

## **Conewago Township Zoning Hearing Board**

Minutes of Meeting held on: Wednesday, February 3, 2021 Time: 6:00pm

Case Number 2-2021

Meeting called to order at 6:00pm by Chairman Dennis Kacmarczyk.

Meeting began with the Pledge of Allegiance to the Flag.

In attendance were board members:

Dennis Kacmarczyk – Chairman  
James Finecey – Vice Chairman  
Gerald Lippy  
George Weih  
Kelly McKee.

It was determined that a quorum was present.

Also in attendance were:

David W. Arndt, Jr. – Conewago Township Zoning & Code Enforcement Officer  
Harold A. Eastman, Jr. Esq. – Zoning Hearing Board Solicitor  
Corrie Ondrizek – Stenographer

There were eleven people in the audience.

Minutes from the September 2, 2020 meeting were approved as written. Approval vote: 5-0

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to sign the attendance sheet.

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to stand and be sworn in.

Chairman Kacmarczyk asked if there were any objectors to tonight's hearing. There were none.

Chairman Kacmarczyk opened the hearing for Zoning Hearing Board Case #2-2021 pertaining to a variance request from Section 155-14.B and 155-14.C of the Zoning Ordinance of Conawago Township filed by Racehorse Road, LLC.

Zoning and Code Enforcement Officer David W. Arndt, Jr. presented the following:

The purpose of the zoning hearing in Case No. 2-2021 is to consider an Application to the Zoning Hearing Board filed the by Applicant, Racehorse Road, LLC, relative to certain real property identified by street address as 5955 Hanover Road, Hanover, Conewago Twp., Adams Co., PA. The real property, which is located in the Township's Agricultural Zone (A) zoning district, is further identified as Adams County Tax Map/Parcel ID No.: 08K15-0004—

000. The Applicant is requesting the grant of a variance from the uses permitted by right and by special exception pursuant to Sections 155-14.B and 155-14.C of the Conewago Township Zoning Ordinance in order for a residential tenant to operate a tattoo parlor accessory to the single-family detached dwelling residential use of the property.

Chairman Kacmarczyk called for testimony from the applicant.

Monica Vrankin, representing Racehorse Road LLC., testified stating the tattoo shop would be temporary, there are no close neighbors, the location is close to retail businesses, only one customer at a time, parking is available, and the occupant of the building is the tattoo artist.

Chairman Kacmarczyk swore in additional witnesses

Dan Embury, the occupant of the building, testified stating he is a trained tattoo artist, face masks will be required, proper inks and clean needles will be used. The applicant submitted as exhibit #1 a petition, signed by his neighbors, supporting the application for a variance.

Chairman Kacmarczyk called for any objector's testimony. There was none.

Chairman Kacmarczyk opened the hearing to Township questions.

David Arndt Jr., Township Zoning and Code Enforcement Officer, stated the township's objections to the granting of the requested variance, and said suitable locations are available for a tattoo shop in the area.

Chairman Kacmarczyk opened the hearing to questions from the Board.

There were questions about the number of employees working at the tattoo shop, and the exact nature of the hardship on the property. The Board solicitor explained what a variance is and the criteria for granting a variance. There were also questions pertaining to existing retail space availability, retail sales on site, signage, and hours of operation.

Chairman Kacmarczyk asked for any concluding remarks. There were none.

At 6:35pm Chairman Kacmarczyk called for an executive session to review the case.

At 7:05pm Chairman Kacmarczyk reconvened the meeting.

Secretary Weih read a Motion to Deny the applicant's request for a use variance. (Vote 5-0)

Secretary Weih read a motion to direct the zoning Hearing Board Solicitor to complete the written decision document. Vote (5-0)

The Zoning Hearing Board solicitor explained the decision of the Board.

Chairman Kacmarczyk called for any unfinished business.

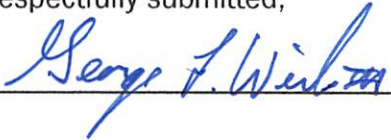
Harold A. Eastman Jr. presented a request from McNEES WALLACE & NURICK LLC to reschedule a ZHB Hearing on the Racehorse Road, LLC. Substantive Validity Challenge to on or before April 30, 2021

A motion was presented to convene a hearing on April 14, 2021. (Vote 5-0)

Chairman Kacmarczyk called for any new business. (none)

The hearing was adjourned at 7:45pm. (Vote 5-0)

Respectfully submitted,



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George Weih, Secretary, Conewago Township Zoning Hearing Board