

NORTH CODORUS TOWNSHIP
Zoning Hearing Board Minutes
March 16, 2023

Duane Kerstetter called the meeting to order at 7:16 p.m. Members present: Steven Smith, Travis Jones. Present on behalf of the Township: Zoning Officer Jeffrey Martz and Attorney Beth Kern. Also present: Stenographer, Recording Secretary, and about thirty-four citizens.

I. **Zoning Cases**

A. ZHB #23-01, Predix Properties LLC, of 815 George Street, York, Pa. is requesting Variances to redevelop a vacant building into 24 one- and two-bedroom apartments. The following Variances are requested, §195-45 Medium Low Density Residential District (R2), C1(a), §195-10 Table 195-10C Multifamily Dwellings, §195-45 Parking, Table 195-10C Maximum number of units per building, §195-10C Maximum Lot coverage, §195-48A(7)(a) Parking Lot setback, §195-48(7)(c) Off Street Parking, §165-41(B)1 Parking and Loading areas, Table 195-10C Minimum yard setback. The property is in the Village Center Zoning District located at 1470 Fire Hall Rd., Spring Grove and known as Tax Map/Parcel 40-000-03-0050.00-00000.

Attorney Kern asked whether the applicate was planning to put on evidence or give testimony on whether this is not a residential conversion under the zoning code? Would the applicant like take it under advisement with his attorney to do a formal verbal amendment to his application or submit a time waiver to submit an amended application packet to be heard at a later date? Applicate, Seth Predix owner of Predix Properties LLC, stated he would like to wait for his council to arrive. Chairman Kerstetter stated that they would recess the meeting at 7:21 p.m. and reconvene at 7:30 p.m. to give the applicant's council time to arrive.

At 7:30 p.m., the meeting reconvened. The applicant along with his attorney, Alex Snyder requested to make a formal verbal amendment to their application to include a Special Exception for a residential multifamily conversion.

Seth Predix gave a history on the property; it was built as a Fire Hall and Community Center and was sold privately over a decade ago and has had no purpose or occupancy ever since. The purpose of his business is to buy and repropose blighted properties into multifamily housing. His plan for the proposed building is to maximize the efficiency and capacity of the existing site. By going vertical and adding two stories along with bump outs for stair towers it would allow him to increase the density. The proposed building would have traditional finishes that would blend with the existing residential neighborhood. The property will have two accesses and they are proposing to be a good neighbor and share visitor parking with the neighboring baseball field. It was questioned how there would be enough parking for the tenants of the proposed building in addition to the ball field with only fifty-six parking spots in total? Mr. Predix stated that with proper signage and working with the baseball team's manager that he was confident that something could be worked out so both parties would be happy while respecting neighboring

properties. He also stated that with twenty-four units and fifty-six parking spots, that is over two spots per unit and is a very good ratio. Typically, only one and a half spots per unit is all that is required to keep the residents happy.

The floor plans for the building show eight units per floor, with the units being over one thousand square feet, with the smallest unit being 990 square feet. The target resident is someone looking for the country setting, young professionals, people looking to downsize, etc. His vision for this project is to convert the existing Fire Hall into one- and two-bedroom apartments that will feature granite countertops, luxury vinyl plank flooring, stainless steel appliances, washer, dryer, cameras, new electrical, sprinklers, fire alarms, secure access, public water and public sewer along with outdoor space. The property does not currently have public sewer, but a study was completed and showed that it would be feasible to connect. So, it would be connected during the construction of this project. This project would also increase the much-needed housing for the Township and increase the tax base by recycling an existing blighted structure without disturbing the farmland.

Attorney Snyder stated that several variances are being requested due to the blighted condition of the property and the density that Mr. Predix has had luck with in his other existing buildings. The hardship is there is an existing building on the property, and it would not be feasible to rehab the building without increasing the density. Mr. Predix stated that to make it feasible they look at hardship of the building, marketability and the lot. To efficiently maximize this site, they would have to increase the structure vertically and due to the fixed costs, that would be involved in the revitalization of the building they would need to increase the density to make the project financially feasible.

Mr. Predix stated that if the project moves forward that they will be abiding to all the current building codes and fire codes. He feels property values have never gone down after he has completed a project in the surrounding communities. He also feels that traffic would not increase or decrease due to this project. EMS would have access on all four sides, when the project would be completed it would have radio signals in case of an emergency and be fully sprinklered with fire alarms and two-hour fire walls. It was questioned where the snow would be plowed to from this property if the variances was approved for the setbacks. They would push the snow back by where the swing sets are now. He feels it will not be an issue. How will parking be allocated? It goes by the number of people that are listed on the lease. They develop a parking map that allocates and assigns the parking spaces per unit. They are requesting a special exception to allow the conversion of an existing building and converting it to a multifamily dwelling. The applicator is requesting the following variances: *1) Section 195-10 Medium Low Density Residential District (R-2) Section C-1) A: The maximum density for dwellings with public water and sewage services shall be four units per buildable acre. Table 195-10C Multifamily Dwellings: 1-acre total lot area required, maximum average of 4 dwelling units per buildable acre, as calculated under subsection C (1). Applicant is requesting a variance to increase the density to 28 units per acre. The current applicant is requesting to construct 24 units on .857 acres.*

The Board questioned whether the 28 units per acre was excessive? Mr. Predix explained that the building has set vacant for over a decade and that there are hardships that need to be looked at for the building to be revitalized or it will sit vacant for another decade.

2) Section 195-10 Table 195-10C Multifamily Dwellings: -1-acre total lot area required. The

applicant is requesting a Variance to construct 24 multifamily dwellings on 37.346 sq ft or .857 acres. 3) Section 195-45, Section E. Multifamily: 1.5 spaces for each one-bedroom unit; 2 spaces for each 2 or more-bedroom unit. A 3rd parking space per dwelling unit shall be required to be provided in the development if it cannot be accommodated through on-street parking. The applicant is requesting a variance from a hardship created by the existing building to allow 56 proposed parking spaces as the ordinance requires 66 parking spaces. A variance is requested for a total of 56 parking spaces for (12) twelve-one-bedroom units and (12) twelve, two-bedroom units. 4) Table 195-10C, Maximum number of units per building is (16) sixteen. The applicant is proposing 24 units per building (8 units per floor). 5) Table 195-10C, Maximum lot coverage will not exceed 60% for multifamily. The applicant is proposing the lot coverage of 77% to accommodate adequate redevelopment for the proposed project. 6) Section 195-48A. (7)(a) All parking lots shall be set back from any street line in conformance with the applicable building setback requirements and in compliance with additional setback requirements set forth in the North Codorus SALDO. Applicant is requesting a variance for parking spaces encroaching past the building setback line approximately 10 feet past the right of way line. 7) Section 195-48A. (7)(c) All off-street parking shall be setback 10 feet from the side or rear lot line. Applicant is requesting a variance to place parking up to the property line on side or rear lot lines. Parking currently already exists up to the side and rear property lines on the current building. 8) Section 165-41: Parking and loading areas: B (1) where a parking area abuts a street or property line, a landscaped strip shall be provided along the entire street right of way and/or property line. Applicant is requesting a variance as the existing conditions have the parking lot already located to the property line. This would encroach on the existing layout and create a hardship on the existing and proposed parking lot.

Attorney Kern asked the applicant to clarify if this variance they are applying for is under the Subdivision and Land Development Ordinance or the Zoning Ordinance? It was stated that it is under the Subdivision and Land Development Ordinance.

9) Table 195-10C Multifamily Dwellings: Minimum Yard Setbacks: Minimum front yard setback is currently 25 feet. The applicant is requesting a variance to decrease the minimum front yard setback to approximately 7.74 feet of the right of way line to add on an addition to the existing structure. This would allow the addition and the existing building to protrude out 3 ft, which will allow adequate room for the new stair tower to be constructed, while looking architecturally pleasing. The current building is already non-conforming to the 25-foot setback requirement.

In conclusion they realize that they are asking for a lot in terms of variances, but they believe that for residential redevelopment they are asking for the minimum that would make this project feasible because of the nature and condition of the property.

The board stated that the building has been sitting there for a very long time, there are a lot of other uses that it could be used for but none of those uses have come forward.

Public Comment- 11 residents were sworn in.

Eric Tracy questioned if the traffic on the alleyway between the ball field and the row of houses is being taken into consideration, he also questioned the property lines for the parking lot. Mr. Predix stated that the traffic from this project will be directed towards Firehall Road not towards the alleyway. He also stated that he had Gordon Brown conduct a survey of the property and provided Mr. Tracy a copy that shows where the property lines are.

Lisa Carpen stated that she moved here from Philadelphia over twenty years ago, she loves the view, and it is peaceful and calm. She doesn't want that to change, she also doesn't want any more crime brought to the area. Mr. Predix stated that he has a property management company, and they do criminal background checks and income verification during the approval process on all tenants before they sign a lease agreement.

Beth Diehl stated she also has concerns on the traffic this project would create considering it would triple the number of cars that will travel Firehall Road, and it will take away the quietness and the view that residents currently enjoy.

Tim Thoman, with Stoverstown Baseball Team stated that the land/field was donated and designed to be used for community purposes only. And was sold at auction to be used as a community center. Mr. Predix commented that this has been reviewed by the Township Planning Commission and was recommended for approval, they didn't foresee that the building was going to be repositioned for community use so that is why they moved forward with the proposed project.

Noah Kinard made a statement on behalf of the current owners, when they purchased the property and had the idea of doing a Community Center, they were given the impression that there would have been grant money available for the project. That was not the case, nothing is going to be happening with this building, it would take over a million dollars to fix the building and they can't do it. He spoke about Seth Predix and how he could make this building into something good for the community. The board asked if the property was on the market, or if this was a private sale? It would be a private sale.

John Stein expressed his concerns about the traffic on Firehall Road and Westside Lane, he feels both would need to widen. Another concern was fire suppression, the closest ladder truck at this time is in Spring Grove. And would there be enough water pressure for a three-story structure? Mr. Predix stated that they would have their own fire department connection on the building and his sprinkler contractor does a study and if there would not be enough pressure, they would put in an internal pump or install a loop system which creates more volume. All of which is reviewed by a third party and designed by engineers.

Victoria Bortner expressed her concern about the safety of her animals any the liability if children come onto her property. She also stated her concern with the parking. Mr. Predix stated that there are private property laws, and she should call the police if people are coming onto her property. He does install cameras on his property and 95% of his tenants do not have children but he understands her concern.

Ryan Loucks asked if Mr. Predix would mind sharing after he stabilizes the property what his anticipated cap rate is for the first stabilized year? Mr. Predix didn't feel it was relevant. Mr. Loucks mentioned that if he could do the project with just sixteen units with a normal cap rate for the area, he doesn't feel it would be unreasonable to accommodate. It would just take longer for the rate of return on the project. Mr. Predix stated that it just isn't feasible with all the fixed costs. The board posed a question for the residents and asked if the project was dropped to sixteen units vs. twenty-four would that make a difference in the opinions? It was stated that it dictates why the land was originally donated in the beginning. The board asked if the property was given to the community how did Willow get the property? Ryan Loucks stated that she bought it at auction and that there is nothing in the sale paper works that states it must be used for the community, it was sold as is and is private property.

Justin Smay stated that he feels that the hardships being presented are to the Township not to the applicant.

Levi Krouse asked if the building goes up what is the liability for the ball players, as foul balls hit the building frequently. Mr. Predix stated that he has looked at high density metal screens to go over the windows and possibly purchasing a screen for the ball field. He feels they can work together to address any concerns. He also stated that he craves out a portion of his proceeds to put back into the community and feels the concerns can be addressed.

Nelson Brenneman stated that Willow purchased the building for a community building, she couldn't come up with the funds to fix up the property and asked the township for help, but the township did not want to put any money into it and that is why it sits as it is.

The Planning Commission unanimously recommended approval of the request for all Variances.

Hearing closed at 9:17 p.m.

Hearing reconvened at 10:29p.m. after an executive session to discuss legal questions of the Board.

Ruling:

Chairman Kerstetter read the ordinance for the Special Exception that was verbally added tonight. *The Special Exception shall be granted or denied pursuant to express standards set forth in article 4. and problem general visions. The proposed use is compatible with the surrounding area including regards to the environmental impacts, noise, health and safety hazards, congestion, illuminations and glare. The proposed use is suitable for the site with respect to existing or future streets and will not create traffic congestion or cause nonresidential traffic on residential streets. The proposed use will be provided with adequate water supply, sewage disposal, storm drainage, trash and garbage collection. The proposed use shall be in conformance with all applicable requirements of the Zoning Ordinance and the Subdivision and Land Development Ordinances.* *I don't have the correct wordage here and cannot make it out on my recording...*

It is in his opinion that this proposed use does not meet the special exception. With the apartment complex there will be lights, glare and activity around it which will create negative impact to the residents around it.

Motion by Jones, second by Smith to approve the Special Expectation as stated. All members voted nay; motion carried.

Motion by Jones, second by Smith to approve the variance request for *Section 195-10 Medium Low Density Residential District (R-2) Section C-1) A*. All members voted nay; motion carried.

Motion by Smith, second by Jones to approve the variance request for *Section 195-10 Table 195-10C Multifamily Dwellings*. All members voted nay; motion carried.

Motion by Jones, second by Smith to approve the variance request for *Section 195-45, Section E. Multifamily*. All members voted nay; motion carried.

Motion by Jones, second by Smith to approve the variance request for *Table 195-10C, Maximum number of units per building*. All members voted nay; motion carried.

Motion by Jones, second by Smith to approve the variance request for *Table 195-10C, Maximum lot coverage*. All members voted nay; motion carried.

Motion by Smith, second by Jones to approve the variance request for *Section 195-48A. (7)(a) All parking lots shall be set back*. All members voted nay; motion carried.

Motion by Smith, second by Jones to approve the variance request for *Section 195-48A. (7)(c) All off-street parking*. All members voted nay; motion carried.

Motion by Smith, second by Jones to approve the variance request for *Section 165-41: Parking and loading areas*. All members voted nay; motion carried.

Motion by Smith, second by Jones to approve the variance request for *Table 195-10C Multifamily Dwellings: Minimum Yard Setbacks*. All members voted nay; motion carried.

Meeting adjourned at 10:28p.m.

Respectfully submitted,

Katina Wagner,
Recording Secretary