

Zoning Hearing Board
01/03/07

Zoning Hearing Board Agenda

Wednesday, January 3, 2007 Time: 7:00 P.M.

1. Introduction of Board Members
2. Pledge of Allegiance to the Flag
3. Approve Minutes of October 4, 2006 Meeting
4. Re-organization Meeting A. Appointment to the Zoning Hearing Board by Township Supervisors B. Election of Officers Chairperson Vice Chairperson Secretary C. Set Meeting Dates D. Selection of solicitor for the Zoning Hearing Board for the year 2007.
5. New Business Case #1-07 The application of Timothy J. Naumann & Daniel J. Naumann property located adjacent to Red Bud Drive and Owl Bridge Road, Millersville, PA, Account No. 410-63520-0-0000. The application is requesting a variance of Section 202.5.2.C Minimum 500 feet separation distance for a proposed driveway from an adjacent driveway. The proposed driveway intersecting Red Bud Drive is located within 500 feet of an adjacent drive. The property is located in the Rural Zoning District.
6. Adjourn

DRAFT MINUTES Zoning Hearing Board Minutes

Wednesday, January 3, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, January 3, 2007 at 7:00 p.m. at the Manor Township Municipal Building, 950 W. Fairway Drive, Lancaster, PA. Chairman Allan Granger called the meeting to order.

Members Present: Allan Granger, Walt Schlemmer and Barbara Douglas Township Officials Present: Bruce R. Ott and James R. McManus Visitors Present: Mike Saxinger, Saxinger and Black, Inc. Mike Dombach, 135 Owl Bridge Road Michelle Keller, 60 Red Bud Drive John May, 100 Red Fox Road, Millersville

Mr. Granger introduced the Board Members, Zoning Officer, Solicitor, Court Reporter and Recording Secretary.

Minutes Mr. Granger stated copies of the draft minutes for October 4, 2006 were sent to the members and posted in the Township Office for review. There were no additions or corrections and the minutes stand approved as submitted.

Re-organization Mr. Granger was re-appointed by the Board of Supervisors for another three-

year term. Barbara Douglas nominated Allan Granger as Chairman. Walt Schlemmer seconded the nomination. Walt Schlemmer nominated Barbara Douglas as Secretary. Allan Granger seconded the nomination. Barbara Douglas nominated Walt Schlemmer as Vice-Chairman. Allan Granger seconded the nomination. The meeting dates were set for the first Wednesday of the month when necessary. Any change in the date will be advertised. Barbara Douglas made a motion to re-appoint Jim McManus as solicitor. Walt Schlemmer seconded the motion and the motion carried unanimously. Mr. Granger stated during the last few years, due to the caseload, the Board looked to Mr. McManus for direction and guidance numerous times.

Mr. Granger stated the Board has not met for several months and the last action rendered was a decision in the Wal-Mart Application. Mr. McManus indicated that although the Board denied the decision the Township filed an appeal regarding res judicata. The Board ruled the principles of res judicata did not apply. Although the application was similar it was not identical, therefore, Wal-Mart had a right to come in with a new application. Mr. McManus stated that the Township filed a brief stating their position and Wal-Mart filed a brief. Mr. Schlemmer made a motion to have Mr. McManus file a brief defending the Board's decision in the Wal-Mart case. Ms. Douglas seconded the motion and the motion carried unanimously.

New Business Case #1-07 The application of Timothy J. Naumann & Daniel J. Naumann property located adjacent to Red Bud Drive and Owl Bridge Road, Millersville, PA, Account No. 410-63520-0-0000. The application is requesting a variance of Section 202.5.2.C Minimum 500 feet separation distance for a proposed driveway from an adjacent driveway. The proposed driveway intersecting Red Bud Drive is located within 500 feet of an adjacent drive. The property is located in the Rural Zoning District. Mr. Granger turned the meeting over to Mr. McManus. Mr. McManus asked if there was anyone present who was interested in the application. Michelle Keller, 60 Red Bud Drive and Mike Dombach, 135 Owl Bridge Road, stated they lived near the property and were interested in the application. Bruce Ott, Zoning Officer, was sworn in by the Court Reporter. Mr. Ott stated as Zoning Officer he received the application and notification of the subject matter was published in the Lancaster Newspapers on December 20 and 27th, 2006. Mr. Ott presented proof of publication. Mr. McManus stated that the application contained the application, letter to the Zoning Hearing Board dated December 12, 2006 from Saxinger and Black, a fax from Saxinger and Black dated December 13 listing adjoining property owners, a diagram and the following copies of deeds: Deed recorded August 1, 2005 from Robert I. Martin, Jr. and Jane L. Martin to Daniel J. Naumann and Timothy J. Naumann, deed recorded December 1, 1972 Aaron H. Herr and Anna M. Herr to Richard L. Sweigart and Doris L. Sweigart, deed recorded April 5, 2973 between Richard L. Sweigart and Doris L. Sweigart and C. Charles Shertzer and Helen R. Shertzer, deed recorded July 9,10, 1968 between Aaron H. Herr and Anna M. Herr and Wendall Diffendall and Jo Ann M. Diffendall, and the deed between Aarona Herr and Anna M. Herr to John E. King and Lulu M. King with recording information Record Book L, Volume 43, page 493. Also attached is site plan prepared by Saxinger and Black titled Zoning Special Exception Naumann Hall Builders Job No. 05 271 03 dated April 19, 2006. Mr. Ott stated the time, date, place, and subject matter were posted on the property on Owl Bridge Road and Red Bud Lane on December 16, 2006. Notice was posted in the Township Office on December 15, 2006. The application was marked Exhibit #1 and the proof of publication was marked Exhibit #2. Mr. McManus advised Mr. Saxinger that any drawings he presented should be referred to as 1A, 1B, etc. Mike Saxinger from Saxinger and

Black Inc., was sworn in by the Court Reporter. Mr. Saxinger stated that the tract of ground is owned by Timothy and Daniel Naumann and consist of 16 acres. The tract borders Owl Bridge Road and, a private right-of-way belonging to PP&L for power lines and Red Bud Drive. Mr. Saxinger stated Exhibit #1A that was submitted with the application was revised January 3, 2007. Mr. Saxinger stated that his clients are requesting a variance of Section 202.5.2.C for the proposed driveway location onto Red Bud Drive as shown on the diagram. The variance request is based on the following as it relates to Section 605.4. The unique topographic conditions limit the possible access points onto Red Bud Drive. Also, there is not enough frontage along Owl Bridge Road to permit two separate driveways to serve two lots. The Rural District regulations and the nitrate conditions that dictate the minimum lot size of 4.6 acres only permit the parent tract to be subdivided into two lots. Based on Section 202.5.2.C., the only feasible way the lot can be subdivided and be within the strict conformity of the Zoning Ordinance is to provide shared driveways, in what case, the driveway accessing the eastern portion of the site would be traversing underneath existing PP&L power lines. The parent tract consisting of approximately 15.7 acres existed before Section 202.5.2.C. of the Manor Township Zoning Ordinance was created. The parent tract had deeded rights to access Red Bud Drive. Section 202.5.2.C. and the topography virtually eliminate the possibility of accessing Red Bud Drive and create a hardship for the owners. The existing topography eliminates the possibility of accessing the lot from Red Bud Drive at a point that is 500 from the adjoining lots driveway location. Additionally, there is not enough road frontage along Owl Bridge Road to permit two individual driveway entrances. The variance, if authorized, will not alter the character of the neighborhood, nor will it impair the development of any adjacent properties. Red Bud Drive could not be extended in the future due to the proposed lot configuration and the fact that Lot No. 1 could not be further subdivided due to Section 202.5.2.B. of the Ordinance stating that one lot must be at least 40% of the contiguous land area shall remain in singular ownership. Due to the existing topography, the variance, if approved, will offer the minimum relief and will represent the least modification possible to feasibly access Red Bud Drive from the parcel. The proposed driveway location will minimize site disturbance and allows the driveway to be constructed in a location where the existing slopes are less steep. There is no impact within the Manor Township Floodplain Zone. The proposed driveway will be located approximately 220 from the next adjoining driveway. Approximately 20 of woodland shall remain to help provide a buffer from the proposed driveway and the adjoining property line. Ms. Keller had questions on the proposed driveway. Mr. Dombach corrected Mr. Saxingers statement regarding Red Bud Drive is off of Sun Lane and said Red Bud Drive is off of Walnut Hill Road. Mr. Dombach was also concerned with the water runoff. Mr. Saxinger stated that there would be a pipe in the driveway and water would flow through the pipe. There would not be any change in the natural flow of the water. Ms. Douglas questioned the location of the driveway in relation to George Splains property. Mr. Granger had questions on the road right-of-way. Mr. Granger asked if there was any discussion regarding the turning radius for snowplows and Mr. Saxinger stated there was no discussion. Mr. Granger had concerns regarding the driveway interfering with the flow of water. Mr. Saxinger stated that the driveway would not interfere with the water flow. Mr. Granger asked if there would be any future subdivision and Mr. Saxinger stated that no further subdivision is allowed. John May, 100 Red Fox Road, had questions regarding the street dedication for Red Bud Drive. Mr. May asked if there was a deed available showing dedication of Red Bud Drive and he was advised no one knew if a deed was available. Mr. May felt there should be area available for snowplow and maintenance vehicle turnings. Mr. McManus asked that the Board be supplied with a letter from

the owners giving Mr. Saxinger authority to represent them. Mr. McManus verified that the distance dedicated of 1161 feet was from Walnut Hill Road and not Sun Lane. Mr. McManus verified that the proposed driveway was 220 feet from the nearest driveway located immediately east. Mr. McManus asked if there was any driveway on the north side within 500 feet and Mr. Saxinger stated yes. Mr. McManus asked if the 500-foot requirement applies on the same side of the road and Mr. Saxinger stated that was correct. Mr. McManus asked if the sewer and water was on site and Mr. Saxinger stated yes. Mr. McManus asked if a hardship occurs due to the trees and is further complicated by the location of a utility right-of-way that transverses the tract. Mr. Saxinger stated that is true. Mr. McManus asked if they are restricted from certain usage because of the utility and Mr. Saxinger stated that is correct. Mr. McManus asked if it is fair to say that the tract can not reasonably be developed without an exception being made to the distance between driveways and Mr. Saxinger stated that is correct. Mr. McManus questioned Mr. Ott on the minimum lot size. Mr. Ott stated for every five acres you are allowed one lot and that would depend on nitrates. Mr. McManus asked if the proposed lots conform to zoning regulations and Mr. Ott stated they do conform. Ms. Keller asked if it is prohibited to place a driveway under utility lines. Ms. Saxinger stated it is not prohibited but certain things, like septic systems that would cause problems if they were driven over, would not be allowed. Mr. McManus asked Mr. Saxinger if he wished to reference any of the deeds submitted with the Application for purposes of testimony and Mr. Saxinger stated yes. Ms. Douglas made a motion to close testimony, make a decision at the February 7th meeting and, in the meantime, a signed paper be received that the owners approved of Mr. Saxinger representing them this evening. Mr. Schlemmer seconded the motion and the motion carried unanimously.

Hearing was adjourned at 7:50 p.m.

Respectfully submitted,

Barbara Douglas Secretary

Recording Secretary Evelyn Rineer
Zoning Hearing Board (as needed)
02/07/07

Zoning Hearing Board Agenda

Wednesday, February 7, 2007 Time: 7:00 P.M.

1. Introduction of Board Members
2. Pledge of Allegiance to the Flag
3. Approve Minutes of January 3, 2007 Meeting
4. Old Business Case #1-07 The application of Timothy J. Naumann & Daniel J. Naumann property located adjacent to Red Bud Drive and Owl Bridge Road, Millersville, PA, Account No. 410-63520-0-0000. The application is requesting a variance of Section 202.5.2.C Minimum 500

feet separation distance for a proposed driveway from an adjacent driveway. The proposed driveway intersecting Red Bud Drive is located within 500 feet of an adjacent drive. The property is located in the Rural Zoning District. A decision will be rendered.

5. Adjourn

Draft Minutes Zoning Hearing Board Minutes

Wednesday, February 7, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, February 7, 2007 at 7:00 p.m. at the Manor Township Municipal Building, 950 W. Fairway Drive, Lancaster, PA. Chairman Allan Granger called the meeting to order.

Members Present: Allan Granger, Walt Schlemmer and Barbara Douglas Township Officials Present: Bruce R. Ott and James R. McManus Visitors Present: Roger Lehman, 2885 Charlestown Rd. Michelle Keller, 60 Red Bud Drive Tim Naumann, 14 Pennington Ct.

Minutes Mr. Granger stated the copies of the draft minutes were posted. There were no additions or corrections and the minutes stand approved as submitted.

Old Business Case #1-07 The application of Timothy J. Naumann & Daniel J. Naumann property located adjacent to Red Bud Drive and Owl Bridge Road, Millersville, PA, Account No. 410-63520-0-0000. The application is requesting a variance of Section 202.5.2.C Minimum 500 feet separation distance for a proposed driveway from an adjacent driveway. The proposed driveway intersecting Red Bud Drive is located within 500 feet of an adjacent drive. The property is located in the Rural Zoning District. A decision will be rendered. Mr. Granger stated the testimony was closed at the last hearing and Mr. McManus contacted each member individually and drafted a decision that they would discuss at this time. Ms. Douglas made a motion the application of Timothy J. Naumann and Daniel J. Naumann, for a variance to the provisions of Section 202.5.2.C. of the Manor Township Zoning Ordinance to reduce to 220 feet the separation distance between the driveway from proposed Lot 1 intersecting Red Bud Drive and the nearest driveway east of the tract having access onto Red Bud Drive to enable the subdivision of a tract of land containing approximately 15.6 acres with frontage along Red Bud Drive and Owl Bridge Road, tax map parcel no. 5H-6-16, Account No. 410635200000., is granted. The approval of the aforesaid variance is subject to the following conditions: 1) The reduction of a minimum separation distance between driveways intersection Red Bud Drive shall be in accordance with the plan entitled Zoning Exhibit for Naumann Hall Builders, prepared by Saxinger and Black, Inc. Landscape Architects Land Surveyors, Dwg. No. 1, dated 4-19-06, Exhibit No. 1-A, submitted 1-03-07. 2) Applicants shall at all times comply with and adhere to said plan and all other evidence presented to the Board by Applicant or on their behalf at the hearing held on January 3, 2007. 3) 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. Mr. Schlemmer seconded

the motion and the motion carried unanimously.

Mr. Granger stated a letter was received from Stacey L. Morgan on behalf of Roger Lehman requesting a one year extension of time to complete the work permitted at the property pursuant to the Zoning Decision rendered in case 12-05. Mr. Granger asked Mr. Lehman what percentage of work is completed. Mr. Lehman stated there is approximately 25% of the work completed or less at this point. Mr. Granger asked if Mr. Lehman felt the work will be completed within the next year and Mr. Lehman stated that is his anticipation at this point. Ms. Douglas made a motion on behalf of Mr. Lehman's request for a one year extension to complete the work he has started be granted. Mr. Schlemmer seconded the motion and the motion carried unanimously.

There being no further business the hearing was adjourned at 7:10 p.m.

Respectfully submitted,

Barbara Douglas Secretary

Recording Secretary Evelyn Rineer
Zoning Hearing Board
07/05/07

Zoning Hearing Board Agenda

Thursday, July 5, 2007 Time: 7:00 P.M.

1. Introduction of Board Members
2. Pledge of Allegiance to the Flag
3. Approve Minutes of February 7, 2007 meeting.
4. New Business Case #2-07 - The application of James R. & Rebecca G. Knapp property located at 40 Penn Street, Washington Boro, PA. The applicant is requesting a dimensional variance of Sec. 216.5.2 side yard setback and Sec. 216.5.3 rear yard setback. Also the applicant is requesting a special exception of Sec. 504.2 Non-conforming structures. The applicant wishes to expand an existing accessory use structure on the property. The property is located in the Village (V) zoning district.
5. Adjourn

DRAFT MINUTES Zoning Hearing Board Minutes

Thursday, July 5, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Thursday, July 5, 2007 at 7:00 p.m. at the Manor Township Municipal Building, 950 W. Fairway Drive, Lancaster, PA. Chairman Allan

Granger called the meeting to order.

Members Present: Allan Granger, Walt Schlemmer and Barbara Douglas Township Officials Present: Bruce R. Ott and James R. McManus Visitors Present: Allen Kreider, 141 Supervisors Rd Jim Knapp, 40 Penn St.

Minutes Mr. Granger stated the copies of the draft minutes were posted. There were no additions or corrections and the minutes stand approved as submitted.

New Business Case #2-07 - The application of James R. & Rebecca G. Knapp property located at 40 Penn Street, Washington Boro, PA. The applicant is requesting a dimensional variance of Sec. 216.5.2 side yard setback and Sec. 216.5.3 rear yard setback. Also, the applicant is requesting a special exception of Sec. 504.2 Non-conforming structures. The applicant wishes to expand an existing accessory use structure on the property. The property is located in the Village (V) zoning district. Mr. Granger turned the meeting over to Mr. Mc Manus. Mr. McManus requested that Mr. Ott be sworn in. Mr. Ott stated that he is employed as the Zoning Officer for Manor Township and he receives applications that comes before the Zoning Hearing Board of Manor Township and noted he did receive Application #2-07. Mr. Ott stated the date, time, place and subject matter of this meeting was published in the Lancaster Newspapers on June 20 & 27, 2007. The property was posted on Penn Street and the side street with the time, date, place and subject matter on June 15. A notice of the date, time, place and subject matter was posted in the lobby of the Township Office on June 15. Mr. Ott provided proof of publication. Mr. McManus stated the application consisted of two sheets, both of which are numbered Application #2-07. One is a variance sheet and the second sheet is a special exception. Proof of publication was marked Exhibit #1. The application was marked Exhibit #2. A narrative attached to the application was marked Exhibit #2A. A series of four sheets 11 ½x 14 appended to the application were marked Exhibits #3, 4, 5 & 6. The plot plan titled Additions was marked Exhibit #7. For the record, Exhibit #3 is titled Barn Addition subtitled Non-permeable surfaces, Exhibit #4 is titled Barn Addition Plot and Elevations, Exhibit #5 is titled Barn Addition Sectional Drawings, and Exhibit #6 is titled Barn Addition South Elevation. Mr. McManus stated the application submitted seeks a special exception in accordance with the provisions of Section 504.2 and variances for two of the side yard requirements. Mr. McManus asked Mr. Knapp if he was James R. Knapp Sr. and Mr. Knapp stated yes. Mr. McManus stated the owners of the property are James R. & Rebecca G. Knapp and asked Mr. Knapp if that was his wife. Mr. Knapp stated she was his wife. Mr. McManus asked if there was any objection to amending the application title to James R. Knapp Sr. and Rebecca G. Knapp since they are both owners of the property. Mr. Knapp had no objections. Mr. McManus asked the application be amended to show that both the husband and wife are the applicants. Mr. McManus requested Mr. Knapp explain to the Board what he was asking for. Mr. Knapp indicated what they are looking to do is to expand an existing accessory use structure on their property. The existing structure is a pre 1900s barn located on the north end of their primarily residential property. Mr. Knapp stated that they would like to add an addition onto the barn that is over area that currently exists as a driveway and was previously a temporary awning like structure. In talking with the Zoning Officer, the areas of concern were that the existing barn is taller than 15; that means the building needs to be 15off the rear property line. The actual distance that the barn is off the rear property line is 3. There is 3 between the barn and what is know as Alley O which separates the two properties. The setback

on the side of what is known as Second Street is also only 3 and the side yard setback needs to be 5. Mr. Knapp stated that they would like to increase the size of the barn one story and the square footage is less than half of the existing barn. They are asking to expand this barn that is non-conforming and to continue along the east edge of the barn. The barn will not encroach anymore into the roadway area but continue along the same edge of the barn that presently exists. It will not encroach any further on the Miller residence that is to the left of the Knapp property, onto Second Street or onto Alley O. It would be a simple pole barn construction attached onto the side of the barn. Mr. Schlemmer asked if the house is the same distance from the street and Mr. Knapp stated it is about 1 ½ further off of Second Street than where the barn is located. Mr. Schlemmer asked what the use of the building would be and Mr. Knapp replied for residential storage such as vehicles, a boat and lawn equipment. Mr. Knapp stated he is a volunteer fireman and in the winter when he gets a call, his vehicle is out in the weather and has snow and/or ice on it. He is unable to presently put his truck into the barn because of the height of the truck. Mr. McManus asked what the height of the existing barn was and Mr. Knapp replied 23 and 3 1/2 to the peak. Mr. McManus questioned the applicant if the addition was being added vertically and Mr. Knapp stated the height of the proposed addition would be 12- 9 11/16 and a width of 13- 6 which included the overhang shown on Exhibit #4. Mr. McManus asked if the existing barn is a non-conforming barn with respect to its rear yard and side yard setbacks and Mr. Knapp replied yes. Mr. McManus stated that he believed that there was no necessity to view a variance to the rear yard setback because it presently exists and is not going to be affected in anyway. It appears the only thing before the Board is the side yard setback. The extension will be at a height of 12- 9 11/16 and Mr. Knapp stated that is correct. Mr. McManus stated the dimensions on the exhibits show a side yard bordering Second Street and asked if the distances are measured from the curb line, the cartway of Second Street, or is it an actual right-of-way line. Mr. Knapp advised the Board that the distances are measured from the cartway. Mr. McManus asked if Mr. Knapp knew the right-of-way of Second Street. Mr. Knapp stated that according to his deed, the property starts from the corner of the streets. The entire property is laid out by the actual streets. Mr. Knapp stated that in talking to Mr. Ott, he knows the current right-of-way of a street if enacted today would be 33 ½. There is not 33 ½ between Mr. Knapp's house and Mr. Frey's house. Mr. McManus asked Mr. Ott if it is his belief that the right-of-way is co-terminus with the cartway or does he have no idea where the right-of-way is. Mr. Ott stated without a surveyor telling him he has no idea where the right-of-way is. Mr. Knapp stated he knows the road width between Alley O and Penn Street is narrower than the road width between his property in the rear and Mr. Frey's property in the rear. Mr. McManus stated it appears they are looking at a matter of two (2) feet and Mr. Knapp stated that was correct. Mr. McManus asked if there would be a reason why that extension could not be offset by 2. Mr. McManus stated Exhibit #4 shows a future garage bay in this addition, and asked if Mr. Knapp agreed to build that addition but set it back 2 additional feet and still be able to use it for garage purposes. Mr. Knapp indicated there are two reasons he does not want to do that: 1) Because of the existing driveway and walk, it would be very shallow in depth. Currently his truck if pulled in to the existing area, the tail end of the truck is flush with the existing sidewalk. In shortening that area by 2 feet, it would cause Mr. Knapp to park back in further, which, in turn, would cause more work to be done to the interior. Mr. Knapp stated that he was going to leave the driveway and walk in place. 2) Just for the aesthetics of the building, Mr. Knapp stated that he would like to continue the existing barn line along Second Street. Mr. Knapp stated that he believes that in creating the setback he is not really creating any undo hardship to the Township due to the fact that the existing barn is already at that same level and

the road would not be able to be widened without removing part of the structure. Mr. McManus asked if the proposed addition would be enclosed and Mr. Knapp stated yes. Mr. McManus asked if there would be a block foundation for the proposed addition and Mr. Knapp advised him that it is a pole barn structure with a stone floor. Mr. McManus stated as proposed the addition will be 60in length and Mr. Knapp stated yes. Mr. McManus asked if Mr. Knapp agreed that he could park two vehicles easily as shown in Exhibit #5 in a space of 58. Mr. Knapp stated the sidewalk actually sets about 4 5higher than the driveway. Mr. McManus stated if the sidewalk was not inside the pole barn addition did Mr. Knapp agree he could park two vehicles in 58that would remain. Mr. Knapp stated if he did not have the sidewalk it would change where his doorway is located which would come off the existing sidewalk. If his truck was parked there it would be in the way of the door and an offset would have to be created for the door. Mr. McManus asked the length of Mr. Knapps truck and Mr. Knapp stated it was a standard pickup truck and he had no idea. Mr. McManus asked the distance between the walkway and the front of the building? Mr. Knapp advised approximately 24. Mr. McManus stated Exhibit #5 appears to be another parking space in that same addition but to the western part of the tract and Mr. Knapp stated that was correct. Mr. McManus asked if that was large enough for the truck. Mr. Knapp stated it would be but he would be coming out onto the grass on that side. Mr. McManus questioned where Mr. Knapp would be coming out with the vehicle shown on Exhibit #5. Mr. Knapp stated that is a proposed parking spot. Currently his Grandfather lives with them and with Mr. Knapps wife they have three vehicles so they would not be primary parking areas. Mr. McManus stated there would be three bays along the front and asked if there is one truck in each of the bays? Mr. Knapp stated there would be a truck, station wagon and a blazer. Mr. McManus asked if the station wagon would fit in the new addition portion and not encroach upon the walkway. Mr. Knapp stated yes but his truck would not fit in either of the two existing bays because of height. Mr. Schlemmer asked if there was a door into the existing barn where the walkway is and Mr. Knapp stated yes. Mr. Knapp stated another reason for going through this entire process is if he understands the zoning correctly, because this is a non-conforming structure he can only increase it by 50%. However, if Mr. Knapp offsets this into a separate building he can build three times the size of the building. Mr. Knapp stated that what he is trying to do is maintain the aesthetics of the barn and the layout of the property in regards to how it has been for the last hundred years. Mr. McManus asked what the size of Mr. Knapps lot was. Mr. Knapp stated that the lot is 13,200.22 square feet. Mr. McManus asked if there was public water and sewer. Mr. Knapp advised Mr. McManus that he has public sewer but on lot water. Mr. McManus asked if there any utilities connected to the existing or proposed barn extension. Mr. Knapp stated there is a 50amp service that comes into the building as an auxiliary service off the house. There will be no sewer or water to the structure. Mr. McManus asked what percentage of the lot s covered by buildings. Mr. Knapp advised Mr. McManus that 42.15% is covered. Mr. McManus asked if that exists or includes the proposed addition. Mr. Knapp advised Mr. McManus that it includes the proposed addition. Mr. Knapp advised Mr. McManus that they are increasing lot coverage by 755 square feet but that he does not know what the percentage increase is. Mr. McManus asked Mr. Knapp to tell the Board what the hardship is if he was required to set the addition back 5and not 3. Mr. Knapp stated that first of all the barn exists and Second Street at the time of construction of the barn was much smaller. At that time, the barn would have been well within any type of setbacks. To increase the barn along the existing line is not encroaching anymore into the roadway or the cartway and to have the increased setback, changes the building aesthetically and causes additional problems with getting the vehicle in

there. Mr. McManus asked what the length of the vehicle was and Mr. Knapp did not know. Mr. McManus asked the make of the vehicle and Mr. Knapp advised him that it was a Ford F150 extended cab truck with a six foot bed and a camper hitch that sets another 1 ½ out the back. Mr. Granger stated he wanted to go over a few of the things as far as the non-conforming use to have it in the record. Mr. Granger went over Section 504.2 requirements to verify all of those were in line. Mr. McManus asked Mr. Ott if it is his interpretation that the barn is an accessory use on that tract and is non-conforming with respect to its use or just dimensions. Mr. Ott stated it is just the structure setback dimensions. It has nothing to do with the use. Mr. McManus stated the barn is conforming with respect to use so in terms of expansion you would only evaluate the right to expand if that barn were not otherwise allowed in that district. Mr. Ott stated the way he interprets Section 504.2.3 it is a non-conforming structure and 50% expansion of that structure is the maximum allowable expansion. Mr. McManus asked if Mr. Ott agrees it is only non-conforming with respect to its location on the lot and not its use and Mr. Ott agreed. Mr. McManus read 504.2.3 into the record The total of all such expansions or alterations of use shall not exceed an additional fifty (50%) percent of the area of those buildings or structures as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created. Mr. McManus asked if this section also requires conformity to setbacks and Mr. Ott stated yes. Mr. McManus stated that even if this section would be interpreted the determination would have to be two fold that this was a non-conforming use of a structure constituting use of the land and that it could expand if it were non-conforming but it could not expand and violate a setback regulation of the district. Mr. Ott stated he is not sure he reads it that way. Mr. Granger referred to Section 504.2.2. Mr. McManus stated a structure can be non-conforming by virtue of its use or location. A building can be non-conforming by virtue its location or its use. The 50% expansion that has been generally handed down through the courts when they say you cannot close out a use if it is not conforming relates to non-conforming uses. You have a commercial building in a residential zone but it predates zoning the courts have said you have to give it some reasonable expansion, therefore, zoning ordinances allow some 25 some 50% and that expansion would say something like 50% so long as you do not violate any other setbacks. Mr. McManus stated that seems to be close to what this section is saying, otherwise, to allow by special exception an encroachment into a required yard ventures into variance territory. Mr. McManus gave an example stating assume this was not a 12 extension because the principle building is 3 instead of 5. Assume that the expansion wanted to go the entire length of that lot for another 75; clearly the meaning of the Ordinance would not be that you are allowed to extend along an existing encroachment of the setback just because you already encroached. There are some limitations on that. That section is confusing as to the meaning whether it should be a variance or a special exception. Mr. Granger asked Mr. Ott what the Township maps show for the right-of-way for Second Street. Mr. Ott stated he is not sure there are any road maps for Second Street and he had not looked for any. Mr. Granger stated there seems to be a change in the width from Mr. Knapps property to the property behind it. Mr. Granger questioned the September 1990 date used and Mr. Ott advised that is the date the Ordinance was adopted. Mr. Knapp advised Mr. Granger that the setback on the County GIS page shows the road width coming to the front edge of the barn and not back into it. Mr. Granger stated in other words it shows the barn is built right to the property line and Mr. Knapp stated to the right-of-way. Mr. Granger stated there is zero setback and Mr. Knapp stated yes. Mr. Knapp stated the problem with the deed to the property is that the property is deeded as the corner of Second Street and Rt. 999 to the corner of Rt. 999

along 80 measurement and it uses those roadways as the boundaries. However, Rt. 999 has been significantly increased because they have lost numerous trees in the front of the house over the years and Second Street has been increased when they changed the culvert in the late 70s. That area has consistently moved closer to the existing structures as those roads have been widened. Mr. Schlemmer questioned if you have a structure that was built in the early 1900s and was built when that was a cartway the fact it is a non-conforming structure under the new ordinance does not the law state it was there prior to making the rules. Mr. McManus stated you could not do anything to the existing structure. To the extent it does not comply with zoning by virtue of its use, height or its dimensional orientation there is nothing that can be done about that. It has a right to continue. The issue here is what right if any does it have to expand and it seems that no matter what section you look at it has the right to expand but can not increase greater dimensional non-conformity. Mr. Schlemmer asked that the special exception versus variance be explained. Mr. McManus stated if the Board took the position that yes you can expand this but you must setback 5 and not 3. Mr. McManus stated that he believes what Mr. Knapp is saying is let me bring it back closer to the road and to do that he needs a variance of 2. Mr. Schlemmer asked where the special exception comes into play and Mr. McManus stated that Mr. Ott read in Section 504.2 and it appears the drafters of the ordinance borrowed the language from Section 504.2 that is the traditional non-conforming use language with respect to uses and then simply said lets make it apply to structures as well. The question is what is a nonconforming structure? Could it be that you have a building and buildings defined by the ordinance as having a roof and containing a use? A structure may not necessarily have a roof but it can also contain a use or be in a configuration that the use of that structure is non-conforming and Mr. McManus stated he believes that is what this means. It is the use of the structure that is non-conforming not the structure itself. Mr. McManus stated that is how he interprets that. Mr. Granger had questions on the setbacks since the building could be located on the property line. Mr. McManus stated they are guessing at the location of the property line. The evidence at the hearing is suggesting that it is the street line. There is nothing of record that shows anything different. Mr. Schlemmer asked if they ruled the building should go back 2 and then find out the right-of-way is really at the building line then basically they were in error in their thinking. Mr. McManus stated that you could say it must be set back 5 from the right-of-way of Second Street. Mr. Schlemmer stated that could be in the middle of Mr. Knapps barn. Mr. Knapp stated his grandparents owned this property ever since he was born and he remembers growing up that Second Street was a single lane road. Mr. Knapp stated that he does know that if that setback would have changed if this were discussed prior to the road being widened, but Mr. Knapp stated that by expanding this structure he is in no way infracting on anything the Township would do here as far as widening the road. The road is to the widest point it could possibly be without tearing down existing buildings. Mr. Knapp asked that this be taken into consideration when considering the variance. Mr. McManus asked if it is Mr. Knapps testimony that the road is 3 from the barn and Mr. Knapp stated correct. Ms. Douglas made a motion that the testimony be closed and the application taken under consideration and a decision rendered on August 1st meeting at 7:00 p.m. in this building. Mr. Schlemmer seconded the motion and the motion carried. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Barbara Douglas Secretary

Zoning Hearing Board (as needed)
08/01/07

DRAFT MINUTES

Zoning Hearing Board Minutes

Wednesday, August 1, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, August 1, 2007 at 7:00 p.m. at the Manor Township Municipal Building, 950 W. Fairway Drive, Lancaster, PA. Chairman Allan Granger called the meeting to order.

Members Present: Allan Granger, Walter Schlemmer and Barbara Douglas Township Officials Present: William Laudien and James R. McManus Visitors Present: Elizabeth & Peter ODonoghue, 388 Hershey Mill Road John May, 100 Red Fox Road James R. Knapp, 40 Penn Street Darryl L. Sensenig, 363 Hershey Mill Road Bonnie Miller, 113 Bent Tree Dr Matt Hodges, 332 Rohrer Road Minutes Mr. Granger stated the copies of the draft minutes were posted. There were no additions or corrections and the minutes stand approved as submitted.

Old Business Case #2-07 - The application of James R. & Rebecca G. Knapp property located at 40 Penn Street, Washington Boro, PA. The applicant is requesting a dimensional variance of Sec. 216.5.2 side yard setback and Sec. 216.5.3 rear yard setback. Also the applicant is requesting a special exception of Sec. 504.2 Non-conforming structures. The applicant wishes to expand an existing accessory use structure on the property. The property is located in the Village (V) zoning district. The Board will render a decision. Mr. Granger stated that the testimony was closed at the last meeting and Mr. McManus contacted each Board member independently and drafted a decision that they would discuss at this time. After discussion, Ms. Douglas made a motion based upon the foregoing, the application of James R. Knapp, Sr. and Rebecca G. Knapp, for a special exception pursuant to the provisions of Section 504.2 of the Manor Township Zoning Ordinance is hereby denied. Based upon the foregoing the application of James R. Knapp, Sr. and Rebecca G. Knapp, for a variance to the provisions of Section 216.5.2 of the Manor Township Zoning Ordinance to reduce to 3 feet the side yard from the proposed addition to an existing barn to Second Street on Applicants Lot located at 40 Penn Street, Washington Boro, Pennsylvania 17582, Account No. 4102266900000, is hereby granted. The approval of the aforesaid variance is subject to the following conditions: 1) The reduction of minimum side yard from Second Street shall be in accordance with the plans entitled 40 Penn Street, Washington Boro, Barn Addition, Exhibit Nos. 3, 4, 5 and 6, submitted 7-05-07. 2) Applicants shall at all times comply with and adhere to said plans and all other evidence presented to the Board by Applicants or on their behalf at the hearing held on July 5, 2007. 3) 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. Mr. McManus advised the Applicant that the Decision found that there was no need for a variance to the rear yard setback requirement because it did not affect the existing barn structure. The Decision to deny the special exception was based upon the fact that as proposed it would have been an encroachment into required yard by an addition of another 12 ½ feet so there

would be an additional encroachment into a required yard. The variance was granted to that same element of the application. The Board found that it was a minor deviation from the standards and it was not adverse to the public welfare. Mr. Schlemmer seconded the motion and the motion carried unanimously.

New Business Case #3-07 The application of Peter & Elizabeth ODonoghue, 388 Hershey Mill Road, Mountville, PA. The applicant is requesting a variance of Section 203.7.2A Front Yard Setback No accessory structure shall be located in a front yard in Low Density Residential (RL) Zoning District and Section 205.5 Design Standards Accessory Uses not permitted in the front yard in the High Density Residential (RH) Zoning District. The applicant wishes to build a detached garage within the front yard of the property. The property is located within both the High Density Residential (RH) and Low Density Residential (RL) Zoning Districts. Mr. Granger turned the hearing over to Mr. McManus. Mr. McManus asked if the applicants were present and if council represented them. The Applicants were present and advised they would represent themselves. Mr. McManus asked that the Assistant Zoning Officer be sworn in. William Laudien stated he is employed as the Assistant Township Manager as well as the Assistant Zoning Officer. Mr. Laudien indicated he received for processing Application #7-03 the applicants being Peter and Elizabeth ODonoghue. Mr. Laudien advised Bruce Ott submitted the time, date, place and subject matter of this hearing to the Lancaster Newspapers. Mr. Laudien provided proof of publication. Mr. McManus indicated the publication was in the Lancaster Newspapers on July 18 and 25, 2007. Mr. Laudien verified that Mr. Ott posted the property with the time, date, place and subject matter. Mr. Laudien did not know the dates the property was posted. Mr. Laudien stated the time, date, place and subject matter was posted in the lobby of the Township Office. The Application was marked Exhibit #1 and Proof of Publication was marked Exhibit #2. Mr. McManus stated numerous photographs and other diagrams would be marked when presented by the Applicant. Mr. McManus asked if there was any questions regarding the manner by which the hearing has been offered for public advertisement in the newspapers, post of the property or posting of the notice in the Township Office. Mr. McManus stated he saw no response. Peter E. and Elizabeth ODonoghue were sworn in by the Court Reporter. Mr. ODonoghue had a drawing that he used to show his property and the roads his property bordered. Mr. ODonoghue believes that they have a unique situation of circumstances. Mr. ODonoghue pointed out on his drawing the abandoned section of Hershey Mill Road that ran through the property with property on both sides of the road. Mr. Shearer who was the previous owner of the property granted the Township access through the property to build a new Hershey Mill Road, therefore, what was considered the front yard has now been extended. The field that was on the other side of the road is now considered the front yard. They wanted to create a historical agriculture setting and maintain that. In return for the Township getting access to the property to build the new road they erected sheds for the owner. They were not required use for the ODonoghue's but they were used for agriculture setting for sheep. They want to maintain the agriculture appearance but do not presently have animals in the sheds. This proposed structure will be used for a garage and having the appearance of a barn is to accommodate the setting and view in this area. They are in the floodplain but will not be building anywhere close to the floodplain. They have stormwater issues, which are currently being looked into by the Township, and they expect those to be resolved. They have a spring coming from the house that goes into a pond. They do not want to interfere with anything in that area because that is also used for their geothermal heating and cooling of the house. Their mailbox was on Hershey Mill Road but is now located on Rohrer

Road. The opening of the proposed structure will not face either road. They have made efforts to restore this property to its original intent. Mr. ODonoghue indicated they had taken down several buildings. Mr. ODonoghue referred to pictures that were marked Exhibit #3 Photos 1-6 and Exhibit #4 Photos 7-12. Exhibit #4 Photograph 12 reflects the outline of property showing to the front of the property it is much developed but to the rear it is agricultural. Originally this property was agricultural and it is their desire to maintain that setting in this situation. Exhibit #3 Photo 1 shows the current and now abandoned Hershey Mill Road and how the property was situated. Exhibit #3 Photo 2 shows the entrance into the property. Photo 5 & 6 shows the recent issues they have had with flooding which limits their development and direction of buildings. Exhibit #4 Photo 7 & 8 submitted to give indication of the restoration work they have done with the property. Photos 9 & 10 are just to give a contrast to the changes from what was once agriculture to high-density development. Photo 11 is to show the sheds that were erected for the previous owner, Mr. Shearer, when he allowed the road to enter his field. The shed on the left was taken down. The garage will be set well in from the road 57 from Rohrer Road and 72 from Hershey Mill Road and about 30 from the dwelling. These measurements were shown on a drawing that was marked Exhibit #5. The floor plans of the proposed structure was marked Exhibit #6. A two page black and white print out with a yellow marker indicating applicants property was marked Exhibit #7 that Mr. McManus stated appeared to be a flood insurance rate map the scale of which is unknown. Exhibit #8 is a colored print captioned Rohrer Road Floodplain Study Project #07-01104-003 prepared by Rettew. Mr. McManus stated one of the indicators on Exhibit #8 shows an approximate upstream limit of 100-year backwater. Mr. ODonoghue stated Exhibit #8 shows the buildings and an existing structure along Rohrer Road. Mr. ODonoghue stated they had contacted the neighbors who signed a statement that they had no issues with the building of this structure and received letters from two Supervisors giving their views. Mr. McManus stated there were two additional sheets not referred to in the packet. One sheet appears to be a tax parcel map that is written in by hand and it was marked Exhibit #9 referred to as a Location Map. Mr. McManus had what appeared to be a computer-generated image of a proposed garage structure in relationship to the existing house marked Exhibit #10. Mr. McManus stated Exhibit #9 appears to be a board that the witness has been referring to throughout his testimony that appears to be a form of erasable chalk material with colored crayon like magic markers. The teal colored sheet 8 1/2 x 11 captioned Flood Hazard for ODonoghue and on the sheet appears to be a checkered area in yellow that was marked Exhibit #11. Mr. ODonoghue gave an explanation of Exhibit #11. Matt Hodges who is a neighbor of the ODonoghues gave some comments on Exhibit #11. Exhibit #12 shows surrounding properties with the names of individuals presumably the owners of adjoining properties. Mr. ODonoghue indicated he had a summary of the comments he made as well as signatures from neighbors and letters from two Supervisors. Mr. McManus stated what is offered as Exhibit #13 includes a single sheet outlining witness testimony, a stapled series of sheets with various signatures on that at the bottom of the Notice to the Citizens of Manor Township published notice a statement that neighbors signed they do not object to the Applicants request and finally stapled together are two individual letters to the attention of the Zoning Hearing Board. The first letter is under an unsigned signature line of Richard C. Bauder, a Township Supervisor, and the second letter also unsigned under the signature line of L. Allen Kreider, Supervisor of Manor Township. Mr. McManus stated although they identify themselves as Supervisors he sees nothing in either letter that states their support of this application reflects the official action of the Board of Supervisors. Mr. Schlemmer stated he was not clear regarding the driveway. He had questions and asked if

there was a way of correlating the sketch to the information provided in writing. Mr. ODonoghue explained the driveway. Mr. Schlemmer also questioned the location of the abandoned road. Ms. Douglas asked where it is shown on the plan the area the floodplain comes to on the property. Mr. ODonoghue referred to the map done by Rettew stating the property is in the floodplain but the dwelling is not. Mr. Schlemmer questioned what the building was close to the floodplain. Ms. Douglas asked what the building was in Photo #5. Mr. ODonoghue stated that is the existing barn. Mr. Schlemmer referred to Exhibit #8 asking whether a spot on the exhibit was the pond. Mr. ODonoghue explained the location of the pond and Ms. ODonoghue stated the pond did not show up very well because there were so many trees around it. Mr. Granger stated on the application for a variance Item #2 Additional Requirements says A scaled site plan with sufficient detail and accuracy to depict the nature of the request, and reflect its relationship with adjoining properties, and their improvements. Mr. Granger asked if the Applicant had a scaled plan to present to the Board. Mr. Granger also read Item 3. Mr. ODonoghue did not have a scaled site plan to present. Mr. Granger asked with the addition of the tract that was on the other side of Hershey Mill Road is the property deeded as one property or two properties. Mr. ODonoghue stated it is one property. Mr. Granger questioned the statement that the rear of the property is agriculture. Mr. ODonoghue stated it is not zoned agriculture at this time. Mr. Granger asked if Exhibit #5 is the only drawing of the proposed garage that he assumes is not to scale. Mr. Granger stated the floodplain has not been transferred onto a scaled drawing of the property and asked if that was correct. Mr. ODonoghue stated they are in the process of getting a permit for an extension and in light of that all required information for floodplain submission has been submitted to the Township. Ms. Douglas asked how large the property is and Mr. ODonoghue advised it is four acres. Ms. Douglas asked why the entrance on Rohrer Road would not be used and put the garage to the right of the house? Mr. ODonoghue stated that is actually the front of the house. Mr. McManus referred to Exhibit #8 stating the colored Floodplain study by Rettew contains a scaled legend and it is graphically represented not depicted in feet per inch and asked the Applicant to use it as a guide to answer some questions. Mr. McManus stated Exhibit #5 shows the dimensions of the proposed three bay detached garage to be 32x 24 and asked if that is correct. Mr. ODonoghue stated yes. Mr. McManus stated looking at Exhibit #8 the portion of the property outside what has been designated approximate upstream limit of 100 year backwater it shows super imposed the abandoned road that use to form one corner of the property and you can identify on this print your house and Mr. ODonoghue stated yes. Mr. McManus stated it is oriented north and south much like the exhibit you are referring to. Mr. McManus stated using that scale as a guide and moving to what you refer to as the front of your house and staying outside of the floodplain isnt it fair to say there is more than enough room to place a three bay garage of the dimensions you requested? Mr. ODonoghue stated if you are saying is there enough room outside of the floodplain to erect building a garage of the dimension and not encroaching on the floodplain yes. Mr. McManus asked if it also would not be in the front yard of the property. Mr. ODonoghue stated technically there is room in the rear; however, it changes the whole dynamics of their intentions. Mr. McManus referred to the exhibit on the easel and asked if the area that would behind the front yard of the house to the east of the house and outside the floodplain is there enough room for a detached garage? Mr. McManus when they presented information showing the floodplain they also had superimposed on their tract, Mr. McManus question isnt it fair to say that you can locate the garage of the size you propose in accordance with the zoning regulation on your property outside the floodplain and not within the front yard of the tract? Mr. Schlemmer asked if the front of the house is defined as the front door

or the part that faces the road. Mr. McManus advised Mr. Schlemmer how the front yards are defined in the Zoning Ordinance. Mr. ODonoghue stated it is possible there is room but recent stormwater has come up to an area he pointed out on the exhibit. If it is not in the floodplain it is close enough to it. Mr. McManus asked if it is fair to say the Applicant has not shown the Board with any degree of graphic certainty the limits of the stormwater problem area or the limits of the 100-year flood plain with respect to the contours and the improvements on your property. Mr. McManus stated testimony was given there is a hardship exist because they wish to maintain the historic feature of the renovation and Mr. ODonoghue stated that was correct. Mr. Granger asked if the Applicant understood what the front yard is. Mr. McManus stated Page 26 of the Zoning Ordinance under definitions defines yard and also includes a diagram. Elizabeth ODonoghue stated when they proposed to put the garage up they had no idea it would not be permissible to build a detached garage but they could build an attached garage. They do not want an attached garage because they do not want to change the character of the house. They did not prepare site plans because they did not understand this would be an issue. They gave the floodplain plans they have. They are trying to do what is most appropriate for the neighborhood and the property. Ms. ODonoghue pointed out an area on the exhibit that she stated is always wet. Ms. ODonoghue explained to put the garage in an area she pointed out on the exhibit they would have to take out at least one area and all the stormwater from the high density housing for about one mile comes through the one storm drain. To put anything there, in her opinion is not common sense. The area they proposed to place the garage looks more symmetrical with the barn and other structures she pointed out. Ms. ODonoghue pointed out the proposed structure is back from both roads and she stated neighbors made comments if they are putting up a garage they know they will not sell the property for high density housing. The neighbors want them to keep their property looking like a farmhouse. She addressed the comment regarding the driveway on Rohrer Road and stated it is very difficult to pull out of that driveway. There is a dip there and the pipe is clogged. They are concerned about stormwater and that is one of the reasons they are going to the expense of taking out the abandoned road. She apologized they do not have a more specific site plan. They felt they had prepared what was needed. Matt Hodges, 332 Rohrer Road, was sworn in. Mr. Hodges stated he was testifying on behalf of the ODonoghues and everything they talked about was true and accurate. He bought his property about six months prior to the ODonoghues and looking out his front window he was looking at broken down refrigerator, trash heaps and dilapidated barns. They have gone to great pains to restore the property and he has a beautiful view. He has seen the flooding first hand. The location they have chosen in his opinion is perfect. The setbacks are far enough it will enhance the look and/or the value. Anywhere else could potentially be in a floodplain, because of the mass amount of water coming down from those high-density houses. Mr. Hodges stated he has been a home inspector for 17 years and has inspected 1,000 homes a year and he has the ability to comment on residential structures. He feels the variance should be granted. Darryl Sensenig, 363 Hershey Mill Road, testimony was affirmative. Mr. Sensenig questioned what is the front yard and pointed out his property on the drawing questioned what his front yard would be. Mr. McManus stated the Zoning Ordinance identifies front yards and this is a different situation because of the abandoned road. Mr. McManus stated even in the example Mr. Sensenig gave Old Hershey Mill Road abandoned still represented the same yard orientation as the present Hershey Mill Road with respect to the ODonoghue property. It only moved that road further away from the house. Mr. Sensenig stated he had no objection to the ODonoghues putting something in their front yard. Mr. McManus stated to the Applicants that they are asking the Board to grant variance relief and have shown by

a series of plans some of the site characteristics and where you would like to locate this garage. Do you believe your plans are accurate enough if this Board were to say yes to you that the Zoning Officer could come out and measure from Hershey Mill Road and Rohrer Road to see that you locate that building just where you say on this plan. Mr. ODonoghue stated they have outlined on the property where they would like it to be. Ms. ODonoghue stated he could measure from the side of the house, Rohrer Road and Hershey Mill Road. Mr. McManus asked if the measurements are from the right-of-way or the roadway centerline. Ms. ODonoghue stated it was from the edge of the road. Mr. McManus asked if the Applicant knew where the right-of-way was. John May, 100 Red Fox Road, was sworn in. Mr. May stated he is offering his comments as a citizen and not as a Supervisor. Mr. May stated he is familiar with the area having gone out over the past year and half looking at the stormwater situation with the development surrounding the ODonoghues. He is quite familiar with their land. He understands there must be definitions in the Zoning Ordinance for front yards. If there was ever property that does not have a front yard, this is it as far as he is concerned. He believes where they have it located the garage would be the best place. It is a shame if we are so tied up with the Zoning Ordinance that a variance cannot be granted because of the definition of a front yard. He has walked every corner of the property. The ODonoghues have a property that as far as Mr. May is concerned from looking at it does not have a front yard. Where they have the proposed structure indicated, is probably the best place esthetically and to preserve the character of the land. Mr. Schlemmer asked Mr. May as a citizen, if he feels the Zoning Ordinance should not request a scaled drawing for the determination whether a variance should be granted? Mr. May stated the standards must be maintained. Maybe they can continue and do that. Ms. ODonoghue stated she does not know what is wanted in a scaled drawing. She feels they have presented things. Ms. Douglas showed the Applicants an example of a scaled drawing and explained what a scaled drawing is. Bonnie Miller, 113 Bent Tree Drive, was sworn in. Ms. Miller is a realtor and has sold several homes in Parkfield who paid premium price to look out at the ODonoghue property. Ms. Miller stated the Applicant couldnt subdivide their land so they have taken an extreme expense to put a driveway off Hershey Mill Road that would make common sense to go into a garage. The road that was abandoned should have been taken care of by the Township and she feels they are going to take care of that road and a lot of the expense. Ms. Miller stated maybe they do not have a scaled drawing but they will be applying to build the building and, therefore, will have all necessary forms needed. The setback from the roads is quite a distance and the garage is going to accent what people have paid to look at. A lot of citizens do not realize that they have to understand and translate these codes. Believe it or not Manor Township has some codes and ordinances that need updated. She believes that they need to construct this before wintertime and can come to Bruce with the proper plans that they will need for a building permit and measurements she feels it would be an advantage to all the people that paid to look at this piece of property. Ms. ODonoghue stated they were told if this were attached to the house there would be no problem. The only problem is because it is detached. She does not understand why they must pay an additional couple thousand dollars because they are trying to actually increase the value of their property by having something appropriate. Mr. McManus stated what is at issue is a Zoning Ordinance that says the following: It identifies front yards and maybe to some people it does not identify them properly but it does identify them. It says that certain buildings in different zoning districts have to be setback a minimum distance from the front yard, side yard or rear yard. That minimum distance for example is 40so you must set it back at least 40from the road that identifies the front yard. This Ordinance goes further. Assume you have a four-acre tract and you

choose to set your building not at 40 but at 100. By definition the distance between your building and street is now front yard. Not the minimum front yard but the actual front yard. Manor Township has an Ordinance that this Board did not write. It is charged with interpreting it. This Ordinance says that in these zoning districts you may not have an accessory building in a front yard. This Board cannot rewrite the Zoning Ordinance and you seek a variance and there are standards for the issuance of a variance. A hardship has been well defined by case law as to the burden to sustain a variance and that is what the Board is struggling with in this application. Not because it is an ordinance they wrote but because it is an ordinance they have to interpret. Ms. ODonoghue pointed out that a shed was built by the Township in what appears according to the Ordinance would be their front yard. The Township relocation of the road gave the Applicant a front yard. Before the road relocation took place, the portion that is now their front yard was pasture. Ms. Douglas stated before she makes a motion she asked the Board if they would be interested in seeing a scaled drawing. Mr. Granger stated he could not make a decision without a scaled drawing. Ms. Schlemmer asked if Ms. Douglas would be comfortable making a decision without a scaled drawing. Ms. Douglas stated she wants to be fair to the Applicant stating that they cannot require the Applicants to present a scaled drawing but the Board has some questions and concerns. Mr. McManus stated it is fair to say a scaled drawing of the precision the Board is accustomed to seeing is not an inexpensive matter. That is up to the Applicants whether they wish to continue this hearing and come back with what they believe is a scaled drawing sufficient to show what is happening on this site with respect to floodplain, stormwater, dimension, side yard, rights-of-way, etc., that more clearly sets forth existing conditions and what you propose. It does not address the issue that still remains before the Board, whether you have precision plans or very general plans and that is whether you are entitled to have an accessory building in a front yard. It is up to the Applicants to request a continuance and prepare a drawing, but it is no guarantee the Board will grant the Application because those issues still remain as to whether or not you satisfy variance requirements so that you may put an accessory building in a front yard. Mr. Sensenig asked who initiated this inquiry. Mr. Sensenig was advised the Applicant initiated it. Mr. Sensenig asked if it is a variance. By definition they are struggling with the front yard. Mr. Schlemmer stated they are not struggling with the front yard. The front yard is defined as facing the road. This lot has two roads and there is two front yards on that piece of property that is defined in the Zoning Ordinance. Bonnie Miller suggested that the Board provide the variance with conditions so that construction can begin and Bruce Ott can approve the plans and the builder can provide what is necessary because the fact is there is a building in the front yard that was built by the Township when the road was relocated or possibly change the mailing address to Rohrer Road and make that the front yard rather than Hershey Mill Road. Mr. Schlemmer stated it is his understanding what Mr. McManus said it would be a benefit to the Board if they had a scaled drawing and they could consider that as part of the package to make their final decision. Mr. McManus stated it is up to the Applicant to request a continuance. Mr. & Mrs. ODonoghue requested the matter be continued and hearing remain open until the next scheduled meeting on September 5th. Mr. McManus stated September 5th this hearing will be continued and the ODonoghues will have the opportunity to present testimony if they wish and the time period for the Board to render its decision will begin from September 5th. Ms. Douglas made a motion to continue this matter at the request of the Applicant for further testimony to take place on September 5 at 7:00 p.m. in this room. Mr. Schlemmer seconded the motion and the motion carried unanimously.

The hearing was adjourned at 8:45 p.m.

Respectfully submitted,

Barbara M. Douglas Secretary

Evelyn Rineer Recording Secretary

Zoning Hearing Board (as needed)

09/05/07

DRAFT Zoning Hearing Board Minutes

Wednesday, September 5, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, September 5, 2007 at 7:00 p.m. at the Manor Township Municipal Building, 950 W. Fairway Drive, Lancaster, PA. Chairman Allan Granger called the meeting to order.

Members Present: Allan Granger, Walter Schlemmer and Barbara Douglas Township Officials Present: Bruce Ott and James R. McManus Visitors Present: Larry D. Brown, 405 Stehman Church Rd. Darcy Pollock, 401 Stehman Church Rd. Richard Bauder, Sheep Ln.

Minutes Mr. Granger stated the copies of the draft minutes were posted. There were no additions or corrections and the minutes stand approved as submitted.

Old Business Case #3-07 The application of Peter & Elizabeth ODonoghue, 388 Hershey Mill Road, Mountville, PA. The applicant is requesting a variance of Section 203.7.2A Front Yard Setback No accessory structure shall be located in a front yard in Low Density Residential (RL) Zoning District and Section 205.5 Design Standards Accessory Uses not permitted in the front yard in the High Density Residential (RH) Zoning District. The applicant wishes to build a detached garage within the front yard of the property. The property is located within both the High Density Residential (RH) and Low Density Residential (RL) Zoning Districts. The applicant has asked in a letter to withdraw the application. Mr. Granger stated the Board has received a copy of the request to withdraw the application. Mr. McManus asked that the letter of withdrawal be marked Exhibit #14. Mr. Granger read the letter from Peter and Elizabeth ODonoghue, 388 Hershey Mill Road, Mountville, PA 17554 dated October 6, 2007. The letter is to Bruce Ott the Zoning Officer of Manor Township, 950 W. Fairway Drive, Lancaster, PA regarding Variance Application for the Attached Building. Dear Bruce, at this present time we have decided to withdraw our variance application. I trust this is sufficient to notify the Zoning Committee. Should you require any further information, please call me at 519-4962 work or 285-0688 at home. Best Regards, Peter ODonoghue and also signed by Elizabeth ODonoghue. Mr. McManus asked Mr. Ott if the letter was delivered personally to him. Mr. Ott stated it was on his desk so he would say it was delivered to the office. Mr. McManus asked Mr. Ott if the letter is under signature of one of the applicants and Mr. Ott stated yes. Mr. McManus asked Mr. Ott if he recognized the signature as being that of one of the applicants and Mr. Ott stated yes. Mr. McManus asked which of the applicants and Mr. Ott stated Peter ODonoghue. Mr. Granger

stated the date of the letter is August 6, 2007 instead of October 6th.

New Business Case #4-07 - The application of Larry & Terri Brown, 405 Stehman Church Road, Millersville, PA 17551. The applicant is requesting a special exception of Section 201.3.3 in accordance with Section 433 Home Occupations. The applicant wishes to operate a beauty salon on the property. The property is in the Agricultural (A) Zoning District. Mr. Granger turned the hearing over to Mr. McManus. Mr. McManus requested that Mr. Ott be sworn in. Bruce Ott stated he is employed as the Zoning Officer of Manor Township and in that capacity receives applications of special exception before the Zoning Hearing Board. Mr. Ott received the application before the Zoning Board this evening indexed at #4-07. Mr. Ott advised the time, date, place and subject matter was advertised in the morning and evening Lancaster Newspapers on August 22 and 29. Mr. Ott advised the Board that the property was posted with the date, time, place and subject matter on August 17th with a sign at the driveway entrance that is available for public view from the roadway. A notice of the time, date, place and subject matter was posted August 17th in the office lobby of the Township Building. Mr. McManus stated an application has been submitted with attachments. The application consisting of four pages including a list of surrounding properties was marked Exhibit #1; a floor plan which was marked Exhibit #1A; a description of the property boundaries was marked Exhibit #1B; a print of an aerial photo of the property and its surrounding area was marked Exhibit #1C; another aerial photo that seems to be of a smaller scale was marked Exhibit #1D; dimension drawing of two buildings one labeled large storage barn and the other carriage house was marked Exhibit #1E; drawing containing some dimensions and some calculated areas appears to indicate the square footage of various floors of the building was marked Exhibit #1F; prints of three photographs was marked Exhibit #1G; three photographs #1H; prints of three photographs #1I; copy of a license issued by the Bureau of Professional Occupational Affairs for a Barbers License was marked Exhibit #1J; a not to scale drawing of what appears to be parking spaces and certain portions of driveway was marked Exhibit #1K; Proof of publication was marked Exhibit #2. Mr. McManus asked who was present on behalf of the Applicants. Larry Brown stated he was the only one present and that his wife was unable to be there. Mr. McManus asked Mr. Brown if he would be testifying this evening and Mr. Brown advised that he would be testifying. Mr. McManus asked if anyone else would be testifying on Mr. Browns behalf and Mr. Brown stated not to his knowledge. Mr. Brown was sworn in. Mr. Brown stated that he wanted to make a minor correction on the last exhibit showing the parking area. Mr. Brown stated that it is a scaled drawing indicated by the scale in the lower right hand corner. Mr. McManus stated that is correct; it states 1/8" = 1'. It is not dimensioned but there is a scale attached to Exhibit #1K. Mr. Brown stated the property in question is located at 405 Stehman Church Road which is zoned Agricultural. The principle use of the property will be the primary residence of Mr. Brown, his wife and their son. The only person engaged in this business will be Mrs. Brown. The barber salon will be the only home occupation located within any dwelling on the property. The home occupation will not alter the exterior appearance of the dwelling in any manner. The mechanical equipment utilized by the home occupation will be blow dryers, hair dryers and hand held clippers. No goods will be publicly displayed or sold on the premises and no manufacturing will occur on the premises. The space being occupied currently is a finished basement. They would be changing the interior slightly. It occupies 13.02% of the dwelling square footage, and that is the main house not including the storage barn or the carriage house. No accessory building or structures will be utilized by the home occupation. A total of five paved parking spaces will be available to the

patrons. A sign advertising the home occupation will comply with Section 315 of the Ordinance. A copy of Mrs. Browns license to operate as a barber in the State of Pennsylvania, which she has done for 24 years, was included. Mr. Brown stated prior to their purchasing this property they lived in Pequea Township where Mrs. Brown occupied a legal business as a home occupation for 17 years. Prior to that Mrs. Brown was employed at three other establishments during the first seven years of her career. Mrs. Browns intentions are to keep the business the same as before or possibly downscale. Currently, Mrs. Browns business averages five customers per day for a four-day workweek. Her normal intended working hours are Tuesday, Wednesday, and Thursday 9 a.m. to 8 p.m.; Friday 9 a.m. noon; occasionally for special occasions such as proms, weddings, and funerals she will do a customer on a Saturday or outside of the stated hours. Her customers are both male and female as well as children. Many of Mrs. Browns clients are family members, which means at times customers will come as a family and there could be 3 or 4 patrons in one vehicle. The applicants feel the home occupation is consistent with the purpose and intent of the Zoning Ordinance. The applicants do not feel the home occupation will detract from the use and enjoyment of adjoining or neighboring properties. With an average of five customer vehicles per day, little additional vehicular traffic will be created. Most people will be unaware of the home occupation since the dwelling sits 315 from the road. Due to the location and mature landscaping, the dwelling is not visible from the roadway for at least one-half of the year. There should be little or no affect upon public facilities such as school, fire, police or ambulance and in Mrs. Browns previous 17 years in business in Pequea Township none of these were affected. The on-site sewer system was designed for a minimum family of four. The sewage impact averages less than five gallons per customer that equals 25 gallons per day of operation. The existing dwelling is approximately 28 ½ above normal water level of the Little Conestoga which is approximately 175 away. The proposed use to the applicants knowledge complies with Article IV of the Ordinance and does not impair the integrity of the Townships Comprehensive Plan. Mr. Schlemmer referred to Page 2 of Exhibit #1 and questioned the house number. Mr. Brown advised when they purchased the property it had an address of 408 Stehman Church Road. Since then Mr. Brown contacted the Millersville Post Office and they contacted the Township changing the address to 405 Stehman Church Road. The property is located on the opposite side of the road from even house numbers and that is why it was given an odd number. Mr. Schlemmer had questions on the location of the finished space shown on the drawing in relationship to the house. Mr. Schlemmer had questions regarding the finished area in the basement in relationship to the house that is shown on Exhibit #1A and #1F. Mr. Brown pointed out on the Exhibit #1H the area of the proposed shop. Mr. Schlemmer asked if all the internal walls are in place and Mr. Brown stated yes. Mr. Schlemmer questioned the appointments that would be made outside of the stated scheduled hours. Mr. Brown advised Mr. Schlemmer that it would be occasionally such as for a Saturday wedding, prom night or for a funeral. Mr. Schlemmer asked if it would be safe to say an appointment would not be past 8:00 p.m. on any night. Mr. Brown stated she has never scheduled anyone past 8:00 p.m. previously. Mr. Schlemmer had questions regarding the sewage usage. Mr. Schlemmer asked if the sewage system has been checked. Mr. Brown advised the Board that the current system was designed for four occupants as a minimum. There are three people living in the dwelling. On the average, the salon would be adding 25 additional gallons to the normal usage for the home four days a week, which is consistent with what one person uses. Mr. Schlemmer stated a comment was made that none of the auxiliary buildings would be used and he noticed there were pictures included. Mr. Brown stated the auxiliary buildings would not be used for the business. Ms. Douglas questioned

Mr. Brown if Exhibit #1A is the shop and Mr. Brown stated yes. Ms. Douglas continued by asking if Exhibit #1K fits over where you have the salon and Mr. Brown stated yes. Ms. Douglas asked if Exhibit #1F is on the left hand side underneath the wooden deck. Mr. Brown stated no; it is under the main square at the top and the right hand side. Ms. Douglas stated the powder room and closet is laid out but will a more detailed drawing be needed to get State approved? Mr. Brown stated no that they actually send out an inspector who checks to make sure there is sufficient space for the chairs that must be a certain distance from her operating station. Mr. Granger questioned Mr. Ott on Section IV Additional Requirements on the Application that stated a scaled site plan of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance and asked if that was presented to Mr. Ott with the application. Mr. Ott stated not the entire site because of the size of it. Mr. Ott stated he went over that with the Applicant and the Applicant decided to do it as presented. Mr. Granger asked how many acres the site is. Mr. Brown advised it is 14.6 or 14.7 acres. Mr. Granger asked what was given that locates the house on the site. Mr. Brown advised Mr. Granger that Exhibit #1B is an aerial photo and pointed out the house on the photo. Mr. Granger advised Mr. Brown that a site plan that showed the house on the lot would be very helpful. Mr. Granger stated that the Board has not been given the location other than verbally as to where the shop is located within the house, do not know where the house is located, how far it is from the property line, whether it meets setbacks, etc. Mr. Granger stated that is the purpose of a scaled drawing. Mr. Brown stated that he is converting an existing dwelling, existing room and making no changes to the setbacks for the property, and no changes to the location of the property. Ms. Douglas stated it is helpful to be able to see the whole site plan. They realize everything is there, but when it is on one plan, they can see there are 14 acres and how the driveway comes in and how all the buildings fit together on the site. If you are 500 from the road, it is nice for the Board to know that. Even though you do comply, a complete site drawing is helpful so that the Board can look at the plan and can ask questions without going through numerous papers and trying to judge how it looks or where it is at on another page. Mr. Granger stated that he does not have a visualization of everything on the site and how it all fits together. Mr. Granger stated that he has no idea how the garage and carriage house is located with respect to the house. Mr. Brown stated those buildings were provided for additional information and they are not being utilized for this business. Mr. McManus stated the Ordinance requires the applicant to demonstrate they comply with all of the provisions of the Zoning Ordinance. The Zoning Ordinance has things like front yard setbacks, side yard setbacks, rear yard setbacks, and flood plain requirements in it. What the Board is getting at is it is not for them to tell the applicant what they want, it is for the applicant to look at the Ordinance, prepare whatever application and exhibits demonstrates to the Board that you are setback a certain number of feet, you are outside of the regulated floodplain, you have adequate parking, if parking does in fact access to a driveway, that is shown on a plan so the Board can determine if it does have access to a public road, etc. It is how you tell the Board that you satisfy the requirements of the Ordinance. Mr. Brown questioned what information is being looked for. Mr. Brown asked what the questions are and stated maybe I can show the Board where that information is on the exhibits in front of the Board. Ms. Douglas stated she believes the information that they want is there but what they would like to see is that it is on one complete page. They would like one drawing that shows the house, barn, parking spaces and all the setbacks are met. Mr. Granger stated in the written portion of the Application it is indicated that there are five parking spaces but on Exhibit #1K there is only three shown. Mr. Brown stated the area directly in front of garage and the door to the salon is intended on being paved. Right

now it has crushed stone. Those can be utilized as parking spaces. Mr. Granger stated they are not shown on the plan as parking. Mr. Granger referred to Exhibit #1A stating there is two dimensions on that drawing but that does not dimension the whole room. Mr. Granger stated that he has no way of knowing whether the square footage given is correct. Mr. Granger read from the Ordinance the section pertaining to scaled site plans. Mr. Granger asked Mr. Ott if they do not normally require a letter from the Sewage Enforcement Officer as far as the use of the sewage system. Mr. Ott stated that he had mentioned to Mr. Brown about talking to Dave Lockard. Mr. Ott stated that he does not know where that is. Mr. Brown stated Mr. Ott did mention that to him. The Ordinance did not specify a letter. Mr. Ott just said it might be something to provide to the Board. Mr. Granger stated that he is not questioning Mr. Brown's ability to judge the sewer system, but he does not know if Mr. Brown is certified to say that it is capable of taking the additional sewage. Mr. McManus stated what the Board is saying is that you are not competent to tell the Board what the requirements are for your business use on the property. That is why there is a sewage enforcement officer who would come out and certify if the system was adequate. That is what the Board has required in all applications. Mr. McManus stated this tract abuts the Little Conestoga Creek and Mr. Ott stated that was correct. Mr. McManus asked if Mr. Ott knows where the 100-year flood plain is located. Mr. Ott stated he did not. Mr. McManus asked if it is possible this property is within a portion of the 100-year floodplain. Mr. Ott stated it could be but he is not certified to determine that. Mr. McManus asked if the Township has maps. Mr. Ott stated the Township has FEMA maps but the scale is small and you cannot overlay where the property lines are. You would have to have a flood plain study done by a surveyor and put it on a plan or a letter from a certified engineer stating it is outside of the floodplain would probably suffice. Mr. McManus advised Mr. Brown he was referring to Section 211 of the Zoning Ordinance that talks about the floodplain and when there is a floodplain there are some restrictions on the use. Mr. Brown asked if an in home business is one of those restrictions. Mr. McManus stated the Board would have to make a determination whether you are entitled to an additional use if you are already in a floodplain or whether any additional use or expansion would have to comply with the requirements of Section 211. Mr. Brown stated he is 99% sure the dwelling is not in the floodplain. Mr. McManus stated if the Board can be assured of evidence to that effect and feel comfortable with that then that no longer becomes an issue. Mr. McManus stated the problem is the Board does not know where the floodplain is. Mr. Brown asked if it is in the floodplain what affect would that have upon this business. Mr. Schlemmer stated if the house already existed and did not meet the code but is at a grandfathered stage then that use can continue. For the safety and health of the public, they would not permit an expansion of the use which is what you are really asking for as an in home business. You are not asking to continue living there; you are asking to expand the use. You would be putting additional people in there and additional sewage in the ground. If it is in the floodplain, it is against the Ordinance to add additional sewage into a floodplain. Mr. Schlemmer stated that they do not know where the floodplain is and they do not know whether the sewage system can handle it; we have no information to make that judgment. Mr. Schlemmer used this as an example not saying it applies to the Applicant. Mr. Schlemmer asked if the bathroom being used is on the first floor and Mr. Brown advised it is. Mr. Schlemmer asked if the bathroom is handicap. Mr. Ott advised a building permit would probably be required to make the bathroom handicap accessible. Mr. Brown would have to talk to the building inspector for the Township. Mr. McManus explained to Mr. Brown that the decision is his as the applicant. Mr. Brown submitted his application, presented his testimony and it is apparent the Board is concerned

about additional information. Mr. McManus advised Mr. Brown he could elect to continue the hearing to next month and supply any supplemental information Mr. Brown thought is appropriate or he could advise the Board to make their decision on what was submitted. Mr. Brown stated he tried to do things the right way. Mrs. Brown is accustomed to working from their home and has been doing that for the last 17 years. Mrs. Brown would like to continue working from her home. Mr. Brown stated if his previous neighbors were contacted in his previous Township, they would find that they caused no problems and the business was not detrimental to the Township or the environment in any fashion. Mr. Schlemmer stated he wanted to make it clear they are not out to make any personal decisions. The Board takes the Ordinance and checks to see if the supplied information meets the Ordinance. That is the Boards job. Mr. Brown stated in reference to the floodplain, that the roadway that accesses his property is 16lower than the entrance to the salon. No one will be driving up his driveway to get his or her hair cut if the road is flooded and he is 16above it. Regarding setbacks from the road, the existing property is extremely setback. Mr. Brown stated that he has provided testimony that it is 325 off the road and by the aerial photographs it is very easy to determine that it is also setback properly or in excess of what is required from the property lines. Mr. Brown stated that he just wanted his wife to work out of the house. He stated he wanted the Board to make their decision and then he will make his decision. Mr. McManus asked if there is any further testimony from anybody in attendance. There were no other questions. Mr. McManus stated he understands Mr. Brown is closing his testimony and has ended his presentation. Mr. Brown stated yes. Mr. Brown stated in home barber salons are something that occurs on a regular basis, unlicensed in every township and in every city. Mr. Brown stated he could have done that. Mr. Brown stated he is a law-abiding citizen and likes to do things the right way. Mr. Brown stated that he tried to provide the information so the Board can see they are not going to do anything detrimental. Ms. Douglas made a motion to close the hearing and that all the information be taken under advisement and that we make a decision at our next meeting which will be Wednesday, October 3rd in this building at 7:00 p.m. Mr. Schlemmer seconded the motion and the motion carried unanimously. Mr. Brown asked why the decision is postponed until next month. Mr. McManus advised Mr. Brown that the Board has 45 days to render a written decision. Mr. McManus advised Mr. Brown that the Board chose to render its decision, as is their custom within 30 days. Darcy Pollock, 401 Stehman Church Road, who is a neighbor to Mr. Brown, asked if she could speak. Ms. Pollock had concerns regarding stormwater. She stated at the mouth of the driveway where it comes onto the road is almost adjoining Ms. Pollocks back driveway. Ms. Pollocks stated that her property is right at the bottom of Stehman Church Road and most of the run off comes down Stehman Church Road. Even though it is to be the ten-year flood drainage management it is every year. Ms. Pollock stated she sends Barry Smith pictures of the flooding in the area every year and this is her annual ten-year picture. Ms. Pollock stated that she was concerned if there would be a large paved area at the bottom of the driveway because of run off but it looks like the parking area is not even remotely near that. Mr. Granger advised her that they received nothing that shows any paving. Mr. Granger stated he understands Ms. Pollocks flooding problems but they are not the ones to talk to about the problem. Ms. Pollock stated the other question she had was regarding the size of the sign and where the sign would be placed. Mr. Ott advised her that the sign can be two square feet and it must be ten feet off the right-of-way of the road and not illuminated. Mr. Schlemmer stated that the sign is not shown on the drawing. Mr. Ott advised her that a sign permit would be needed. Ms. Pollock referred to Exhibit #1H stating at the bottom is a picture of her home from the end of the Browns driveway. Ms. Pollock stated she does not see

any traffic issues and she has no problems with what the Browns are doing. Mr. Brown stated that on Exhibit #1D in the very lower right corner where the road makes a 90 degree curve you will see a corner of the Pollock house.

There being no further business the hearing was adjourned at 8:10 p.m. Respectfully submitted,

Barbara M. Douglas Secretary

Recording Secretary Evelyn Rineer
Zoning Hearing Board (as needed)
10/03/07

Zoning Hearing Board Agenda

Wednesday, October 3, 2007 Time: 7:00 P.M.

1. Introduction of Board Members
2. Pledge of Allegiance to the Flag
3. Approve Minutes of September 5, 2007 Meeting
4. Old Business Case #4-07 - The application of Larry & Terri Brown, 405 Stehman Church Road, Millersville, PA 17551. The applicant is requesting a special exception of Section 201.3.3 in accordance with Section 433 Home Occupations. The applicant wishes to operate a beauty salon on the property. The property is in the Agricultural (A) Zoning District. A decision will be rendered.
5. New Business The Applicant has submitted a request for an extension of time for this application to be completed. Case #2-06 The Application of David L. Charles, property at 26 Millersville Road, Lancaster, PA 17603. The application is for an expansion of a non-conforming structure in accordance with Sec. 504.2 and Sec. 605.3 of the Manor Township Zoning Ordinance. The applicant wishes to expand an existing non-conforming office structure. The property is located in the MRC Mixed Residential Commercial Zoning District.
6. Adjourn

DRAFT MINUTES Zoning Hearing Board Minutes

Wednesday, October 3, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, October 3, 2007 at 7:00 p.m. at the Manor Township Municipal Building, 950 W. Fairway Drive, Lancaster, PA. Chairman Allan Granger called the meeting to order.

Members Present: Allan Granger, Walter Schlemmer and Barbara Douglas Township Officials

Present: Bruce Ott and James R. McManus Visitors Present: John May, 100 Red Fox Rd. Charles Hurst, 26 Millersville Road Bonnie Miller, 113 Bent Tree Dr.

Minutes Mr. Granger stated the minutes were received and posted for the general public. There were no additions or corrections and the minutes stand approved as read.

Old Business Case #4-07 - The application of Larry & Terri Brown, 405 Stehman Church Road, Millersville, PA 17551. The applicant is requesting a special exception of Section 201.3.3 in accordance with Section 433 Home Occupations. The applicant wishes to operate a beauty salon on the property. The property is in the Agricultural (A) Zoning District. A decision will be rendered. Mr. Granger stated at the conclusion of last meeting the testimony on this case was closed. Since that the time the Board has not met or discussed this matter. Each Board member has discussed the matter with Mr. McManus, their Solicitor, and he has taken that information and drafted Findings of Fact for the Board. The Board at this time will discuss the Findings of Fact. Ms. Douglas made a motion that the application of Larry D. Brown and Terri F. Brown for a special exception to operate a barber salon business as a home occupation within a portion of their residence at 405 Stehman Church Road, Millersville, Pennsylvania 17551 (Tax Map Parcel No. 15H-8-12; Account No. 4106391900000) pursuant to the provisions of Section 201; 433 and 605.3 of the Manor Township Zoning Ordinance is hereby denied. Mr. Schlemmer seconded the motion. Mr. McManus asked to amplify the motion referring to the draft decision. Mr. McManus stated the draft does say that the applicants have failed to submit plans and drawings in sufficient detail to demonstrate compliance with the area, dimensional and use requirements of the Zoning Ordinance. In that they failed to establish that the existing on site sewer and water systems were adequate to accommodate the proposed business use and additional the applicants failed to comply with requirements of Section 211.3, which requires that they demonstrate that, their intended use is not located within a regulated floodplain zone. That under the terms of the draft decision is the basis for the paragraph of the motion made by Ms. Douglas. Ms. Granger indicated with that clarification he proceeded to call for the vote. The motion carried unanimously. Bonnie Miller, 113 Bent Tree Drive, asked if the Board would speak to the residents and explain to them the reason for the denial. Mr. Granger pointed out that everything is in the document that was just provided to the Applicant. Ms. Miller stated that they want to get a common definition of what was given them. Mr. McManus advised Ms. Miller that she could have a copy of the decision and she stated she understands the decision but that the applicant has some questions. Mr. McManus stated the decision was based upon the testimony presented. Mr. McManus stated it might be their proposed use does meet all the Township standards, but the problem the Board had was that they did not have objective evidence to show that. For example, there were no drawings sufficiently detailed to determine required setbacks.

New Business The Applicant has submitted a request for an extension of time for this application to be completed. Case #2-06 The Application of David L. Charles, property at 26 Millersville Road, Lancaster, PA 17603. The application is for an expansion of a non-conforming structure in accordance with Sec. 504.2 and Sec. 605.3 of the Manor Township Zoning Ordinance. The applicant wishes to expand an existing non-conforming office structure. The property is located in the MRC Mixed Residential Commercial Zoning District. Charles Hurst, Construction Manager for D & R Charles, was present on behalf of David L. Charles the owner to answer any questions. Mr. Granger stated the Board has received a letter dated September 11, 2007 which

read On October 4th, 2006, Manor Township approved a special exception to David L. Charles of 26 Millersville Road, to expand a non conforming structure with Sec. 504.2 and Sec. 605.3 of the Manor Township Ordinance. We have been unable to comply with the Townships Ordinance to obtain a Building Permit within a six month period, because of other project commitments. It is our desire to expand as originally planned; therefore, we are requesting a one year extension which will allow us to continue as originally planned. The letter is signed David L. Charles, Owner. Mr. Granger asked Mr. Ott for the section number in the Township Ordinance that applies to this request. Mr. Ott advised him that it is Section 604.11. Ms. Douglas made a motion to grant the one-year extension to Case #2-06 for David L. Charles, 26 Millersville Road. Mr. Schlemmer seconded the motion and the motion carried unanimously.

There being no further business the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Barbara M. Douglas Secretary

Recording Secretary Evelyn Rineer
Zoning Hearing Board (as needed)
11/01/07

Please note date change

DRAFT MINUTES Zoning Hearing Board Minutes

Thursday, November 1, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Thursday, November 1, 2007 at 7:00 p.m. in the Manor Township Municipal Building at 950 W. Fairway Drive, Lancaster, PA 17603. Chairman Allan Granger led the Pledge of Allegiance to the Flag.

Members Present: Allan Granger, Walter Schlemmer and Barbara Douglas. Township Officials Present: Bruce Ott and James R. McManus Visitors Present: Lew Witmer, 2 Leaman Road, Lancaster Jeff & Joanne Breneman, 970 Breneman Rd.

Minutes Mr. Granger stated the draft minutes from the October 3, 2007 meeting have been received and posted. There were no additions or corrections and the minutes stand approved as submitted.

New Business Case #5-07 The application of Jeffrey and Joanne Breneman, 970 Breneman Road, Millersville, PA 17551. The applicant is requesting a special exception of Section 201.3.1 in accordance with Section 424 ECHO Housing. The applicant wishes to construct ECHO Housing for elderly parent and disabled sibling on the property. The property is in the Agricultural (A) Zoning District. Mr. Granger turned the hearing over to Mr. McManus. Mr. McManus requested that Bruce Ott be sworn in by the Court Reporter. Mr. Ott stated as the Zoning Officer for Manor Township he received and processed the application before the Board

this evening numbered #05-07 from Jeff & Joanne Breneman. Mr. Ott posted the property with the date, time, place and subject matter on October 12, 2007 and on the same date placed a notice of the time, date, place and subject matter in the lobby of the Township Building. A notice of the time, date, place and subject matter was advertised in the Lancaster Newspapers on October 18 and 25, 2007. Mr. Ott submitted the proof of publication. There were no questions on the notice given and posting of the property with respect to the hearing. Mr. McManus marked Application #05-07 Exhibit #1 that consisted of several pages. The application consisted of a letter dated October 9, 2007 addressed to the Zoning Hearing Board, which contains a narrative under an unsigned signature of Jeffrey W. & Joanne Breneman and seven numbered pages of additional information. The following was included in the application: #1) a letter from David L. Lockard, Sewage Enforcement Officer; #2) information from Jon C. Aspril a plumbing and heating service regarding water service to the proposed project; #3) a fold out site plan that appears to have been hand prepared with site data and some dimensions; #4) floor plan of a 16 wide two bedroom custom home under the caption Akron Homes; #5) building elevations of that custom home; and #6) a list of adjoining property owners. The proof of publication was marked Exhibit #2. Mr. McManus asked if the Brenemans were present and requested that they identify themselves. Mr. McManus asked that the Brenemans be sworn in. Mr. McManus asked Mr. Breneman to make his presentation. Jeff Breneman stated that he is proposing to establish ECHO housing at 970 Breneman Road, Millersville on a 9.2 acre farm. The elder cottage will contain 840 square feet of floor area. The total coverage of the lot is 1.90% which is less than the 20% allowed. The elder cottage will be occupied by an elderly parent and a disabled sibling. The sewage disposal and water supply and all other utilities will be physically connected to those systems serving the principal dwelling. No separate utility systems or connection will be constructed or used and will meet utility company standards. There are letters pertaining to the onsite sewer and water to be used see attached #1 & #2. There is an off street parking space for the elder cottage; it is marked on the scaled site plan provided #3. The elder cottage will be located in the rear yard and adheres to all side and rear yard setback requirements. The applicant understands that the elder cottage will be removed within 12 months of not being occupied by a qualified person and a yearly renewal of a zoning permit is required. The applicant has provided copies of the ground floor plan and the elevations plans of the elder cottage see attached #4 & #5. We have also provided the names and addresses of adjoining property owners including properties directly across a public right-of-way see attached #6. In addition, there has been provided a scaled drawing marked #3. In compliance with the Zoning Ordinance Section 605, the proposed use shall be consistent with the purpose and intent of the Zoning Ordinance. The proposed use will not detract from the use or enjoyment of adjoining or nearby properties. It will not substantially change the character of the neighbors properties. Adequate public facilities are available to serve the elder cottage. The elder cottage is not in the flood plain. The elder cottage will not substantially impair the integrity of the Townships Comprehensive Plan. Mr. Granger asked Mr. Breneman where parking space #3 was located. Mr. Breneman advised him that it is in the garage. Mr. Schlemmer questioned Mr. Breneman on the distribution boxes and trenches on the drawing. Mr. Breneman advised him that they were for the septic system he had just installed. Mr. Schlemmer asked if there were any streams or creeks on his property and Mr. Breneman stated no. Mr. Granger asked if this custom home is being placed on the high spot of the property and Mr. Breneman stated yes. Mr. McManus stated Exhibit 1, Page #1 is a letter from David Lockard addressed to Mr. Breneman and stated the following: I am writing concerning your proposed elder care unit to be located at 970 Breneman Road. You recently installed and I

inspected your sewage system which is designed to have the capacity needed for the addition of an elder care unit. No changes or alterations are needed and a sewage permit is therefore not required. If you have any questions, please call. It is under the signature of David L. Lockard, Sewage Enforcement Officer of Manor Township. Page #2 was identified as a note from Jon C. Aspril Plumbing and Services, 1065 Hearthstone Road, Lancaster, PA and states on what appears to be one of their invoice sheets or materials list the following: The existing well and well pump are sufficient to provide water to both the existing house and proposed elder cottage under a signature that appears to be that of Jon C. Aspril dated 9/15/07. Mr. McManus asked Mr. Breneman with respect to Page #4 of Exhibit #1 the 16 wide two bedroom custom home is that in fact the unit you wish to place on your property and Mr. Breneman stated yes. Mr. McManus asked if the Zoning Officer were to go out and inspect while you were constructing he would see this unit and Mr. Breneman stated yes. Mr. McManus asked if it would be delivered in one unit or two units to the site. Mr. Breneman advised him that it would be delivered as one unit. Mr. McManus asked how the home would be secured to the land. Mr. Breneman stated the company had a footer plan that showed that they would drill holes into the ground and pour cement footers and then possibly put steel rods in the ground to strap it down. The footers are at the level of building itself and then the company said that they would strap it down. Mr. McManus asked at such time that the unit no longer qualifies for ECHO Housing, would you be able to remove the unit from the land. Mr. Breneman stated yes. Mr. McManus asked how it would be removed and Mr. Breneman stated that he would have the company they purchased the unit from remove the unit. Ms. Breneman stated that the axles and hitch would stay attached to the home. Mr. McManus asked what the age and condition of the two people that will live in the home was. Ms. Breneman advised Mr. McManus that the unit was for her 73 year old mother and her disabled sister who is 50 years old. Mr. McManus asked if her sister would qualify for a handicap parking space. Does her disability make her eligible for handicap parking? Ms. Breneman stated she does not drive. She advised Mr. McManus that her sister is diagnosed as retarded. Mr. Granger referred to the plan from the mobile home company and stated that the 16x 60 unit totals to 960 square feet. Mr. Breneman stated that they count the hitch. The building itself is actually 16x 56. Mr. Granger stated that dimension makes the unit contain 896 square feet and in your description you stated 840 square feet. Mr. McManus stated that the access to your home is by way of Breneman Road; are there any other roads you have access too and Mr. Breneman stated no. Mr. McManus stated that on your property is a two story, detached home and Mr. Breneman stated yes. Mr. McManus asked how many bedrooms are in the house and Mr. Breneman advised Mr. McManus that the house contains four bedrooms. Mr. McManus asked if there is a detached garage. Mr. Breneman stated that there is a garage that contains one parking bay and the rest of the building is used for storage. Mr. Breneman stated that the garage is actually a barn and has a door opening for one vehicle. Mr. McManus asked if there are any finished rooms in the barn and Mr. Breneman stated no. Mr. McManus asked if there was sewer or water service to the barn. Mr. Breneman advised Mr. McManus that there is water to the barn but there are no bathroom facilities in the barn. It was a bank barn and the water was for the cattle. There is water service to the barn but no sewage. Mr. McManus asked what the height of the proposed custom home was and Ms. Breneman stated that it is less than 13 feet in height. Mr. McManus asked if Mr. Breneman and his wife are the owners of the property and Mr. Breneman stated yes. Mr. McManus asked if the area designated as driveway and parking is paved and Mr. Breneman stated yes. Mr. Breneman closed his testimony. Ms. Douglas made a motion to take all the testimony given under consideration and make a decision at the December 5th meeting in this

building at 7:00 p.m. Mr. Schlemmer seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:25 p.m.

Respectfully submitted,

Barbara M. Douglass Secretary

Recording Secretary Evelyn Rineer

Hearing Board (as needed)

12/05/07

Zoning Hearing Board Agenda

Wednesday, December 5, 2007 Time: 7:00 P.M.

1. Introduction of Board Members
2. Pledge of Allegiance to the Flag
3. Approve Minutes of November 1, 2007 meeting
4. Old Business Case #5-07 The application of Jeffrey and Joanne Breneman, 970 Breneman Road, Millersville, PA 17551. The applicant is requesting a special exception of Section 201.3.1 in accordance with Section 424 ECHO Housing. The applicant wishes to construct ECHO Housing for elderly parent and disabled sibling on the property. The property is in the Agricultural (A) Zoning District. A decision will be rendered.
5. Adjourn

DRAFT MINUTES Zoning Hearing Board Minutes

Wednesday, December 5, 2007 Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, December 5, 2007 at 7:00 p.m. in the Manor Township Municipal Building at 950 West Fairway Drive, Lancaster, PA 17603. Chairman Allan Granger led the Pledge of Allegiance to the Flag.

Members Present: Allan Granger, Walter Schlemmer and Barbara Douglas Township Officials Present: Bruce Ott and James R. McManus Visitors Present: Jeff & Joanne Breneman, 970 Breneman Rd., Millersville

Minutes Mr. Granger stated the draft minutes from the November 1, 2007 meeting have been received and posted. There were no additions or corrections and the minutes stand approved as submitted.

Old Business Case #5-07 The application of Jeffrey and Joanne Breneman, 970 Breneman Road,

Millersville, PA 17551. The applicant is requesting a special exception of Section 201.3.1 in accordance with Section 424 ECHO Housing. The applicant wishes to construct ECHO Housing for elderly parent and disabled sibling on the property. The property is in the Agricultural (A) Zoning District. A decision will be rendered. Mr. Granger stated at the conclusion of the November 1 meeting the testimony was closed and taken under advisement. Mr. McManus contacted each member individually for their opinion and then drew up a draft decision that the Board would discuss at this time. After discussion, Barbara Douglas made a motion that the application of Jeffrey W. Breneman and Joanne Breneman for a special exception to locate a dwelling (ECHO housing unit) containing 896 square feet of floor area on the property located at 970 Breneman Road, Millersville, Pennsylvania, Account No.: 410-69114-0-0000, hereby approved subject to the following conditions: 1) Applicants shall adhere to the facts and dimensional criteria contained in their application, as well as all testimony presented by the Applicants or presented on their behalf at the hearing held on November 1, 2007. 2) Applicants shall adhere to the area allocations and locations of all proposed uses and improvements as set forth in their plans attached to their application (Exhibits 1-1 through 1-6). 3) Applicants shall comply with all applicable Federal, State and local regulations regarding the construction, use and operation of the proposed dwelling. 4) Applicants shall limit the occupancy of the ECHO housing unit to persons who qualify for said housing pursuant to the provisions of the Zoning Ordinance and shall remove the ECHO housing unit from the Property within 12 months after it is no longer occupied by a person who qualifies for said occupancy. 5) Applicants shall comply with the permitting requirements of Section 424.10 of the Zoning Ordinance. Any violation of the conditions contained in this Decision shall be considered 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 and assigns. Walter Schlemmer seconded the motion and the motion carried unanimously.

The hearing was adjourned at 7:10 p.m.

Respectfully submitted,

Barbara M. Douglas Secretary

Recording Secretary Evelyn Rineer