

Manheim Township Zoning Hearing Board Minutes
Monday, June 1, 2015
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
Helen Adams	Present
Jennifer Luciani	Present
David Beyer	Present
Patrick Trimble	Absent

Chairman David Wood called the meeting to order, requested a roll call and explained the meeting process and announced the agenda items.

Nguyen Phuong **PLZHB15033**
500 Pleasure Road, R-3 and T-4 Urban Neighborhood Overlay

Ngan Tran and Minh Tran, were sworn in for testimony.

Mr. Wood summarized May's hearing of this case and requested photographs of the shed.

Ms. Tran distributed photographs of the property showing the shed.

The shed was painted beige to please the neighbor.

Mr. Strausser moved to approve a variance of Section 905.2.B.3.d.iii. to permit an attached shed to encroach within the rear yard building setback. The motion was seconded by Ms. Luciani. The motion was approved 5-0.

PI Capitol **PLZHB15114**
1835 Oregon Pike, B-2, D-C Corridor Overlay

James Welch, Christine Sable, Michael Huxta were sworn in for testimony.

Mr. Welch explained that the application is to redevelop the existing structure and removing the canopy. He continued to explain that a special exception is being requested to substitute the non-conforming gas station use with a non-conforming restaurant use with a drive through.

Mr. Welch explained the requested variances regarding parking spaces within the clear sight triangle.

Ms. Sable explained that a Jimmy Johns restaurant is planning to locate on this property. She explained the sale of the property and described the uses surrounding the property. Lastly, she stated that the business hours would be less than the gas station and would create less traffic and therefore, would not be a detriment to the area.

Mr. Huxta described the existing condition of the property and compared with the proposed Jimmy Johns restaurant improvements of the property. He explained the variances regarding

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parking within the clear sight triangle and building variances. There will be no addition except a patio on the front of the building for outdoor seating. This restaurant would have 32 seats total indoor and outdoor.

There were discussions regarding the numbers of access points along Oregon Pike and East Roseville Road and the Board questioned the safety of the access points.

Ben Stoltzfoos was sworn in for testimony.

Ben Stoltzfoos, owner of the proposed restaurant, stated that he does not expect long line, this would be a fast in and fast out restaurant. Mr. Stoltzfoos stated that there will be 8 employees per shift.

Ms. Sable distributed photos of the existing conditional of the property.

There was an executive session.

Adam Kosowsky, owner of a nearby property, mentioned that Jimmy Johns would be a good neighbor and that there is a bus stop just north of the property's access points which could back up traffic to this property.

Ms. Luciani moved to approve the following: a special exception for the substitution of non-conforming use in accordance with Section 301.4.E.; a variance of Section 2202 to permit certain improvements within the clear sight triangles subject to the conditions that the two access points on Roseville Road be combined into a single access point midway between the two existing access points; a variance of Section 1304.2.K.5.a. to permit the existing building located within the required front yard. The motion was seconded by Ms. Adams. The motion was approved 3-2 with Mr. Wood and Mr. Strausser against.

**Steve and Katie Breit
324 Ecker Drive, R-1**

PLZHB15115

Steve and Katie Breit were sworn in for testimony.

Mrs. Breit began testimony by explaining that they are planning to place two patios in the rear yard 15 feet within the 25 foot rear yard building setback. She further explained that they want a sitting area and an area for a grill.

Ms. Breit explained that she did not know that the patio setback regulations changed since she purchased the property. The neighbors support the patio.

Mr. Wood reviewed the variance criteria with the applicant.

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Mr. Strausser moved to deny a variance of Section 2106 to place a patio within the required rear yard building setback. Ms. Adams seconded the motion. The motion was approved 4-1 with Mr. Wood against.

There was a discussion regarding the denial and the lack material that was presented to the Board.

Mr. Wood moved to re-open the case and continue the case so the applicant can provide more detail of the patio. Mr. Strausser second the motion. The motion was approved 3-2 with Ms. Luciani and Ms. Adams against.

Grebinger Gallery and Lancaster Picture Framing 2618-Rear Lititz Pike, B-2 Business and T-5 Neffsville Village Overlay

PLZHB15116

Robert Bovie, Michael Bovie, Kevin Grebinger, Katheryn Collins, Calvin Flury were sworn in for testimony.

Attorney, Mr. Kosowsky distributed site plans of the properties and explained that the Grebinger Gallery business occupies the property at 2618-Rear Lititz Pike and is behind 2618 Lititz Pike, Barry's Automobile property.

Mr. Kosowsky continued by stating the following: Mr. Grebinger is getting complaints from his customers that they cannot find his property. Mr. Grebinger is requesting to place a sidewalk sign on the 2618 Lititz Pike property to properly identify his property.

Mr. Kosowsky explained that the applicant is requesting a variance to allow two sidewalk signs along the Lititz Pike right of way, one would advertise the 2618 Lititz Pike-Rear Grebinger Gallery business. He further explained that the second sign would be a sidewalk sign that Barry Automotive uses to advertise his ethanol free gasoline.

Mr. Grebinger stated that the owner of the property was asked and agreed to allow the second sign. Mr. Grebinger then stated that there is a building sign on the side of this building facing Lititz Pike.

Mr. Strausser moved to approve a variance of Section 1806.12 and Table 2 Part B to permit a freestanding sidewalk sign to be located on the property of 2618 Lititz Pike to advertise the business located on the 2618-Rear Lititz Pike property. The motion was seconded by Mr. Beyer. The motion was approved 5-0.

The meeting was adjourned at 8:50 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday, July 6, 2015.