

## Manor Township Zoning Hearing Board Minutes

Wednesday, May 4, 2022

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 4, 2022 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance.

Members Present: Bradley Singer, Jeffrey Klugh and Scott Ream

Staff Present: Nate Taggart and Michelle Smith

Township Solicitor: James McManus

Visitors: See attached Sign-In Sheet

**Previous Month Minutes** – Scott Ream made a motion to approve the March 2, 2022 meeting minutes as they have been submitted. Jeffrey Klugh seconded and the motion carried unanimously.

### **New Business**

Case #3-2022: Raymond M Huber, 102 Garber Drive, Willow Street, PA 17584. The applicant is requesting a Special Exception to section 425-14.C(6) (Medium Density Residential Zone Special Exception Uses – Accessory Dwelling Unit) & 425-73 (Accessory Dwelling Unit) to install and occupy an Accessory Dwelling Unit on a family member's property located at 1270 Manor Blvd. The applicant is also requesting Variances to section 425-73.A. and section 425-73.C. The applicant is proposing to install a 936 square foot detached accessory dwelling on the lot which is 1.9 acres in size. The maximum dwelling unit size allowed by ordinance is 900 square feet and the ordinance requires the unit to be attached to the principal dwelling on properties in this zone of less than 2 acres. The property in question is owned by Shawn & Amy Smith and is located at 1270 Manor Blvd, Lancaster, PA 17603, Tax ID 410-26752-0-0000 and is in the Medium Density Residential (RM) Zone.

Chairman Singer explained the process that the Board will follow for the hearing. James McManus confirmed that the Applicant as well as the property owner were in attendance this evening. The Application received by Manor Township listed Raymond Huber as the Applicant. A narrative from Shawn and Amy Smith accompanied the application. Mr. and Mrs. Smith are the property owners, and they authorize Mr. Huber to testify on their behalf. As a technicality, the Applicants were modified to Amy Smith, Shawn Smith and Raymond Huber.

Suzann Shearer, 1258 Manor Boulevard, and Mary Kathryn Bradley, 1262 Manor Boulevard, were in attendance and had an interest in the application. Mr. McManus further explained the process that the Board will follow for the hearing. All of those in attendance were collectively 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 Application #3-2022 for a Special Exception and two Variances. The applications were completed on Standard forms provided by the Township and were signed by Raymond M. Huber. Submitted along with the applications were a diagram showing lot lines, a signed owner authorization, a subdivision plan dated March 7, 1972, a hand drawn plan showing elements of the proposed improvements, a picture of the modular unit, a floor plan of the proposed accessory dwelling unit, a sheet labeled auxiliary garage and a list of adjoining property owners. The Special Exception application was marked as Exhibit A-1. The Variance Application was marked as Exhibit A-2 and the attached pages were marked as Exhibit B.

Mr. Taggart posted a notice of the time, date, place, and subject matter of the hearing in Lancaster Newspaper on April 19, 2022 and April 26, 2022. He received proofs of publication from the newspaper. The proofs were marked as Exhibit C. The property that is subject of this application was posted with the same notice on April 27, 2022. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on April 20, 2022. 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.

Raymond Huber stated the subject property has many unique characteristics. It is a flag lot that sits behind Manor Boulevard and contains 1.9 acres. Mr. Huber testified that there is not a good way to attach the accessory dwelling unit to the existing home without significantly increasing the driveway or destroying sight lines and access to the existing home. The accessory dwelling unit has been designed with extra wide hallways and three foot doors in all rooms. The design has resulted in a unit that exceeds the 900 square foot maximum.

Jeffrey Klugh requested further information on the hand drawn plot plan. This plot plan was marked as Exhibit B-1. He wanted to know what prohibits the accessory dwelling unit from being attached to the main dwelling. Mr. Huber stated the Southwest corner of the lot contains pits for ground source heat and can not be used for construction. The front of the existing home has large picture windows, and this side provides the best views. If the accessory dwelling unit was attached to either side of the home, windows would have to be eliminated and the use of interior rooms would change. Another factor in determining the location of the proposed unit, was the desire to limit the increase in impervious surfaces. Mr. Huber confirmed that the accessory dwelling unit will be manufactured housing and it can easily be removed when he and his wife no longer live there.

Scott Ream asked if the driveway was a Right-of-Way or if the land was owned? Mr. and Mrs. Smith's property has 25 ft frontage along Manor Boulevard. The property has been professionally surveyed and marked with pins. Mr. Huber informed the Board that the utilities for the accessory unit will be tied to the primary dwelling. The property is serviced by public water and public sewer. The proposed 24' x 28' garage that is depicted on the plot plan is not a part of the application. The garage will be a permanent improvement and there are no plans for removal in the future.

Brad Singer wanted to know if the proposed garage will be attached to the accessory dwelling. Mr. Huber confirmed that it would not be attached. A separate building permit would be obtained for this improvement.

James McManus asked if the existing driveway is paved. Mr. Huber stated that it is an asphalt surface. He confirmed that the lot is serviced by public water and public sewer and the accessory dwelling will have common connections. Mr. Huber explained that the modular unit will sit on piers and there will be a skirt around the base. It will not be on a poured foundation. The unit will come in two sections and be connected onsite. There will be a minimal amount of assembly at the site. Mr. Huber testified that the accessory dwelling unit could easily be removed from the site as required by the Zoning Ordinance. Currently, there is a single-family home on the property, along with a barn. The shed that is on the plot plan no longer exists. The existing home has a two-car garage and a 40' x 60' paved driveway. Between the driveway and the proposed one-car garage, there will be adequate parking for the accessory dwelling unit.

Mr. McManus reviewed the setbacks that were detailed on Exhibit B-1. There will be 25' feet from the properties along Manor Boulevard to the proposed garage and 60' to the proposed accessory dwelling unit. This property is unique, and it was difficult to determine what is the front and what is the side. Mr. Huber used the larger number to give more room to the neighbors.

Mr. Huber further explained the floor plan of the accessory dwelling unit. The floor plan was marked as Exhibit B-2. The proposed unit will have two bedrooms, a kitchen, dining room, living room and a bathroom. There will a porch; however, this is not included in the 936 sq ft. Mr. Huber stated that the unit will not be occupied by more than two people and it would not be practical to attach the unit to the existing home. All utilities will share a common connection to the main dwelling.

Brad Singer requested further information of the plot plan. The plot plan was marked as Exhibit B-3. The lot is a flag lot and the 25' wide driveway comes off Manor Boulevard. Nate Taggart stated that setback requirements are 25 ft for the front yard, 10 ft for the side yard and 30 ft for the rear yard. Even though it is difficult to identify the front, side and rear yards, the location of the of the accessory dwelling unit exceeds all setback requirements. An independent evaluation will be made for the required setbacks of the proposed garage.

Raymond Huber described the topography of the lot. He testified that the existing home sits on a high spot. The lot falls towards Manor Boulevard. There are power lines that run between the properties and that area is flat. In the southwest corner of the lot, the land grades down and there are wells for the ground source heat system. There is a hard bank towards Chapel Road. The Northwest corner of the property is the highest point on the lot. The utility line does not bisect the property. There is a Right-of-Way that runs along the North property line but it has no effect on the setback area.

Suzann Shearer asked for more information on the foundation of the proposed accessory dwelling. Mr. Huber explained that the unit will sit on concrete piers. There will be girders and

hurricane tie downs to secure the unit. When the accessory unit is removed, the concrete piers will be pulled out and the area will return to grass. Ms. Shearer wanted to know what will happen to the utility lines when the unit is removed. Mr. Huber explained that there will be underground lines coming from the main house to the proposed garage. There will be a subpanel in the garage. The accessory dwelling unit will then be tied to the garage. When the time comes for the accessory dwelling to leave, the utility lines to the house will be removed but electric, water and sewer will remain in the garage. All utility lines will run underground, and they will be capped at the wall when there is no longer a need for them. Ms. Shearer shared some concerns about water run to her property. Mr. Huber will adhere to all stormwater management requirements. Swales will be added, if needed. Mr. Huber testified that the limit for impervious surfaces is 35%. With all the new improvements, they will be at 17% lot coverage.

Mary Kathryn Bradley shared her privacy concerns. She feels that the new structures will affect her view and the buildings will be so close that her conversations could easily be overheard. Mr. Huber is willing to work with adjoining property owners to install a privacy screening. The screening would not be along the entire perimeter of the property, but in specific areas as needed. Mr. Huber is prepared to meet any stipulation that the Board would make regarding privacy screening. Ms. Bradley commented that she is not in favor of privacy plantings.

Ms. Shearer closed by stating that she feels the proposed home could be positioned in a different location. It would require additional paving, but it would not impact sight lines.

Chairman Singer closed testimony. The Board members will consider the testimony and individually provide the Solicitor with their opinion. The Solicitor will then draft a Decision, which will be rendered at the June 1, 2022 meeting. Mr. Singer commented that with no further business to discuss the meeting will close. Jeffrey Klugh made a motion to adjourn the meeting. Scott Ream seconded and the meeting adjourned at 8:14 p.m.

Respectfully Submitted,

Jeffrey Klugh  
Secretary

Recording Secretary  
Michelle Smith