WARRINGTON TOWNSHIP

Minutes of the Zoning Hearing Board Meeting

Held, pursuant to due notice, in the Municipal Building

3345 Rosstown Road, Wellsville, PA 17365

Thursday, March 2, 2023, 7:00 PM

Presiding: Mr. Allan Winey, Chairman

Ms. Lisa Frye, Co-Chairman

Mr. Gregory Seifert

Mrs. Janelle Lance

Staff Present: Attorney Scott Harper, Solicitor

Terry Myers, Engineer

Eric Swiger, Zoning Officer

Renee Robison, Manager/Secretary

Tammy Rinehart, Court Reporter

The meeting was opened with the Pledge to the Flag.

Zoning Hearing Board Re-Organization – As this is the first meeting in 2023, **Motion** made by Mr. Seifert and seconded by Mrs. Lance to keep Mr. Winey as the Chairman and Ms. Frye as the Co-Chairman. Motion carried unanimously.

Minutes – **Motion** made by Ms. Frye and seconded by Mr. Seifert to approve the December 1, 2022, Minutes. Motion carried unanimously.

Case#: ZHB2023-01

Applicant: Brant & Holly Maley

Location of Property: 120 Buttercup Lane

Applicant’s request: Special Exception to Warrington Township Ordinance Article IV Section 401© - fences and walls. Requirement that fences be setback a minimum of 3’ from side and rear property lines.

Mr. Maley had a PowerPoint presentation explaining his situation to keep his horses in an enclosure. He also needs to keep his dog safe and keep him from going over the neighbor’s yard. His dog had gone to the neighbor’s property because of the previous residents but has not gone over since the fence was installed in October 2022. The barn was constructed in 2021 and he didn’t think he needed an additional permit. He explained the fence cost $4000, and it would be an additional $3000 to take the fence down if needed was a hardship. It was explained that financial reasons are not a hardship.

It was discussed whether the request should be for a special exception or for a variance. Attorney Harper does not think he qualifies for a variance.

The following were sworn in by the Solicitor for possible testimony and they stated their concerns or their support: Jim Miller, Heidi Christophel, Paula Trovy, Jeremy Nye, Ron Goforth, Jason Weaver, Spring Cromer, Matthew Weeden, Summer Horn, John Horn, Isabella Maley and Matthew Weeden.

The following testimony was heard:

John Horn stated that there have been issues with Mr. Maley’s dog coming onto the property. The previous neighbors moved out the summer of 2021. Mr. Maley stated that was his reason to put the fence up. Mr. Horn stated he wants whatever the Township wants to resolve this. The fence was started outside of the right-of-way, and it goes to the property line. He also stated the confusion of what an “enclosure” means – to close in or surround. He stated the aerial view shows their nice residential development, but he feels Mr. Maley has a lack of consideration for their neighbors. He thinks the fence is higher than the maximum height allows. Mr. Horn also stated if the fence is hotwired, then this is a problem. Mr. Maley has not determined yet if he is doing this.

Summer Horn was very upset about Mr. Maley’s dog coming onto their property and attacking their dog. She believes the rules for the fence permits should be enforced.

Jason Weaver asked about the right-of-way and that there is only 2 feet on each side to get to the barn, making it difficult for Mr. Maley to get his SuperDuty truck to the barn. Mr. Weaver asked if horses are allowed in the development and Mr. Maley stated that the Covenants do not allow horses, but the Township did.

Jeremy Nye – 114 Buttercup, Mr. Nye stated that a legal trailer is 8’5” and it shouldn’t be a problem to get to the barn to deliver hay. He also stated having horses is in violation of the covenants.

Ron Goforth – 116 N. Winding Road, spoke with Mr. Maley previously and had given verbal permission to install the fence on his side.

Paula Trovey – stated the problem is the fence line and realizes the intent was for the enclosure for horses.

Spring Cromer noted that the fence is already there and if they are going to take care of it and maintain it, she doesn’t see a problem with it.

Isabella Maley stated they got their first horse, as a therapy horse, April 10, 2021, and the Horns moved in July 2021 and knew there were horses.

Matthew Weeden stated if the fence is a long-term total enclosure up to the property line, then this will keep the animals safe.

Testimony was closed and there was a break for an Executive Session at 8:37 p.m.

Meeting called to order 8:52 p.m. after Executive Session.

**Motion** was made by Mrs. Frye and seconded by Mr. Seifert to deny ZH-2023-01, requesting a special exception of the Warrington Township Ordinance, Article IV Section 401©1 at 120 Buttercup Lane, Wellsville, PA. Motion carried unanimously.

Zoning Hearing Case

Case# ZHB-2023-02

Applicant: Embee Real Estate LLC

Location of Property: 7501 Carlisle Rd, Wellsville, PA 17365

Applicant’s request: special exception in conjunction with Variance. The Special Exception request is for a Multi-Family use in the Village Commercial Zone. The Variance is requested due to the property not meeting the minimum acreage required for a Multi-Family dwelling.

Blake Moore and Jared Moore were in attendance, in addition to Kimberly Ginter, who is the current owner. Jared Moore stated his background of owning a local farm and other properties. Currently, there are 2 apartments in this building of 6,000 square feet. They would like to have 4 units. There are 4 parking spaces per unit and there have not been any water issues. He stated local businesses would get more business with more residents. They agreed that they have to work with an architect. GE/Verizon has a shed on this property with a 99-year lease and there must be clearance to the building. There is a separate driveway to the shed. There are actually 21 parking spots. There is a dumpster in the parking lot also.

**Motion** made by Ms. Frye to approve the Variance for multi-family use in the Village Commercial Zone, seconded by Mr. Seifert. Motion passed unanimously. Motion withdrawn by Mr. Seifert.

**Motion** made by Ms. Frye to approve the Special Exception for multi-family use in the Village Commercial Zone. Seconded by Mr. Seifert. Motion passed unanimously.

An oral motion requested by Jared Moore to withdraw the request for the variance and was accepted by the Zoning Committee.

**Adjournment**

**Motion** was made by Mrs. Frye and seconded by Mr. Seifert to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 9:22 PM.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Renee Robison

Manager/Secretary