

Manheim Township Zoning Hearing Board Minutes
Monday, December 2, 2013
6:30 P.M.

Attendance:

Helen Adams	Present
Patrick Trimble	Present
David Wood	Absent
Gregory Strausser	Present
Jennifer Luciani	Present

Acting Chairman Patrick Trimble called the Zoning Hearing Board meeting to order, by explaining the Zoning Hearing Board meeting process and announcing the agenda.

Anh T. Luu

Case PLZHB13214

62 Overlook Avenue, R-2

Anh Luu, Charmane Weaver, Lisa Wedge, Robert Herr, John Sellers, Mark & Darlene Finnigan, Lisa Carrigan were sworn in for testimony.

Ms. Luu explained her request regarding a special exception for a major home occupation to permit a non-resident employee and a variance to permit servicing two persons at a time. Ms. Luu stated that her husband lost his job, she is taking care of her parents, and she wants to work fewer hours at the hair salon and wants the employee to support her hair salon hours.

Mr. Trimble reviewed Ms. Luu's 2010 Zoning Hearing Board case for this existing hair salon with Ms. Luu. Mr. Trimble explained that the request for an employee is a variance and not a special exception, because the Zoning Hearing Board made it a condition of the 2010 hearing not to allow a second employee.

Mr. Albert explained the difference between a special exception and a variance. Mr. Albert stated that personal reasons are not considered hardships.

Public comment: Several neighbors voiced the following concerns with the existing hair salon business: Too much traffic, customers park on the street and not in the driveway, too many cars, and the driveway was not widened like she promised in 2010. A neighbor stated that Ms. Luu is not complying with the 2010 decision.

Ms. Luu stated that she did not want to increase her business.

Mr. Strausser moved to deny a special exception in accordance with Zoning Ordinance Section 2110.4.A. and Code of Manheim Township Section 510-166.D.1 to permit an existing beauty salon major home occupation to employ one (1) nonresident; and deny a variance of Zoning Ordinance Section 2110.4.M.3 and Code Of Manheim Township Section 510-166.D.13.c. to permit service of two (2) persons at a time. Ms. Adams seconded the motion. The motion was approved 3-1 with Ms. Luciani dissenting.

Zoning Hearing Board Minutes

December 2, 2013

Page 2

Hess Home Builders

2467 Lititz Pike, B-2 & T-5 Neffsville Neighborhood Overlay

Case PLZHB13215

Mark Diener was sworn in for testimony.

Mr. Diener explained that the Metro Pizza building is empty and a café use is planning to occupy the building. The Board asked what type of café would occupy the building. Mr. Diener was not aware of the type cafe. The parking situation was discussed with the Board.

There was an executive session.

The Board stated to Mr. Diener that there was not enough information given in the testimony and questioned if he would like the Zoning hearing Board to vote on the case tonight or request a continuance to the next regularly scheduled Zoning Hearing Board meeting. Mr. Diener chose to request a continuance to the January Zoning Hearing Board meeting in order to present more information about the proposed café.

Mr. Strausser moved to approve the applicant's request for a continuance to the January Zoning Hearing Board meeting. Ms. Luciani seconded the motion. The motion was approved 4-0

R. Mac Reeves

1961 Landis Valley Road, R-2

Case PLZHB13223

Mr. Strausser recused himself from this hearing because his civil engineering company is involved with this project.

Caroline Hoffer, Robert Board, Ann Lusk and Jane Reeves were sworn in for testimony.

Referencing the large site plan, Ms. Hoffer described the property and stated that a lot add on plan was being planned, and then the property will be subdivided into two equal sized lots. Each lot must be at least 60,000 square feet to comply with the zoning ordinance for a lot with on lot sewer. In addition, Ms. Hoffer stated that the 'Township will take some land to widen the street right of way.

Ms. Hoffer explained the proposed variances regarding the dwelling encroaching within the front yard setback, reduce the clear site triangle to eighty-four (84) feet, allow a shed as a principal use on lot 1, to allow fences to encroach within the street right of way and the fence setback along the street. Ms. Hoffer stated that there will be no new construction with this request.

Ms. Luciani moved to approve the following requests: a variance of Zoning Ordinance Section 805.2.B.2.d.i. and Code of Manheim Township Section 510-32.B.2.b.4.a. to permit a front yard less than twenty-five (25) feet for the existing dwelling; a variance of Zoning Ordinance Section 2202. and Code of Manheim Township Section 510-171. to permit an eighty-four (84) foot clear site triangle; a variance of Zoning Ordinance Section 802.8. and Code of Manheim Township Section 510-29.H. to permit an existing accessory shed to be a principal use on lot 1; a variance

Zoning Hearing Board Minutes

December 2, 2013

Page 3

of Zoning Ordinance Section 2108.5. and Code of Manheim Township Section 510-164.E. to allow a side yard fence to extend greater than one half ($\frac{1}{2}$) the front yard setback of an adjacent property on lot 2; a variance of Zoning Ordinance Section 2108.6. and Code of Manheim Township Section 510-164.F. to allow a fence in a proposed right of way on lot 1. Ms. Adams seconded the motion. The motion was approved 4-0.

The meeting was adjourned at 8:16 PM. The next regularly scheduled meeting will be held on Tuesday, January 7, 2014 at 6:30 P.M.