

## Manor Township Zoning Hearing Board Minutes

Wednesday, July 13, 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 July 13, 2022 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 approve the June 13, 2022 meeting minutes as they have been submitted. Scott Ream seconded and the motion carried unanimously.

### **New Business**

Case #4-2022: Wayne Pagan, 2521 Gamber Road, Washington Boro, PA 17582. The applicant is requesting a Special Exception to section 425-11.C(5) (Agricultural Zone Special Exception Uses – Accessory Dwelling Unit) & 425-73 (Accessory Dwelling Unit) to install an Accessory Dwelling Unit on the property located at 2521 Gamber Rd for occupancy by a family member. The applicant is also requesting a Variance to section 425-73.D. (Utilities). The applicant is requesting to install separate utilities for the proposed dwelling unit due to an intermittent stream between the existing dwelling and the proposed dwelling. The property in question is located at 2521 Gamber Road, Washington Boro, PA 17582, Tax ID 410-19864-0-0000 and is in the Agricultural (A) Zone.

Chairman Singer explained the procedure that the Board will follow for the hearing. Testimony will be presented to the Board this evening. 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 next meeting.

James McManus verified the Applicant was present at the hearing. Wayne Pagan owns the subject property along with his wife, Kyra Pagan. Mr. Pagan was present along with legal counsel, Reilly Noetzel.

Nate Taggart, Zoning Officer for Manor Township, was sworn in. In that capacity, Mr. Taggart administers and receives the applications that come before the Zoning Hearing Board. He processed the application indexed at #4-2022 from Wayne & Kyra Pagan for a Special Exception and Variance. The application was completed on a standard form provided by the Township. The application was submitted along with a one-page description of the proposed use, a one-

page narrative detailing the Variance request, a list of adjoining property owners, six pages of plans which include a dimensional layout and elements of construction. 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 June 28, 2022 and July 5 2022. 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 July 6, 2022. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on July 6, 2022. Notices of the time, date, place and subject matter of the hearing were mailed to adjoining property owners. All notices contained the same information. The meeting agenda was posted on the Township website approximately two weeks in advance of the hearing.

Reilly Noetzel and Wayne Pagan were sworn in. Mr. Noetzel opened testimony by stating there is an existing home on the property which Mr. and Mrs. Pagan use as their primary residence. The existing home is 3,145 square feet and the lot size is 2.26 acres. The property is surrounded by single family homes and agricultural fields. Mr. Pagan is looking to construct an accessory dwelling unit on the property for his mother-in-law to live in. Attached to the accessory dwelling unit would be an additional garage to serve the primary residence. The garage would be used to park lawn equipment, vehicles, and four-wheelers. There is an intermittent stream that bisects the property. The stream would run between the primary residence and the proposed accessory dwelling unit. Because of the stream, it would be impractical and nearly impossible to connect the utilities for the accessory dwelling unit to the utilities that serve the primary residence.

Mr. Pagan testified that there are accessory buildings on nearby properties. His property is one of the few that does not have an accessory structure. The accessory building would be 2,200 square feet with 890 square feet of living area. The accessory dwelling unit would contain one bedroom, one full bath, one half bath, a kitchen and living area. It would be occupied by one relative. Access to the accessory dwelling unit would be off Gamber Road. Mr. Pagan provided further details on the site plan that was included with the application. The site plan was marked as Exhibit #1-A. The accessory dwelling unit would be located to the left of the main dwelling. There would be a driveway coming off Gamber Road with adequate parking for two vehicles. The proposed driveway is 185 feet long and 34 feet wide at the garage. The accessory dwelling unit is proposed to be in the side yard, and it will be architecturally compatible with the main residence. The proposed building will meet all set-back requirements. Mr. Pagan will continue to occupy the main residence and agrees to sign an accessory dwelling unit agreement. All impervious coverage requirements will be satisfied. The proposed structure will not take away from the character of the surrounding neighborhood.

Mr. Pagan stated that the existing residence is served by a well and on-lot septic system. Because of the intermittent stream, the accessory building could not connect to these utilities. The accessory building would be served by its own well and septic system. Mr. Pagan testified that running the utility lines across the stream would disrupt the flow of the stream and lead to additional impacts on the property. Mr. Pagan would agree to a condition that would prohibit a

subdivision or separate sale of the portion of the property that contains the accessory dwelling unit.

Mr. Funk asked for more details on the workshop area that is labeled on the floor plan. Mr. Pagan explained that this area will be used for personal woodworking. The accessory building will include an RV port. This is an open storage area with a roof overhang. The RV parking spot will be concrete. Mr. Funk expressed his opinion on the intermittent stream. He feels that the utility lines could easily run across the stream. Mr. Funk asked if there is evidence of perks and probes for the new system. Mr. Pagan stated there was a perk completed when he purchased the property, but he does not have official documentation. The garage could be repositioned on the lot if required to do so for the new septic system.

Mr. Ream wanted to know if the driveway would be paved or stoned. Mr. Pagan testified that it will be paved. The property is not in a flood zone.

Mr. Singer asked if the 890 square foot accessory dwelling unit could be moved to the other side of the stream next to the existing single-family home. Mr. Pagan stated that it could not be located near the existing dwelling due to the location of the existing septic system and drain pit.

Mr. McManus requested more information on the utility connection. He asked if the connection was based on personal opinion or an engineered plan. Mr. Pagan has not obtained any proposals or estimates for the connection of utilities. Mr. Pagan testified that the proposed structure will be 48' x 60'. This includes the RV port. The building itself will be 48' x 46'. The living quarters will be located on the main floor. Permits will be obtained for the on-lot septic system. If the accessory dwelling unit needs to be relocated for the septic system, Mr. Pagan is willing to come back to the Board to present the new location. Mr. Pagan stated that he is a General Contractor and has been in business for himself since 2009.

Chairman Singer closed testimony for this case. He stated that the Decision for this case will be rendered at the August 3, 2022 meeting.

Case #5-2022: TK Building and Design LLC, 845 Silver Spring Plaza, Lancaster, PA 17601. The applicant is requesting a Variance to section 425-11.F(2)(b)(side yard setbacks) & 425-11.F(2)(c)(rear yard setbacks). The applicant is requesting approval to remove the existing home and construct a new home on the property. The new home would encroach into the minimum required side and rear yard setbacks. The property is owned by Tom & Lois Geyer and is located at 3409 River Road, Conestoga, PA 17516, Tax ID 410-67176-0-0000 and is in the Agricultural (A) Zone.

James McManus verified the Applicants were present. Thomas and Lois Geyer were present along with Sean Stover, Director of Operations, TK Building and Design. The Applicants were represented by legal counsel, Peter Wertz. All of those in attendance were collectively sworn in.

Mr. Taggart received the application indexed at #5-2022. The application was completed on a standard variance form provided by the Township. The application was signed by Sean Stover.

The application was accompanied by a three-page narrative signed by Peter Wertz, a one-page aerial view and a series of plans and exhibits prepared by TK Building and Design. The plans include an aerial view, proposed setbacks, a proposed foundation plan, a proposed first-floor plan, a proposed second-floor plan, and elevations. The application was marked as Board Exhibit #1.

Mr. Taggart posted a notice of the time, date, place, and subject matter of the hearing in Lancaster Newspaper on June 28, 2022 and July 5 2022. He received proofs of publication from the newspaper. The proofs were marked as Board Exhibit #2. The property that is subject of this application was posted with the same notice on July 6, 2022. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on July 6, 2022. Notices of the time, date, place and subject matter of the hearing were mailed to adjoining property owners. Mr. Taggart prepared the list of adjoining property owners and it was marked as Board Exhibit #3. All notices contained the same information. The meeting agenda was posted on the Township website approximately two weeks in advance of the hearing.

Peter Wertz distributed packets to the Board. The aerial map was marked as Applicant Exhibit #1. The proposed site plan was marked as Applicant Exhibit #2 and the renderings were marked as Applicant Exhibit #3. Mr. Wertz stated that the lot is 0.4 acres. It is situated along a bend in River Road which makes it a dual frontage corner lot. The property is currently improved with a single-family residence and an accessory driveway. There is an 80-acre farm located adjacent to the property. The portions of the farm that abut the property are vacant fields. The property is located approximately 1,000 feet from any structure on the adjacent farm. The Applicant is proposing to construct a new residence over the footprint of the old structure. The existing foundation will be utilized with expansions along the side and rear of the residence. Along the rear side there will be a proposed screen porch addition and a breakfast nook. Along the eastern side there will be an outdoor porch addition. On the western side, there will be a bedroom and bathroom addition. The relief requested is for an encroachment of 22 inches into the side yard setback for the bedroom and bathroom addition. The second relief requested is for a maximum encroachment of 14 feet 10 inches into the rear yard setback for the breakfast nook and porch additions.

Sean Shover testified that RGS completed a feasibility study when this project was in the preliminary stage. As things began to progress, the site was surveyed and a draftsman developed a site plan. Mr. Shover stated that the existing residence is a one-story ranch home. It is 1,235 square feet and the existing driveway is situated to the north of the property. The well and septic system are located in the back corner of the lot and will not be impacted by construction. The proposal calls for a complete demolition of the existing structure. The footers for the garage will be removed. The existing foundation for the main dwelling will be saved and the walls braced. No matter how the proposed dwelling is positioned, there is a need for a variance. They felt that this was the path of least resistance.

Mr. Wertz explained that the property is uniquely situated along River Road creating a dual frontage scenario. This substantially reduces the developable area of the property. The owners intend to use the existing foundation, which is not currently centered on the lot. The Applicant

had discussions with the neighboring farm owners, and they are in support of the application. Mr. and Mrs. Geyer stated that the individuals that testified this evening, did so on their behalf.

Mr. Ream asked if PennDOT has been contacted regarding the new driveway. Mr. Shover has not reached out to PennDOT. He reviewed the Ordinance and measured the property. He does not feel the driveway will be a problem but will submit a driveway permit prior to construction. At this point, the driveway is conceptual.

Mr. McManus wanted to know if the porch will be an all-season porch. Mr. Shover stated that it will only be screened in, so it will be a three-season porch. The porch will be on a slab. Mr. Shover testified that the proposed dwelling will be 2,553 square feet. The existing well and septic system will be adequate to serve the proposed dwelling.

Chairman Singer closed testimony. He thanked the Applicant for preparing and presenting the application in a professional manner. 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 August 3, 2022 meeting. Mr. Singer commented that with no further business to discuss the meeting will close. Dennis Funk made a motion to adjourn the meeting. Scott Ream seconded and the meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Jeffrey Klugh  
Secretary

Recording Secretary  
Michelle Smith