

Manor Township Zoning Hearing Board Minutes

Wednesday, August 3, 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 August 3, 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, 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 – Dennis Funk made a motion to approve the July 13, 2022 meeting minutes as they have been submitted. Scott Ream seconded and the motion carried unanimously.

Old 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 stated that testimony for this case was closed at the last meeting. He provided an overview of the procedure the Board followed and stated the draft Decision includes Findings of Fact, Conclusions of Law and the Decision. Chairman Singer read the Decision:

Based upon the foregoing, the application of Wayne Pagan and Kyra Pagan for 1) a special exception in accordance with the provisions of Sections 425-11.C(5) (“Special exception uses”) and 425-73 (“Accessory dwelling units”) of the Zoning Ordinance to permit the erection of an Accessory Dwelling and 2) a variance to the provisions of Section 425-73.D(1) of the Zoning Ordinance, requiring that all utilities serving an accessory dwelling be physically connected to those utilities serving the principal dwelling on the Property for the Property located at 2521 Gamber Road, Washington Boro, Pennsylvania, Parcel ID #410-19864-0-0000 are denied.

James McManus explained that the Board did not find creditable or substantial evidence indicating that utilities for the accessory dwelling could not be connected to the principal dwelling. This was the basis for denial.

Dennis Funk made a motion to deny the request for a Special Exception and Variance as submitted by Wayne and Kyra Pagan. Scott Ream seconded and the motion carried unanimously. The Board signed two copies of the Decision which were given to the Zoning Officer for distribution. The Applicant will be provided with a copy of the Decision by US mail on August 4, 2022.

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.

Chairman Singer stated that testimony for this case was closed at the last meeting and a decision will be rendered tonight. He reviewed the procedure that the Board followed and read the Decision:

The application of TK Building and Design LLC and Thomas F. Geyer and Lois A. Geyer for variances to the provisions of Section 425-11.F(2)(b) and (c) of the Zoning Ordinance to allow the construction of certain additions to the dwelling within the required side and rear yard setbacks on the Property located at 3409 River Road, Conestoga, Pennsylvania 17516, Parcel ID #410-67176-0-0000 are granted subject to the following conditions:

1. The proposed additions shall not be located nearer than 22 inches from the western property line of the Property as indicated on the site plan submitted as Exhibit A-2.
2. The proposed additions shall not be located nearer than fourteen feet, 10 inches from the southern property line of the Property as indicated on site plan submitted as Exhibit A-2.
3. The Applicants shall at all times comply with and adhere to the plans, Exhibits and all other evidence presented to the Board by the Applicants or on their behalf at the hearing held on July 13, 2022.
4. The Applicants shall comply with all other applicable governmental rules, ordinances and regulations regulating the construction, use and occupation of the proposed improvements.

Any violation of the conditions contained in this Decision shall be a violation of the Zoning Ordinance and shall be subject to the penalties and remedies as set forth in the Pennsylvania Municipalities Planning Code.

The foregoing Decision shall be binding upon the Applicants, their successors in interest and assigns.

James McManus clarified that the existing home will be demolished. The existing foundation will be utilized for new construction with additions to the foundation. Mr. McManus explained the Decision includes Findings of Fact, Conclusions of Law and the Decision. The Board felt that the modifications were de minimus and are not injurious to the neighborhood or surrounding properties.

Scott Ream made a motion to approve the Variances subject to the conditions as read. Dennis Funk seconded and the motion carried unanimously. The Board signed two copies of the Decision. One was given to the Applicant at tonight's hearing and the other will be retained in Township files.

New Business

Case #6-2022: Matthew & Emily Rodak, 3129 Anchor Rd, 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 their property for occupancy by a family member. The property in question is located at 3129 Anchor Rd, Washington Boro, PA 17582, Tax ID 410-53137-0-0000 and is in the Agricultural (A) Zone.

Chairman Singer explained the procedure that the Board will follow for the hearing. Testimony will be presented this evening. Board members will individually give their thoughts and decisions to the Board Solicitor, who will then draft a Decision.

Matthew Rodak, Emily Rodak, Clyde Erb and Nate Taggart 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 the application indexed at #6-2022 for a Special Exception. The application was completed on a standard form provided by the Township and submitted along with a list of adjoining property owners and two pages of plans. One page contained a site plan and a first-floor plan. The second page contained elevation drawings. 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 July 20, 2022 and July 27, 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 25, 2022. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on July 25, 2022. All notices contained the same information.

Matthew Rodak testified that the accessory dwelling will be 600 square feet. His in-laws will reside in the dwelling. All utilities will be connected to the main residence. The accessory dwelling will be located in the side yard, attached to the existing structure.

Dennis Funk asked if the 600 square foot includes the deck. Mr. Rodak stated that it was not included in the calculation. There will be 600 square feet of living space. Mr. Rodak confirmed that the property is serviced by any an on-lot septic system and well. The electric will be connected to the main dwelling and there is not gas service. Mr. Rodak confirmed that they are aware of the accessory dwelling unit agreement.

Jeff Klugh wanted to know if there will be a basement. There will be an unfinished basement, so this area was not included in the living space. The basement will be used for personal storage.

Brad Singer verified that the proposed addition will be 16 ft x 32 ft for a total of 512 square feet. The proposed deck is 469 square feet. Mr. Singer asked for more information on the current septic system. The system was inspected by Thomas Erb & Sons, LLC. The Rodak's were provided with a report evaluating the current system. The report states that the current system is undersized and upgrades will need to be completed to serve more occupants. The septic report was marked as Exhibit #3 and Board members were provided with a copy. Mr. Rodak testified that a plan will be executed to install a new septic system or upgrade the current system to sufficiently serve more residents. The lot is approximately five acres, so there is plenty of area to install a new system if required.

Jeff Klugh asked if there will be adequate parking for the accessory dwelling unit. Mr. Rodak stated that there will one parking space located by the barn. The site plan was marked as Exhibit #4 and the elevations were marked as Exhibit #5.

James McManus wanted to know if the improvements comply with all set back requirements for the Agricultural district. Mr. Taggart confirmed that they do. The five-acre parcel is used exclusively for residential purposes.

Chairman Singer closed testimony. He stated that the Decision for this case will be rendered at the September 7, 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. Jeff Klugh seconded and the meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Jeffrey Klugh
Secretary

Recording Secretary
Michelle Smith