

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: February 11, 2020

The meeting was called to order by Ron Ruman at 7:00 P.M. Members present: Rich Gordon, Fred Walters and David Beecher. Others present: Rachelle Sampere, Township Zoning Officer; Members Absent: Patrick Hein

APPROVAL OF MINUTES

MOTION: by David Beecher to approve the January 14,2020 meeting minutes.

SECOND: by Rich Gordon

MOTION PASSED: Unanimously (4-0)

ZONING HEARING BOARD CASES

ZHB 20-02 Steven Stoltzfus & JoAnn Bucklar – request an Interpretation of Section 150-24.L Accessory Use Customarily Incidental to a single family dwelling; a Special Exception of Section 150-9 Uses Not Specifically Permitted (Single Family Dwelling with Family Quarters); and a Variance of Section 150-30.B to exceed the maximum allowable height for an accessory structure **located at 2385 Taxville Road** (Tax Map: IG; Parcel: 0008) in the Rural Residential Zone.

Attorney John Ogden presented the application on behalf of the property owners. Mr. Steven Stoltzfus and Ms. JoAnn Bucklar were also in attendance to answer questions regarding the application. Attorney Ogden explained that an in-law's quarter was constructed above the existing accessory structure (detached garage). The in-law's quarter is approximately 960 square feet. Attorney Ogden stated that this in-law's quarter is customarily incidental and subordinate to the existing single-family dwelling. The in-law's quarter is occupied by two (2) family members whom are not paying rent. There are no plans to rent it in the future. The property is served by two (2) on-lot systems. The main house is on one (1) septic system, the garage and in-law's quarters is on another septic system. Both septic systems have been on the property for a number of years. Mr. Stoltzfus offered that the garage was formerly used by a previous owner to restore and paint vehicles, as there is a paint booth located at the back of the garage. The garage had an existing bathroom in it which is connected to the on-lot system to the rear of the garage. The garage has always been an accessory use to the main house. There are six (6) people living in the main house and two (2) family members living in the in-law's quarters above the garage. Attorney Ogden explained how this is subordinate and incidental to the main house. David Beecher asked why a permit wasn't obtained prior to constructing the second story addition to the garage. Mr. Stoltzfus explained that he misinterpreted the Township's ordinances online and made improvements to the existing detached garage without a building permit because he didn't think one was necessary if the construction area was less than 1,000 square feet.

Zoning Officer Sampere provided a copy of her interpretation to the property owners, their attorney and the Planning Commission members. Ms. Sampere's interpretation is that a second single-family detached dwelling unit on the property is not customary, nor incidental to the permitted use of a single-family detached dwelling. Although the term "in-law's quarter" is not specifically defined in the Township's Zoning Ordinance, the terms dwelling unit and single-family detached dwellings are defined in the Township's Zoning Ordinance. It is the Zoning

Officer's interpretation that the use of a single-family detached dwelling has been provided for as a permitted use in the Rural Residential Zone. It is the Zoning Officer's interpretation that a dwelling unit in a separate building with its own cooking and sanitary facilities is not customary nor incidental to a single-family detached dwelling. Only one (1) principal use shall be allowed on a lot of land unless specifically provided in the Zoning Ordinance. The Zoning Ordinance does not provide for multiple principal uses on one (1) lot of land in the Rural Residential Zone. However, other chapters in the Zoning Ordinance specifically list that multiple permitted uses may be located in one building located on one lot of land. For example: permitted in the Highway Commercial, Regional Commercial, Professional Office, Industrial Park, Light Industrial, and General Industrial zones.

After lengthy discussion, Ron Ruman stated that it was his position to uphold the Zoning Officer's interpretation that this use was not customarily incidental to a single-family dwelling since it is located in a separate building. It is a second dwelling unit located on the same lot of land. A condition of recommending approval of the special exception and variance to the Zoning Hearing Board is that a deed restriction shall run with the property stating that the second dwelling unit cannot be rented. The second dwelling unit shall always be defined as a second dwelling unit. The Planning Commission members discussed recommending approval of the special exception for a use not specifically permitted, single family dwelling with family quarters, and the variance for the accessory building height.

MOTION: by Rich Gordon to recommend the Zoning Hearing Board uphold the Zoning Officer's interpretation of Section 150-24.L for Accessory Use Customarily Incidental to a single family dwelling; to recommend the Zoning Hearing Board approve the special exception of Section 150-9 for a Use Not Specifically Permitted (Single Family Dwelling with Family Quarters); to recommend the Zoning Hearing Board approve the variance of Section 150-30.B to exceed the maximum allowable height for an accessory structure with the condition that a deed restriction shall run with the property stating that the second dwelling unit cannot be rented. The second dwelling unit shall always be defined as a second dwelling unit.

SECOND: by Fred Walters

MOTION PASSED: 3-1 (Nay – Beecher)

NEW BUSINESS

T-851 Preliminary/Final Land Development Plan for Lot 4 – Proposed Retail Development for West Manchester Town Center located at 715 Town Center Drive. *(Tabled at the January 14, 2020 Planning Commission meeting.)*

Ms. Sampere informed the Planning Commission members that Scott DeBell of Site Design Concepts requested that the plan be tabled until the March 10, 2020 Planning Commission meeting.

MOTION: by David Beecher

SECOND: by Rich Gordon

MOTION PASSED: Unanimously (4-0)

DISCUSSION

The Planning Commission members discussed the importance of updating various sections of the Zoning Ordinance to address current zoning trends.

Meeting adjourned at 7:50 p.m.