

Conewago Township, York Co., PA

Zoning Hearing Board Minutes - February 12, 2018

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance. Board members present were Sharon Beck, Dave Zambito, Hanson Quickel, Jesse Coe and Margaret Burg. Zoning Officer Albert "Fritz" Neufeld and Attorney John Herrold were also present.

The minutes of the January 8, 2018 meeting of the ZHB were approved as distributed on a motion by Dave Zambito and second by Hanson Quickel.

Old Business:

Case No. 04-2017 – David A. Krulac - Continued from January 8 ZHB Hearing was the request for a Special Execution of Section 304.c.8 Mobile Home Park & Section 646. Also a request for a Variance specifically Section 646.a (min. parcel area) and 646.c (min bldg separation) of the Conewago Township Zoning Ordinance #322 for property located along Zimmys Dr. and the Susquehanna Trail, York, PA 17406. David Krulac, owner, John Murphy of Alpha Consulting and James Strong, Esq., of McNees Wallace appearing. The case was continued from the January hearing because the vote at that meeting ended in a tie due to the absence of ZHB member Coe.

Mr. Krulac, and Attorney Strong again presented the case to the Board. Mr. Krulac also advised he has a letter from Monarch that they have no objection to the mobile home park and the residents are allowed use of the portion of the private drive that they own.

Homeowner and resident of property to the rear of the Krulac property, Bradley Weirich advised that on the private road named Zimmy's Drive, currently, there are five mobile homes in the mobile home park owned by Marshall Busser; there is a business and family residence owned by Jim Luckenbaugh, who also maintains the private drive and resident by the name of Anderson who owns a home and a Mr. Kauffman owns property there. Mr. Weirich's property is rectangular in shape and is the same size as the Krulac property. The properties are all within the flood plain. Mr. Weirich also advised the Board that all deeds say every property owner is to share in the maintenance of the private drive, but not all do. He also claims it is very dangerous exiting the drive onto the Susquehanna Trail and he has concerns with the filling to raise the property.

Attorney Strong requested an additional six months for a total of one year be approved to obtain a building permit.

The Zoning Officer questioned who was creating the hardship. Attorney Strong advised the hardship is financial and that is now allowed due to changes Pennsylvania has made. Attorney Herrold advised the Board that is correct for dimensional variance.

Motion by Dave Zambito to approve the time extension of six months, second by Jesse Coe. Motion approved by a unanimous vote of 5-0.

Dave Zambito made a motion to grant the Variance for Section 646.a, Minimum Parcel Area from 10 acres to 3 /4 quarter of an acre, Jesse Coe, second. Zambito, Quickel and Coe voted yes, Beck and Burg voted no, making the vote 3 to 2 for approval.

Dave Zambito made a motion to grant the Variance for Section 646.c, Minimum Building Separation Distance from 30 feet to 20 feet between the buildings, Jesse Coe second. Zambito, Quickel and Coe voted yes, Beck and Burg voted no, making the vote 3 to 2 for approval.

Dave Zambito made a motion to grant a Special Exception for Section 304.c.8 to allow a mobile home park in a R2 zoned area, Hanson Quickel second. Zambito, Quickel and Coe voted yes, Beck and Burg voted no, making the vote 3 to 2 for approval.

New Business

Case No. 01-2018 TREM – Request for a Variance of Section 305.c.35 Retail Store or Shop of the Conewago Township Zoning Ordinance #322, to allow the use of an Auctioneer at the property located at 4230 Susquehanna Trail, York, PA 17406. The property is zoned Village. Todd Fisher appearing on behalf of TREM.

Mr. Fisher would like to hold auctions at the property which was formerly used as a retail store, gift shop, antique sales, car dealership and a greenhouse. Auctions would be held 2 or 3 times a month for 2 to 4 hours each, usually on Wednesday evenings and/or Saturday mornings. Mr. Fisher would be auctioning items from storage units. He has sufficient parking spaces and an agreement with the Racing Club for additional parking and access. All driveways are on his property.

Laurie and Todd Bender, members of the Racing Club, expressed concern with maintenance of the Club property and questioned Mr. Fisher about snow plowing that was done on the Racing Club lot. They claimed snow was pushed up against the Racing Club doors. Mr. Fisher responded that he had never plowed snow on that property and did not know of a problem.

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Jesse Coe made the motion to grant a Variance of Section 305.c.35 to allow the use by an Auctioneer at the property located at 4230 Susquehanna Trail, York, PA 17406. Hanson Quickel second. Motion approved by a unanimous vote of 5-0.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Margaret L. Burg". The signature is written in black ink and is positioned above the printed name.

Margaret L. Burg, Secretary