

**Dallastown Borough Planning Commission
Minutes: October 1, 2012**

The meeting was called to order at 7:01 pm.

Case: **2012-05**

Applicant: **Michael & Eileen Shupp**

Address: **147 N. Park St., Dallastown, PA 17313 (Tax Map 02, Parcel 0220 B0)**

Zoned: **R-O**

Applicant is requesting a special exception from Section 303.C.12 (Residential-Outlying Zone - Multifamily Dwelling). The applicant is seeking approval to build an addition creating a third residential unit onto their existing home (currently two residential units).

The applicant was represented by Eileen Shupp. She indicated that there are presently two (2) residential units, and they wish to add a third, partial unit. An in-law residence is currently attached to the home. Applicants wish to sell the main home to their children and applicants wish to move into the in-law quarters and they wish to build some additional space to allow for the Mother-in-Law, who requires living assistance. The existing in-law addition to the home pre-dates the current owner's possession. The requested expansion is solely for habitation by family. Mr. Taggart clarified that the dwelling is considered a two-family attached. There are separate kitchens/kitchenettes. Applicants are not adding another kitchen area, though it could be done in the future (which would be an issue), but the applicant has no intention to add a kitchen. The applicants' family wishes to take measures to keep the family members together in a fashion similar to what they experienced - with the grandparents in residence and close. There is no intention to rent the extension out by the applicants.

The location address causes some confusion as it is technically in the 300-block, though the address is 147 N. Park St. It was asked if there is separate water and sewer planned for the new addition, as there are two connections at this time. A third connection may be necessary, which would be determined by meetings with the Borough Council and Water Authority and not at this venue. The applicant stated her disappointment that there may be an additional investment to add another water/sewer connection, when there is the likelihood that the space will convert to part of the main home in the future.

Commission member indicated that there are limitations to distance between buildings. Applicant clarified that the addition is completely attached, and there is not a separate building. Mr. Miller moved to approve the special exception for a 3rd unit to the existing home, with the condition that when the in-law quarters unit is vacated that the applicants will move in. Motion seconded and unanimous vote was made.

The Zoning meeting is on the 22nd and the final decision will be made at that time. The Chair suggested that applicant bring pictures of the property and plans for their convenience.

Case: **2012-06**

Applicant: **Ismael Munoz**, 104 S. Pleasant Ave., Dallastown, PA 17313

Address: **280 N. Park St., Dallastown, PA 17313 (Tax Map 02, Parcel 0209 C0)**

Zoned: **I-G**

Applicant is requesting a variance from Section 307B (Industrial Zone – Uses by right) & Section 307J (Two uses permitted). The applicant is seeking approval to finish the second floor of an existing commercial building creating a third use on the property. The proposed third use is a karate school. The property is owned by Doug Bray of 280 North Park Street, Dallastown, PA 17313.

The applicant, Mr. Munoz, was present and stated that he wishes to build a karate school at 280 N. Park Street. He has approximately 15 students, which he currently teaches from 4:00 pm to 9:00 pm in a form of Shotokan Karate. His interest is in helping to keep kids off the street. The chair asked if new additions are planned, or if this is an existing unit or property. The owner was present and showed plans detailing the space intended to be used. The space is already existing brick building where the upstairs second level is vacant. The plumbing is in, but needs to be completed. There were stairs there, though they were ripped out and will need to be re-built.

The property owner believes that there are about 20 parking spaces outside. The occupants of the first-level business (Leverwood) close at 4:00 pm and the karate school would open at that time. Leverwood has only 3 office people on staff, so parking is not believed to be an issue. Mr. Munoz intends to operate his karate school Monday through Saturday from 8:00 am to 8:00 pm. Applicant cleans the facility on Sundays – sanitizing the space.

Mr. Taggart added that since this is a requested variance, if hours of operation are expanded, a new variance would need to be requested. Signage is planned to be a small sign on the door, not a large sign outside the facility. There are lights at the entrance and the flagpole, but it was recommended that outdoor lighting be provided for the parking area. The building owner assured that lights will be added for parking safety.

A Council member asked if there is a separate entrance for this business. Owner stated that visitors go into the main entrance where there are (3) separate access options from the vestibule to the three (3) different businesses. It was observed that lighting and emergency exits are L&I issues and not for this venue. The normal sessions are one-on-one classes, which last about an hour and it is believed that the most spaces for parking needed at any one time is six (6).

There was additional discussion on the subject of parking and it was decided that if they get to a point of needing additional parking, that a larger professional space will be needed and that this is not a concern at this time.

The Chair asked if further discussion is desired. A gentleman stood up, identified himself as Mr. Shannon Morris, and stated that he has been a student of Mr. Munoz for twelve (12) years and that he can't imagine why we wouldn't want such a great school. Ismael Munoz also presented paperwork showing the new title of the school. Several students were present for the meeting, showing their support.

Mr. McCallum made a Motion to approve the variance for the karate school at 280 N. Park Street with the business hours of 4:00 pm to 9:00 pm Monday through Friday and Saturday 8:00 am – 8:00 pm. If the number of students increases, the Dallastown Borough Office should be notified. Lighting must be ensured around the building and parking lot to ensure safety of students and instructors. If Sunday hours desired, an additional variance must be requested. The motion seconded by Mr. Miller and carried unanimously.

Mr. Munoz asked if he would have to seek another variance if he added Sunday classes. The answer from the Planning Commission was yes.

The Chair explained the difference between this informal meeting and the Zoning Hearing Board meeting, which is a formal hearing, which will have an attorney and stenographer present. The meeting will be on October 22nd and may be in the smaller room adjacent to the meeting room, which will likely be used by Borough Council on that evening.

Case: 2012-07

Applicant: Leeann Querry, 497 Windsor Rd., York, PA 17402

Address: 258A Railroad St., Dallastown, PA 17313 (Tax Map 02, Parcel 0209)

Zoned: I-G

Applicant is requesting a variance from Section 307B (Industrial Zone – Uses by right). The applicant is seeking approval to sell used ATVs & motorcycles on the property. The property in question is located at 258A Railroad St., Dallastown, PA 17313. The property is owned by Jamie Hartlaub of 158 Kimberly Lane, East Berlin, PA 17316.

Applicant was present with her fiancé and financier to the proposal, Mark Frey (henceforth referred to as "Applicants") and the Planning Commission reviewed the Zoning Ordinance. Applicants are the renters of the property. The current use of the premises is ATV and motorcycle repair and service. Applicants want to add sales to their functions and they added that the state wants lines painted on the asphalt for parking spaces provided. There is room for roughly 20 parking spaces. Most parking will be drop-off and pick-up. There is another end to the building where there is a business doing state inspections, which has independent parking. Applicants are modifying the use of the building, but aren't making a substantial change to add sales to their current purpose. Applicants added that their

insurance requires that the bikes and ATVs be brought back indoors at night to secure them and that they can be displayed outdoors during the day only. The variance was requested since "sales" is not a listed use in an industrial zone.

The Chair asked how many employees Applicants have. Mr. Frey indicated that he is the only employee and that Leeann will be the only other as a sales person. Mr. Frey is hoping to have his son involved at some point in the future as well. The Chair also pointed out that the paved parking area must be lined at some point. Mr. Taggart indicated that borough ordinance requires 10' x 20' spaces and that they have 5,000 sq. ft. to work with. Mr. Taggart's assistance was offered if needed to determine dimensions. Parking is based on gross floor area - 1,200 sq. ft. of floor space, for service, office and display. Business hours will be 8:00 am to 8:00 pm Monday - Saturday. The parking lot is lit. Chair asked if there is adequate drainage in the lot. Mr. Frey said that the water drains down the road, but the lot is not having any particular issues. After further review and discussion, it was determined that no matter how it's calculated, there is plenty of parking available and only 6 spaces would be necessary.

Mr. Taggart asked how they plan to use the outdoor display area. Applicants plan to have units out during the day for show - and lock them up at night for insurance and protection requirements. Planning member asked how long they have been on the property. Applicant advised that they started September 1st, so they are new to the property. They also stated that they wish to do some screening at the back of the property.

Adjoining property owner, Joe Colahan - 132 N. Lombard Street, Dallastown, was present and presented concerns about the "junk" on the property, which the applicants indicated they are removing. Mr. Colahan would like to see the property owner add a PVC fence behind the display area to replace the dilapidated chain link fence that is currently there. There was old equipment and junk there before, which led to a mosquito problem in the past. Applicant agrees that the fence is a very good idea. Mr. Colahan praised the new property owner for their obvious efforts at improvement of the property.

There was discussion about the zoning of Mr. Colahan's property and the fact that it's industrial. It is not essential per zoning to add the fence (~50'), but since Mr. Colahan's residential property adjoins the industrial facility, a privacy fence would be an appropriate requirement for privacy, security, and protection. Mr. Colahan would like to see a fence up to his storage shed - to shield his property from the industrial area for security and aesthetics. There was additional discussion on the zoning of the adjoining residential property and the language in the zoning ordinance - Section 605: "All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties." It could be a condition of the approval to consider Mr. Colahan's request to have his home zoned as outlying residential.

The Chair moved to approve variance request to sell motorcycles, ATV's, parts and accessories, with conditions that there is adequate lighting for evening hours and that a privacy fence is installed to replace the existing chain-link fence - in a color that will not

detract from the area. Hours of operation will be 8:00 am – 8:00 pm Monday through Saturday. Mrs. Stambaugh seconded the motion and it carried unanimously.

Applicants were requested to please bring a good layout of the parking area and a couple of photos of the outside and back to support the requests.

Applicant, Mr. Frey asked if he can go ahead and paint the parking spaces. He will get together with Mr. Taggart to address the parking space assignment and lines.

The meeting adjourned at 8:21 PM.

Attendance: Susan Sprague, Chair
Doug Miller, Vice-Chair
George McCallum (R)
Leigh Ann Stambaugh, Secretary

Other: Nate Taggart, Planning & Zoning

Prepared by: Leigh Ann Stambaugh