

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES

Douglas Wagner Case 2023-03

March 1, 2023 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Tammy Rineer, Vice-Chairman, Doug Eaby, Member, Josele Cleary, Zoning Hearing Board Solicitor was present as well as Christy DellaRova Court Reporter. Christy can be reached at 717-299-8091. A listing of others in attendance will be kept on file.

Mr. Stanley shared that the meeting was being recorded.

The February 1, 2023 Meeting Minutes were approved on motion of Mr. Eaby, second of Ms. Rineer and approval of all members.

Ms. Cleary explained a zoning hearing. The Zoning Hearing Board will consider this hearing in accordance with the requirements of the Municipalities Planning Code. The first item of business is to determine the parties to the hearing. The applicants are parties to the hearing. The township, by law, is a party to every hearing before the Zoning Hearing Board whether or not the township appears and actively participates. Other persons can request to be recognized as parties. You do not have to be recognized as a party if all you would like to do is ask a question or make a statement. If you wish to preserve your right to file an appeal with the Lancaster County Court of Common Pleas if you disagree with whatever the decision of the Zoning Hearing Board is, you should ask to be recognized as a party because only parties have the right to file an appeal. In order to be recognized as a party, you must have an interest in the application that is different from all residents in seeing that all residents comply with the zoning ordinance. Generally if you live in the immediate vicinity of the subject property or own land in the immediate vicinity you would have the right to be recognized as a party. After all of the parties to the hearing are determined the applicant will have the opportunity to present evidence in support of the application. Each party will have to be sworn or affirmed. The members of the Board or Ms. Cleary may ask questions for clarification. Other parties will be given the opportunity to ask questions, and then other people in the audience who are not parties will be given the opportunity to ask questions. After the applicants have presented all of their testimony, then any person recognized as a party will have the opportunity to present testimony. Any party who wishes to testify will have to be sworn or affirmed. The applicant has the right to cross examine such persons, and members of the Board or Ms. Cleary may also ask questions for clarification. After all the parties have testified, then persons not recognized as a party who wishes to make a statement will be given the opportunity. They will also have to be sworn and affirmed and can be questioned in the same manner as any other witness. After the Board has heard all of the evidence, the record will be closed. Under state law, the Board has 45 days after the close of testimony to render a decision. The Board can deliberate tonight, go into executive session, or take the matter under advisement and render a decision within the 45-day period. If the Board takes this case under advisement tonight, it would render a decision at its regularly scheduled April 5th meeting. There is a court reporter here because state law requires that the Board keep a stenographic record of the proceedings. In order that the court reporter can do her job, only one person can speak at a time. Wait until recognized to speak, give your name and spell your name. The record will show that there were no questions concerning the procedures that the Board will follow for this hearing.

Mr. Stanley shared Case No. 2023-03, the application of Douglas Wagner concerning property located at 176 Maple Shade Road, Kirkwood, within the Agricultural District. Applicant requests a variance to authorize installation of a pool and patio within the required side yard setback under Section 5.01.06.D.1 of the Zoning Ordinance.

Ms. Cleary asked if there was anyone wishing to be recognized as a party to these proceedings. There were no audience members who wished to be recognized as a party.

Mr. Wagner shared an updated map showing the house and location for the pool and patio. The corner of the patio would be 28' to the property line, even. The pool and patio is being placed in this location because it is the only suitable flat area not interfering with the sewer or hills. A pasture is located on the side, so this will not impede on the neighbors ability to use their property.

Mr. Eaby noted that the pool should have a fence. Mr. Wagner shared that the pool will have a cover on it that will be closed when the pool is not in use. This cover can be walked on. There will be a fence around the property.

Ms. Cleary clarified that the dimensions on the plans are correct and that the only difference is the setback. The patio dimensions are 619 square feet and the pool dimensions are 560 square feet.

Mr. Scott Kulicke noted the side and front setbacks according the zoning ordinance and that this request falls within the required setbacks. Per discussion, it was shared that Mr. Chrisman shared with the applicant the requirement was 20'. Ms. Cleary noted that per the ordinance, no variance is needed for this request at 28'. Ms. Cleary recommends that the Board issue a decision that no variance is needed because this is an accessory structure and falls within the required setback.

Mr. Stanley asked when Mr. Chrisman received the revised plan. Mr. Wagner shared that he gave Mr. Chrisman copies of the revised plan when he placed the notification sign for the hearing on his property the Monday of the prior week. Ms. Cleary noted that the advertisement was already placed at that time, so there was a need to continue with this hearing.

Mr. Eaby shared that he felt Mr. Wagner should receive his application fee back. Ms. Cleary shared that this was not correct because that fee is used for advertisement of the hearing as well as other hearing related costs. The advertisement was already placed prior to the receipt of the revised plans.

Ms. Cleary made the motion that no variance is needed based on the revised setback. This motion was moved by Mr. Eaby, second of Ms. Rineer and approval of all members.

This hearing closed at 7:19 p.m.

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES

Ezra Martin Case 2023-04

March 1, 2023 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Tammy Rineer, Vice-Chairman, Doug Eaby, Member, Josele Cleary, Zoning Hearing Board Solicitor was present as well as Christy DellaRova Court Reporter. Christy can be reached at 717-299-8091. A listing of others in attendance will be kept on file.

This case immediately followed the Douglas Wagner case.

Mr. Stanley shared Case No. 2023-04, application of Ezra Martin concerning property located at 862 Kirkwood Pike, Kirkwood, within the Agricultural District. Applicant requests a variance to authorize installation of a one-story addition to existing dwelling within the required side yard setback under Section 5.01.06.D.1 of the Zoning Ordinance.

Mr. Jerome Rhoads, property owner was addressed to the Zoning Hearing Board. A motion by Mr. Eaby, second by Ms. Rineer and approval of all members was made to recognize Mr. Rhoads as a party to the hearing.

Mr. Rhoads clarified that the request is to add on to the existing house/garage area. Ms. Cleary noted photos that were presented by Mr. Miller showing the front of the house with the new addition noted. This photo was entered into the hearing as Exhibit 1. The floor plan was entered as Exhibit 2. Mr. Miller shared that Exhibit 1 shows the existing house with the addition location noted. Exhibit 2 shows the floor plan with the addition at 24' wide. The addition would be 12" over the required setback. They are requesting a 19' setback instead of the required 20'.

Mr. Rhoads shared that he spoke with the neighbors, and they are good with the plans. None of the neighbors were recognized at this hearing.

Mr. Eaby questioned the entrance to the garage location. Mr. Rhoads shared that the current master bedroom will be turned in to a sewing room and the old garage will be used, possibly, as an office and storage for canned goods.

Ms. Cleary wanted clarification on if this will be a 1 or 2 story addition. Mr. Rhoads responded 1-story.

Ms. Adrienne Bonser, audience member, questioned why they don't just make the addition 23', eliminating the need for a variance. Mr. Rhoads responded that the extra room is needed. It could be done, but it would not be practical for them based on the size of modern vehicles and this is an older model home. Mr. Miller detailed his reasoning for the need for 24' and also confirmed the 1-story addition.

Ms. Cleary asked about the exterior of this addition. Mr. Rhoads responded that this detail has yet to be decided. It will likely be vinyl siding with the bottom possibly brick.

The record will show that there were no additional audience questions or statements.

Ms. Cleary noted that the Zoning Hearing Board could impose conditions for this approval. All conditions imposed would be binding. The applicant shared that they understood and would be in agreement with any conditions.

Mr. Stanley made the motion to approve the 19' setback from the required 20', subject to the standard conditions imposed by the Board, second by Mr. Eaby and approval of all members present.

The hearing closed at 7:33 p.m.

Mr. Stanley noted that the Board was going to go into Executive Session following the close of this meeting to discuss a recent appeal by the Beiler's.

There being no further items of business, the meeting adjourned at 7:35 p.m. on motion of Mr. Eaby, second of Ms. Rineer and approval of all members present.

Respectfully Submitted,

Cheryl L. Todd, Zoning Hearing Board Secretary