

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: June 8, 2021

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

Tonight's Planning Commission meeting was held in person at the Township building.

APPROVAL OF MINUTES

MOTION: by Richard Gordon to approve the May 11, 2021, meeting minutes.

SECOND: by Fred Walters

MOTION PASSED: 5-0 (Unanimously)

ZONING HEARING BOARD CASES

ZHB Case # 21-13 – Cynthia Johannes Beecher – requests a special exception §150-290 to substitute one non-conforming use (office/retail) with another non-conforming use (yoga studio) located at 1900 Orange Street (Tax Map: 04; Parcel 0118) in the R-3 Residential Zone.

Prior to the presentation, Dr. David Beecher stated that he would not participate in the discussion or action on ZHB Case # 21-13, as the applicant is his wife.

The application was presented by Mrs. Cynthia Johannes Beecher. Mrs. Beecher requested that she be able to participate via Zoom since she would not be in town for the Planning Commission meeting. Mrs. Beecher informed the Planning Commission members that she has worked in the medical field for years and is versed in business, massage, modalities and yoga. She has established a small group of clients and needs a location to hold classes. The proposed location is 1900 Orange Street. The property is located in the R-3 residential zone; however, it has been used as a commercial business for many years. The existing use is retail/office. Mrs. Beecher stated she would have a maximum of ten (10) students at a time. The sessions are one (1) hour each. She plans on holding four (4) sessions per day. The proposed hours of operation would begin at approximately 6:30 a.m. Monday through Friday with no classes beginning after 8:00 p.m. Weekend classes would be limited to mornings. Mrs. Beecher stated that her proposed use would not provide any noise disruptions. The property has two (2) off-street parking spaces in front of the existing garage doors. There are three (3) on-street parking spaces in front of the property along Orange Street and four (4) on-street parking spaces in front of the property along North Diamond Street. Mr. Ruman asked if there is outdoor lighting. Mrs. Beecher stated that there is not outdoor lighting. Mr. Gordon stated that he believed this use would be less intense than previous commercial uses on the site.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board approve ZHB Case # 21-13 to substitute one non-conforming use (office/retail) with another non-conforming use (yoga studio) located at 1900 Orange Street.

SECOND: by Patrick Hein

MOTION PASSED: 4-0 (1 Abstain – D. Beecher)

ZHB Case #21-14 – Tate & Associates, LLC – requests a variance §150-86 to allow more than one principal use on the lot contained in the same building **located at 2217 Carlisle Road** (Tax Map: 11; Parcel: 0058) in the Local Commercial Zone.

Attorney Christian Miller of MPL Law Firm represented the applicant, Tate & Associates. Attorney Miller stated that the property located at 2217 Carlisle Road is approximately 15,000 square feet. The existing building is a non-conformity, as it does not meet the required side yard setbacks. The existing building is too large for one (1) user. The Zoning Ordinance §150-86 Number of Uses states: “Each lot shall be used for one principal use, except that one dwelling unit in conjunction with another permitted use shall be allowed if it is contained within the same building. For the purposes of this Article XIII, each separate and distinct business entity shall be deemed to be a principal use so that only one business entity shall be located on each lot in the Local Commercial Zone.” The applicant is proposing a flex shared office to allow up to eight (8) tenants (all being professional businesses permitted in the Local Commercial Zone) to utilize the office building on a part-time basis. The leases would be month-to-month for the tenants. Example: CPAs, solo Engineer, Accountants, etc. The current parking lot provides the required parking for up to eight (8) tenants. Mr. Ruman asked if clients would be able to meet with the professional at that office. Attorney Miller stated that there would be a shared conference space for meeting with clients. Attorney Miller stated that any proposed signs would be installed as permitted by the Zoning Ordinance.

MOTION: by David Beecher to recommend the Zoning Hearing Board approve ZHB Case # 21-14 subject to a maximum of eight (8) tenants.

SECOND: by Fred Walters

MOTION PASSED: 5-0 (Unanimously)

ZHB Case #21-15 – Sherry Hodnett – requests a special exception §150-289.A to expand an existing non-conforming use (personal service business – barber shop) and a variance §150-289.A.2 to expand the non-conforming use by more than 25% (requested 32% increase) **located at 4700 West Market Street** (Tax Map: 43; Parcel: 0036) in the Professional Office Zone.

The application was presented by Ms. Sherry Hodnett. Ms. Hodnett explained that she owns the property located at 4700 West Market Street. The property consists of a barber shop and dwelling unit in the same building. Ms. Hodnett explained that this non-conformity has existed on the property since the 1970s. Ms. Hodnett explained that there is a room off of the side and rear of the building adjacent to the existing carport that has been closed off from the barber shop and has not been used for anything. Due to the Covid-19 pandemic, she and her employees were forced to spread out utilizing their reception area as a hair cutting area. Ms. Hodnett stated that with Covid restrictions being removed, she is now using the reception area as a waiting area; however, she and her staff have become used to being spread out and would prefer to have two (2) employees in each room, rather than all four (4) employees in the same barber shop space. Ms. Hodnett would like to open up the closed-off room and remodel it to allow for 2 hair cutting stations. The expansion proposed is under the current roof, but it still requires a special exception to expand the non-conforming use (barber shop) as a barber shop is not a permitted use in the Professional Office Zone. The proposed expansion is 32% of the existing barber shop operation. The zoning ordinance allows non-conformities to expand up to 25%. Ms. Hodnett stated that she is not proposing to hire additional employees. Mr. Hein asked if this request would require additional parking spaces. Ms. Sampere said that the proposed expansion would not require additional parking spaces, as there are currently more than the required number of parking spaces on the property. Mr. Gordon asked if there would be a need for additional sewer services due to

the expansion. Ms. Hodnett explained that they are currently using an on-lot septic system. She does not foresee the need for additional on-lot services because she is not adding any plumbing fixtures, she would be relocating sinks and removing a bathroom that has not been used for many years.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board approve ZHB Case # 21-15 to expand an existing non-conforming use (barber shop) and to expand the non-conforming use by more than 25% to the requested 32%.

SECOND: by David Beecher

MOTION PASSED: 5-0 (Unanimously)

ZHB Case #21-16 – Robin Ness – requests a variance §150-56.B to reduce the required side yard setback for two (2) accessory structures (detached carport and detached shed) from the required five (5) feet to zero (0) feet and a variance of §150-57 to exceed the maximum height for an accessory structure (detached carport) from the required fifteen (15) feet to the requested eighteen (18) feet **located at 1270 West College Avenue** (Tax Map: 17; Parcel: 0125) in the R-3 Residential Zone.

No one was in attendance to present the application to the Planning Commission members. Dr. David Beecher stated that this case is still live and the Planning Commission must make a recommendation to the Zoning Hearing Board. Mr. Ruman stated that based upon the information in the application and the Zoning Officer's synopsis, it was determined that the variance request was submitted in response to performing the work without the proper permit.

MOTION: by Dr. Beecher to recommend the Zoning Hearing Board deny ZHB Case #21-16.

SECOND: by Fred Walters

MOTION PASSED: 5-0 (Unanimously)

NEW BUSINESS

There were no subdivision/land development plans submitted for review at this month's meeting.

DISCUSSION

The Planning Commission members were given a copy of a letter from the York County Planning Commission outlining suggested ordinance language regarding Common Ownership Merger Plan Process for subdivision recordation and suggested ordinance language regarding Corrective Action Process for subdivision recordation. West Manchester Township requires property owners to submit and record subdivision plans to join parcels of land together in order for the tax maps to be changed appropriately. No action was taken.

Patrick Hein congratulated Ron Ruman on his May 2021 primary election victory for Township Supervisor.

MOTION: by David Beecher to adjourn the meeting.

SECOND: by Richard Gordon

MOTION PASSED: 5-0 (Unanimously)

Meeting adjourned at 7:32 p.m.