

MINUTES  
WEST MANCHESTER TOWNSHIP  
PLANNING COMMISSION  
DATE: April 12, 2022

The meeting was called to order by David Beecher at 7:00 P.M. Members present: Richard Gordon, Patrick Hein, Sonia Wise and Fred Walters Others present: Rachele Sampere, Township Zoning Officer

Tonight's Planning Commission meeting was held in person and broadcasted live over the West Manchester Township Parks & Recreation Facebook page.

**APPROVAL OF MINUTES**

MOTION: by Sonia Wise to approve the March 8, 2022, meeting minutes as presented.

SECOND: by Patrick Hein

MOTION PASSED: 4-0 (1-Abstain – Walters due to absence on March 8, 2022)

**ZONING HEARING BOARD CASES**

**ZHB 22-08 – Steven Stoltzfus** – requests a variance §150-30.B to exceed the maximum allowable height of 15 feet for an accessory structure (pool cabana) the request is for a maximum height of 17 feet 1 inch located at 2385 Taxville Road (Tax Map: IG; Parcel: 0008) in the Rural Residential Zone.

Mr. Steven Stoltzfus of 2385 Taxville Road presented the variance request. Mr. Stoltzfus explained that he had an inground pool installed in 2018 in the rear yard area. Due to the way the property was graded after the construction of the pool, there is an approximate area 16'x50' beyond the pool area that slopes toward the back of his property. He would like to construct a pool cabana on the portion of the yard that slopes away from the pool. The front of the pool cabana will meet not exceed the maximum height allowed for accessory structures, 15 feet, as stated in Zoning Ordinance §150-30.B. The maximum height of the pool cabana as measured at the rear of the proposed building would be approximately 17 feet 1 inch due to the slope of the land. While the Planning Commission members had no issue with the height variance request, there was a lengthy discussion regarding the pool cabana floorplan drawing which illustrated a utility room, half bath, deck, great room, bar area, kitchen and storage room. Ms. Sampere reminded the Planning Commission members that the definition of a dwelling unit, as defined in the West Manchester Township Zoning Ordinance states: A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities. Ms. Sampere reminded the Planning Commission members that the variance application was a request for a variance on the maximum height, not the use of the accessory building; however, the floorplan drawing indicated a kitchen and therefore a condition for an approval of the variance the Planning Commission may want to consider is that no portion of the pool cabana may be used as a dwelling unit and there shall be no indoor cooking facilities. Mr. Stoltzfus stated that the pool cabana will be used as a three-season structure. There will be no HVAC system, now shower, no insulation, and no bedroom. The cooking facility proposed is a propane grill top. There will be no oven. Mr. Stoltzfus does not intend for the proposed pool cabana to be a dwelling unit. It will be used for storage over the winter months when the pool is not being used.

Mr. Kelly Kelch, West Manchester Township Manager, was in attendance on behalf of the Board of Supervisors. Mr. Kelch stated that the Board of Supervisors oppose the variance application because they believe the hardship is self-created due to the construction and grading of the inground pool. He also

stated that they believe the installation of a separate kitchen and bathroom in the pool cabana would constitute a second dwelling as defined in the West Manchester Township Zoning Ordinance.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board approve the variance of §150-30.B to exceed the maximum allowable height of 15 feet for an accessory structure (pool cabana) to the requested height of 17 feet 1 inch with the condition that the pool cabana structure may not be used as a dwelling unit and the pool cabana may not have permanent cooking facilities.

SECOND: Sonia Wise

MOTION PASSED: Unanimously (5-0)

Prior to testimony by the applicant for ZHB Case 22-09, Dr. David Beecher stated that he attended the March 2022 Board of Supervisors meeting as a taxpayer, not in the capacity of Chairman of the Planning Commission, regarding the proposed text amendment for restoration of nonconformities.

**ZHB Case 22-09 – Roll R Way Rinks Inc, dba Mr. Q’s** – requests a variance §150-291 to restore a nonconforming use (Commercial Recreation Facility – roller skating rink) with various dimensional nonconformities destroyed by more than 75% of the fair market value to be rebuilt on the property on the same building footprint ; variance §150-83 Permitted Uses; variance §150-89 Minimum Required Setbacks; variance §150-95 Maximum Lot Coverage; §150-97 Required Screening; variance §150-98 Required Landscape Strip; and §150-99 Dumpster Location **located at 85 N. Fayette Street** (Tax Map: 05; Parcel: 0163) in the Local Commercial Zone.

Mr. Frank Quintin presented the request to rebuild an existing nonconformity which was destroyed by fire to an extend of more than 75%. Mr. Quintin explained he has been a resident of West Manchester Township for many years. He had a roller-skating rink at the Delco Plaza in 1974. He later relocated to Memorial Park Rink. When the Lincolnway Bowling alley property on North Fayette Street became available, he purchased it and opened a roller-skating rink there approximately 5 years ago. He stated that his business has been a good neighbor with no police activity. He had overwhelming support at the March 2022 Board of Supervisors meeting for the proposed text amendment to allow a nonconformity to be rebuilt by right. He was not aware of the entire process and didn’t realize that changing the text of the Zoning Ordinance would affect not only his property, but all nonconformities in the Township.

Mr. Kelly Kelch, West Manchester Township Manager, was in attendance on behalf of the Board of Supervisors. Mr. Kelch stated that the Board of Supervisors are in support of the variance application to rebuild the nonconforming use that was lost in a tragic fire in January 2022. Mr. Kelch presented to the Planning Commission a list of the nonconformities and sections of the Zoning Ordinance that a new developer would need variances from to build on the property if it were to be developed in strict conformance with the Zoning Ordinance. Mr. Kelch stated that a commercial recreation facility is permitted by special exception in the Highway Commercial Zone and Regional Commercial Zone, but it is not a permitted use in the Local Commercial Zone. The previous use of a commercial recreation facility, the Lincolnway bowling alley, was also a nonconforming use on this property in the Local Commercial Zone; however, the Board of Supervisors believe allowing the nonconforming commercial recreation facility to be rebuilt on the exact footprint that exists right now is a reasonable use in the Local Commercial Zone. The pre-existing nonconforming use meets the intent of the Local Commercial Zone because it provides a service used by several Township residents rather than a regional draw. The site would still have access to a major thoroughfare West Market Street and easy access to Route 30 and Route 116. The Local Commercial zone allows for other permitted uses such as day cares and commercial schools which

could be considered to be more intensive than the proposed reconstruction of the commercial recreation facility (roller-skating rink).

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the variance §150-291 to restore a nonconforming use (commercial recreation facility – roller skating rink) which was destroyed by more than 75% of the fair market value with the condition that the nonconforming use (commercial recreation facility – roller-skating rink) with various dimensional nonconformities must be rebuilt of the same building footprint to the greatest extent possible without expansion or enlargement and prior to obtaining a building permit for reconstruction, a land development plan must be filed with the Township for Planning Commission review and Board of Supervisors approval prior to recording at the York County Recorder of Deeds and Map Office.

SECOND: Fred Walters

MOTION PASSED: Unanimously (5-0)

### **NEW BUSINESS**

There were no new subdivision nor land development plans submitted for review at this month's meeting.

### **DISCUSSION**

The Planning Commission members once again discussed their concerns regarding the need to update sections of the West Manchester Township Zoning Ordinance.

MOTION: by Richard Gordon to adjourn the meeting.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (5-0)

The meeting adjourned at 8:00 p.m.