

MEETING MINUTES
LANCASTER TOWNSHIP
ZONING HEARING BOARD

September 23, 2014

Chairperson John W. Metzger called the meeting to order at 7:00 P.M. The following members were present: John W. Metzger, Peggy D. Hall, and alternate member Joseph P. LoCurto. Also in attendance was Joseph Kenneff, Esq., Zoning Hearing Board solicitor, Thomas P. Daniels, Assistant Township Manager and Zoning Officer, and Cheryl Hansberry, Court Reporter.

MINUTES

On a motion, the minutes from the August 19, 2014 meeting of the Lancaster Township Zoning Hearing Board, were approved as written.

OLD BUSINESS

1. Continued from the August 19, 2014 meeting is the matter of Lancaster City who has applied for a Variance pursuant to Sections 1102.9 and 1615.2 for their property located on Riverside Avenue, Parcel Number 340567400000, to allow the use of this property by the City of Lancaster to be a municipal use by a municipality other than the Township of Lancaster. Mr. Metzger made a motion to deny the Applicant's request for a Variance pursuant to Sections 1102.9 and 1615.2. Mr. LoCurto seconded the motion, which motion passed unanimously.

NEW BUSINESS

1. Mr. and Mrs. Daniel Day have applied for a Variance of the Lancaster Township Zoning Ordinance (2012) pursuant to Sections 405.1 and 406.4 for their property located on Newton Road, Parcel Number 3401247700000, to allow the use of this property for the construction of a single family dwelling. Mr. Daniels was sworn in and testified that the notice and publication requirements have been met.

Ms. Julie B. Miller, Esq. represented the Applicants and presented the application. Mr. Day testified that in June, 2013, the Applicants purchased property with a residence located at 1401 Hillcrest Road with an attached lot fronting on Newton Road. A two-car garage attached by a covered breezeway to the Hillcrest Road residence substantially encroaches on the Newton Road property. The Applicants wish to sell the residence and attached lot separately. Variances are necessary in order for a single-family residence to be built on the Newton Road property.

The first requested Variance is pursuant to Section 405.1, asking for lot coverage of 14,847 square feet as opposed to the required 15,000 square feet. The second Variance is pursuant to Section 405.1, asking for a lot depth of 130 feet, instead of the required 150 feet for a single family dwelling. The third Variance is pursuant to Section 406 which requires a minimum rear yard setback of 6 feet, to allow for the garage built in 1960 which encroaches on the property.

Mr. Day testified that he pays two separate tax bills for the two properties. Applicants want to be able to offer the properties for sale as either one property or as two with the ability to build a single family dwelling on the Newton Road property. Mr. Lyons, the real estate agent for the Applicants, testified that the two lots are already subdivided but require dimensional variances. He stated that there are two other parcels in the neighborhood of similar size. The garage is 5 feet on the Hillcrest Road property and 16 feet into the Newton Road property.

Several neighbors including Janelle Stelson, Robert Desmaris, Jeff Ross, Nancy Herzog, Joe Valpone and Sharon Cody strongly opposed the Application, citing concerns over storm water management, and the detriment to the character of the neighborhood. Mr. Ross noted that the garage should be subtracted from the lot size and stated that the proposed lot is too small given the encroachment of the garage that the Applicants are unwilling to tear down. Ms. Cody argued that there is no hardship presented, that the Applicants were aware of the issues when purchasing the properties, and that the granting of the three Variances would diminish the value of the neighboring properties.

Ms. Miller made a request to submit a memorandum and was asked to identify the two other lots mentioned during testimony. This was allowed and the opposition was given the opportunity to respond. Submissions were asked to be within two weeks.

Mr. Metzger made a motion to continue the matter to the next regularly scheduled meeting of the Lancaster Township Zoning Hearing Board, to be held on October 28, 2014, at which time the Board will render a Decision. Mr. LoCurto seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further matters before the Board, Mr. Metzger adjourned the meeting at 8:20 P.M. The next regularly scheduled meeting of the Lancaster Township Zoning Hearing Board is scheduled for October 28, 2014 at 7:00 P.M.

Respectfully submitted,

Peggy D Hall

Peggy D. Hall, Secretary
