

WARWICK TOWNSHIP ZONING HEARING MINUTES
WARWICK TOWNSHIP MUNICIPAL BUILDING
NOVEMBER 8, 2023
6:30 P.M.

Chairman Tom Matteson convened the November 8, 2023 meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were board members Tom Matteson, Dane St. Clair, Mark Will, Dana Clark, and Joel Lingenfelter. Also in attendance were Tom Zorbaugh, Code & Zoning Officer; Neil Albert, Township Solicitor; Suzanna Oldt, Court Reporter; Michael Davis, Barley Snyder; Abigail Frederick, Project Manager for the Lombardos. Bonnie Whitehead & Dan Stewart, 1522 Brunnerville Road, Lititz; and Jim Bushong, 1403 Brunnerville Road, Lititz.

MINUTES APPROVAL: On a motion by D. St. Clair and seconded by D. Clark, the Board unanimously approved the minutes as submitted.

POSTINGS, PROOFS OF PUBLICATION AND NOTICES: T. Zorbaugh confirmed that the cases were properly posted and advertised as required by law. The agenda was posted at the Township Office and on the Township website.

CASE #944: The applicant has withdrawn his application.

CASE #945: An application has been received from Bonnie Whitehead and Dan Stewart, owners of the property located at 1522 Brunnerville Road, Lititz, PA, within the Agriculture Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance of Section 340-11.C.3, to allow a Beauty Salon as a Home Occupation, and a Variance of Section 340-78.F, to allow the sale of products they use within the business. The application has been assigned Case #945 and is scheduled for a public hearing this evening. The revised plot plan was marked as Applicants Exhibit 1.

B. Whitehead stated that she is looking to downsize and relocate her hair salon to her home at 1522 Brunnerville Road. She is proposing a single styling chair and a single shampoo station in a 138 square foot space that will have an entrance in the rear of the house that is separated from their living spaces. Access will be from the driveway to the rear entrance. They have a six vehicle driveway and can provide adequate off street parking for her clients. The salon hours will be by appointment only limited to 7 a.m. to 7 p.m. Monday through Thursday with only one customer at a time with the possibility of 2 clients there as they overlap while coming in and going. Bonnie would be the only stylist with her daughter helping part-time as a bookkeeper, scheduling appointments, and some salon work. She is requesting to allow retail sales out of the salon to her clients. These would be general hair care products that she uses on the clients. She is proposing a single 2 square foot sign along Brunnerville Road to identify the location. T. Matteson asked how long appointments would be. B. Whitehead

stated that appointments could be from 20 minutes to an hour and a half. She acknowledged that she would have on average 10 clients in a day. M. Will asked if the applicant planned to designate parking spots for her clients. She agreed she will have signs put up identifying parking spaces for clients. On a motion by T. Matteson and seconded by M. Will, the Board unanimously approved Case #945 as presented.

CASE #946: An application has been received from Sam & Dena Lombardo, owners of the property located at 100 Millwyck Road, Lititz, PA, within the Conservation Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance of Section 340-13.E to allow a second principal use needing relief of the lot and setback requirements. The application has been assigned Case #946 and is scheduled for public hearing this evening.

Mike Davis from Barley Snyder is representing the clients. He is accompanied by Abigail Frederick who is a representative of Lombardos. Davis stated that the applicant is seeking a variance from the minimum lot area requirement of 10 acres as set forth in section 340-13.E of the zoning ordinance. Abigail Frederick introduced herself. She is a project manager for the Lombardo's to oversee any development and initiatives that they have. She is familiar with the property that is the subject of the application. She confirmed that the Lombardo's are the owners of the property located at 100 Millwyck Road and that the property is zoned conservation. She confirmed that the property is just over 10 acres. She stated that with the current dwelling space they have a small additional guest house that is attached to the structure, a pool, terrace, a pool house, and a separate 2-car garage that is shared on the same driveway. She confirmed that the 2-car garage is the focus of the application. She stated that there is a need for more parking and Mr. Lombardo is interested in having that parking. The guest quarters that they currently have are quite small and they do entertain quite a bit of guests when they are home. They are looking to combine seeing how they can increase some car storage and have ample guest accommodations for individuals that come into state. Ms. Frederick confirmed that the project would involve the demolition of the detached 2-car garage and then it would be replaced with a new structure. The new structure would include a 3-car garage, a small maintenance storage area, and a 2 bedroom/2 bath guest area with a kitchen. The guest house would be used solely by guests of the Lombardo's as the property owner. The guest house will never function as a rental property of any kind. The guest house will never serve as a permanent residence for any occupant. Those three conditions will be put in writing for the board which the applicant has agreed to. Davis asked Ms. Frederick if there was discussions with the township staff with regard to the proposed plan. She confirmed that was the case. It is her understanding that the inclusions of both a kitchen and a bathroom in the guest house results in the guest house being classified by the township as a dwelling unit and also as a second principal use on the property. Mr. Davis asked Ms. Frederick if this was only being viewed as a permitted accessory use to the primary residence, would any zoning approval be needed. Ms. Frederick responded that zoning approval would not be needed. Mr. Davis mentioned that Section 340-31 of the zoning ordinance provides that more than one principal use may be erected on a single lot and in order to have that happen all applicable lot requirements, yard requirements, and other applicable requirements of the zoning ordinance would need to be met as related to each structure. That section provides that such approvals shall also gain approval for the land development plan and also to provide individually approved methods with regard to sewage disposal. He asked if both of those items are being pursued and will be pursued to which Ms. Frederick agreed. Mr. Davis asked, with regard to the conservation zone, does it have a minimum lot area requirement to which Ms. Frederick responded yes with a 10 acre requirement. The Lombardo property is slightly over 10 acres. Ms. Frederick reviewed with the board the zoning exhibit which was provided to show what the current improvements are on the property and

what the proposed improvements are related to the new guest house. She confirmed that the proposed guest house in terms of its location on the property and its configuration, is basically being placed at the same location as the existing 2-car detached garage. There is a small area that appears to be outside the building that ends up going past the setback line. That area will consist of pervious pavers that guide to the maintenance storage area where the lawn mower and other tools would be stored. It is just a pathway that is open and takes water through at the level of the grade. As a structure is defined under the zoning ordinance the pavers would not qualify as a structure and that is because that definition only includes those materials that basically are above the natural surface grade. Mr. Davis stated that within the ordinance are specific requirements as related to a variance request and there set forth in Section 340-121.C. Ms. Frederick confirmed that they are not seeking a use variance but rather a dimensional variance. In her opinion, the proposed guest house is consistent with the purpose and intent of the conservation zone. In doing the development and basically placing it at the same location as the existing 2-car garage, it is preserving the physical characteristics of the property as it currently exists. In her opinion the proposed use will not detract from the use and enjoyment of adjoining or nearby properties. Mr. Davis referred to the letter dated September 23, 2023 from the Millwyck Homeowners Association president indicating that the homeowners association is in support of the applicant's request. Ms. Davis confirmed that the guest house will not substantially change the character of the neighborhood. She also stated that they are matching finishes of the main dwelling. She also stated that they would need to add sewage to manage the sewage from the guest house which is already being designed and planned and is being done in a way that satisfies the requirements of Section 340-40 of the zoning ordinance. Ms. Frederick does not feel that the proposed guest house will substantially impair the integrity of the township's comprehensive plan. N. Albert asked about an exhibit of the proposed conditions in writing which was marked as Applicant's Exhibit 1.

J. Lingenfelter referred to the letter from the homeowners association and asked for further explanation. Ms. Frederick stated that coming from this meeting the applicant will meet any standards, requirements, or requests. They have been working through the storm water and building codes. The structure will be under the dimensions for an accessory building even though this isn't but they are trying to maintain this as much as possible. The results of this meeting will definitely be beholden to the planning and finalization of what they are working on right now. M. Will asked if there was a variance granted on the property years ago. T. Zorbaugh stated he would have to look into that. Will also asked if the plan was to install a secondary sewage system. Ms. Frederick stated that the requirement is that they have to have a secondary sewage system. Mr. Will asked for confirmation that it was just pervious pavers for the access to the storage area that is not within the setback requirements. T. Zorbaugh stated that the only thing the township requires to stay outside the setbacks is if anything had a footer that you could actually build a room on top then you need to keep that out, otherwise you could put a floating patio up to 10 feet from the property line. Just because it is adjacent to the house, as long as it does not have a footer system under it, we are okay. Zorbaugh stated that if the board approves the application as a second principal use what the ordinance says is that you must meet all the criteria as if it was a standing alone and being subdivided down the road. The applicant was looking at being an accessory structure because they are not subdividing it and they are not setting up for a subdivision and it was not meant to be that. There was a discussion of the criteria, setbacks, and possible future subdivision.

On a motion by T. Matteson and seconded by M. Will, the Board unanimously approved Case #946 as presented with the conditions that the applicant has offered that the guest house will never serve as a

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permanent residence, the guest house will never function as a rental property of any kind, and the guest house will be used solely by guests of the property owner.

CASE #915 – COMPASS MILL: T. Zorbaugh stated that the applicant is asking for a 6 month time extension of their Special Exception and Variance approvals till May 10, 2024. On a motion by D. St. Clair and seconded by J. Lingenfelter, the Board approved the time extension.

ADJOURNMENT: With no further business the meeting was adjourned.

Respectfully Submitted,

Tom Zorbaugh
Code & Zoning Officer