 2021 and August 25, 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 August 25, 2021. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on August 25, 2021. Mr. Taggart received a list of

adjoining property owners. Notice of the time, date, place and subject matter of the hearing were mailed to these property owners. All notices contained the same information.

Joe Stein, Warehaus Project Manager, provided the Board with an additional plan view that contains dimensional information. The plan was marked as Exhibit #9. Mr. Stein gave an overview of the property by stating that the site contains a private single-family dwelling with a detached outbuilding. The buildings date to the 1700's. Historically, the outbuilding had served as a carriage house. Previous owners had used the carriage house as an apartment building. The Applicant would like to convert the carriage house to an Accessory Dwelling Unit. The Applicant will live in the main residence, the square footage of the Accessory Dwelling Unit will be between 300-900 square feet and sewer & water will be connected to the main residence. The Accessory Dwelling Unit is located in the rear yard, there will be ample parking and the Applicant is willing to sign and record an Accessory Dwelling Unit Agreement.

The property is located in the Village Zone and contains less than two acres. The Applicant is requesting relief from the requirement to have the Accessory Dwelling Unit attached to the principle dwelling unit. The project does not conform with this section of the Ordinance. The building that will be used for the Accessory Dwelling Unit is an existing detached structure that predates ownership by the Applicant. Water & Sewer lines extend from the main dwelling and will be reconnected so the Accessory Dwelling Unit can share these utilities. The electric is an existing, separate electric service at the carriage house. There will be no gas or telephone service to the carriage house. The building that is proposed for the Accessory Dwelling Unit has been on the property for over 200 years and it would not be desirable to remove the structure after vacancy. The Applicant is willing to remove features of the Accessory Dwelling Unit that would comply with Township code.

Mr. Stein reviewed Exhibit #9 with the Board. The main dwelling is 35 ft x 82 ft. There is an existing access drive off Charlestown Road that would be maintained. The detached carriage house is located to the East and measures 35 ft x 20 ft. There will be a stoned parking space dedicated to the Accessory Dwelling Unit that measures 12 ft x 20ft. The lot is 0.24 acres with existing impervious coverage of 0.106 acres. The proposed impervious coverage is 0.114 acres. The maximum allowed in this District is 70 % coverage.

Missy Phelan asked when the carriage house was last used for apartments. Mr. Ewing stated that the building was last occupied in 1972. Ms. Phelan wanted to know if there are any exterior improvements proposed that would change the character of the building. Mr. Stein explained that the windows and doors will be updated, but these items will not change the character of building. They plan to make historically accurate renovations. Ms. Phelan wanted to know if the electric could be consolidated and shared with the main dwelling. Mr. Ewing confirmed that it could, but the contractor does not feel it is feasible to rewire the main house when there is an existing electric line to the carriage house.

Scott Ream asked what kind of electric is in the Accessory Dwelling Unit. Mr. Ewing confirmed that it is paneled with breakers.

Dennis Funk wanted to know when the Applicant purchased the property. Mr. Ewing stated that he has lived there for four years. When he purchased the property he was looking for a place for his grandmother to age in. The time has come when there is a greater need to have her live close. Mr.

Funk wanted clarification on setbacks, because they were not included on the plan. Mr. Stein stated that the building does not meet current set backs. The carriage house is located very close to the property lines along the private alley and Charlestown Road. It is an existing non-conformity.

James McManus asked a few questions regarding lot area. The lot is non-conforming with respect to lot area because it is less than the minimum requirement for the Village Zone. Mr. McManus wanted to know what the building is currently being used for. Mr. Ewing explained that the building is being used for storage. The upper level is empty and the lower level contains storage items. Mr. McManus inquired about the location of doors on the building. Mr. Stein referred the Board to Exhibit #6 and Exhibit #7. These drawings show the location of all the windows and doors on the building. The main entrance will be on the western face of the building. It will face the main dwelling. Mr. Stein confirmed the total living area of the dwelling will be 820 sq ft. Mr. McManus requested clarification on the utilities that will service the accessory dwelling unit. The accessory dwelling will have shared water and sewer service. The only utility that will not meet compliance is the electric service. Mr. Ewing has not received an estimate to combine the electric services; however, he knows that it would be expensive. Mr. Stein reviewed the parking area with the Board. There will be a 12 ft x 20 ft gravel parking area on the western side of the building. The parking space will be accessed by two paved tire paths from the existing driveway. The tire paths will be about one foot wide and will be designed using pavers. The carriage house is not connected to the main dwelling. It is a completely detached structure.

Vice- Chairman Funk explained the procedure that the Board will follow for the hearing. Board members review the testimony that was presented and individually give their thoughts and decisions to the Board Solicitor, who will then draft a Decision. The Decision will be rendered at the next meeting.

Case #6-2021: Elmark Properties, LLC, 2061 Gamber Rd, Washington Boro, PA 17582. The applicant is requesting a Variance to section 425-11.B (Permitted Uses). The applicant proposes to use the property in question for the sales and service of equipment and also storage of landscaping related supplies and equipment. The property in question is located at 255 Highville Rd, Conestoga, PA 17516, Tax ID 410-34737-0-0000 and is in the Agricultural (A) Zone.

Matthew Creme, Wendell Shertzer and Gerald Shertzer were sworn in. Mr. Taggart, Manor Township Zoning Officer, received the application indexed at #6-2021 for a Variance. The application was prepared on a standard form provided by the Township. The application was signed by Gerald Shertzer. The application was submitted with a narrative, two pages of photographs, a Decision of a prior application for the property (#5-95), a list of adjoining property owners and a map. 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 August 18, 2021 and August 25, 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 August 25, 2021. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on August 25, 2021. Notice of the time, date, place and subject matter of the hearing were mailed to adjoining property owners. All notices contained the same information.

Matthew Creme opened by explaining the history of the property. The building was constructed in the 1950's to be used as the Highville Volunteer Fire Company. It is a unique property and a unique building. The property is currently in the Agricultural Zone. Mr. Creme distributed an additional packet to the Board. The packet contains four inserts and was marked as Exhibit #3. In 1995, the Zoning Hearing Board addressed the request as a Variance which is why a Use Variance is being sought. The property is 0.63 acres. It is a non-conforming lot with a non-conforming building. The building will be low impact to the surrounding community.

Wendell Shertzer stated that he will be principally responsible for the equipment sales portion of the request. Mr. Shertzer shared with the Board the operations of his business. The business involves retail sales of equipment, tractors, skid steers and mini-excavators. The equipment will be brought to the location, refurbished and then sold. Hours will be by appointment for retail sales. A portion of the business includes online sales, where equipment will be shipped from the site. Primarily, equipment is cleaned up at the site. There will not be heavy mechanical work completed at the location. The main focus is cosmetic repairs and this work will be completed inside and outside of the building. Mr. Shertzer will be the only employee working out of the building doing equipment sales and service. Customers may visit the site one or two times a week. There are no plans to change the property by adding additional stoned or paved area to the site. Other than the vehicle driven by Mr. Shertzer, there will be no other vehicles stored or parked at the location.

Scott Ream wanted to know how oil and grease will be contained during the clean up process. Mr. Shertzer explained that the equipment is cleaned prior to arrival. His work is primarily just detailing.

Dennis Funk asked where the mechanical work will be completed? Mr. Shertzer explained that he uses sub-shops in Ephrata to do this type of work. Mr. Funk asked about the volume of sales this business generates. Mr. Shertzer stated that there are approximately ten pieces of equipment sold per month. Mr. Funk asked about future plans for growth and expansion. Mr. Shertzer did not have a plan at this time. Mr. Creme added that the equipment will be on the property for a very short time. There should never be a large inventory of items stored at the site.

James McManus requested clarification on where the equipment will be stored. Mr. Shertzer explained that the equipment will be stored both inside and outside of the building. He is requesting a blanket approval that will not limit the amount of equipment sold or the number of employees working at the site. Mr. Shertzer purchased the property on December 11, 2020 and has been operating his business out of this location since that time. The Township received a complaint and issued a Letter of Violation to Mr. Shertzer. There was not an appeal to the Violation Notice.

Mr. Shertzer went on to explain that the equipment yard is surrounded by a two-strand cable fence. The yard is located along River Road. The primary access to the building is located off Highville Road. The front yard is fenced in, but other areas are not. Mr. Creme detailed the location of the yard on the map for the Board and explained that equipment will be stored inside the fenced area. On a rare occurrence, there may be a delivery dropped off outside the fenced area, but it would only remain there temporarily until it could be moved.

Gerald Shertzer provided testimony on the landscaping business that he operates. Mr. Shertzer would like to the property for the landscaping business. The business would not operate out of the location because it has its own location. During the "off season" landscaping equipment will

intermittently be worked on inside the building. There will be no landscape employees permanently working at the site and no vehicles will be stored at the location. Some of the work that will be completed at the property includes painting wheel rims, trailer repairs, waxing vehicles, etc.

Dennis Funk asked how many employees and vehicles the landscape business has? Mr. Shertzer estimated there are 25 trucks and 30 employees working for the landscaping business. He testified that they will not be doing oil services or other mechanical work at the location. The "off season" includes inclement weather days and winter months. Mr. Shertzer estimated that there will only be three or four employees working at the location at one time. There are five bays and one bay will be used exclusively by Wendell Shertzer.

Missy Phelan wanted to know if any of the landscaping equipment will be stored at the location. Mr. Shertzer explained that the equipment will be stored at other locations. There will not be any employees permanently working out of the location.

Scott Ream asked if they plan to service equipment dropped off by the public. The Shertzers do not plan to operate as an outside shop. They will not be servicing equipment they do not own. They will be operating an equipment sales business and a secondary location for landscape equipment maintenance. The outside yard will be used for equipment sales and the building will be used for maintenance and service work. There will be two separate entities operating out of the location. At most, there would be five landscape employees working inside the building.

Dennis Funk 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 October 6, 2021 meeting.

Vice-Chairman Funk commented that with no further business to discuss the meeting will close. Scott Ream made a motion to adjourn the meeting. Missy Phelan seconded and the meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Missy Phelan  
Secretary

Recording Secretary  
Michelle Smith