

Manheim Township Zoning Hearing Board Minutes
Monday, April 2, 2018
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Absent
James Stephens	Present
Patrick Trimble	Present

Chairman David Wood called the regular meeting to order, requested a roll call, explained the Zoning Hearing Board meeting process and announced the agenda.

Victory Church **PLZHB17196**
140 Hess Blvd; R-2 Residential

Chairman David Wood announced that Victory Church withdrew their case from the agenda. The audience asked why the case was withdrawn. Mr. Wood stated that he did not know why the case was withdrawn.

C. Eric Scott & Carrie Scott **PLZHB18048**
377 Harvest Drive; R-2 Residential

Mark Stanley, C. Eric Scott, Andrew Lehman were sworn in for testimony.

Mr. Stanley explained the location of the property which is within the Olde Field subdivision. Mr. Stanley explained the request. Mr. Scott is planning to construct a garage, deck and patio which would encroach within the 15 foot side yard building setback of the 2014 Manheim Township Zoning Ordinance.

The following were requested: An appeal to the Zoning Officer's decision regarding the side yard building setback requirements or in the alternative a variance to encroach within the 15 foot side yard building setback is requested.

Mr. Stanley explained that the Olde Field subdivision 10 foot setback requirement should be used because those setbacks are shown on the subdivision plan and the setback was the zoning ordinance requirement when the development was created. In addition, the majority of the subdivision infrastructure and roads were completed within the 5 year requirement of the Pennsylvania Municipalities Planning Code. Mr. Stanley stated that the building setbacks shown on the subdivision plan should be able to be used, this is the vested rights of the homeowner.

Referencing the site plan and floor plan Mr. Lehman explained the building project.

Mr. Scott argued that he was planning to construct this garage a deck and patio and use the 10 foot setback, because it was shown on the subdivision plan. Mr. Scott thought that the 10 foot setback was a vested right.

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In addition, there is a safety issue if the 15 foot setback would be used because of the number of cars used by this family.

There was a lengthy discussion of the legality of using the subdivision building setback versus using the current zoning ordinance building setback regulations.

Ms. Douglas explained that Manheim Township has been allowing the use of the subdivision setbacks shown on the drawing in the initial build of a building on a vacant lot. Then when an addition is proposed after the initial build is completed, the addition must comply with the present day zoning ordinance setback requirements. Ms. Douglas stated that the Manheim Township solicitor agreed that the Manheim Township's interpretation of the Pennsylvania Municipalities Planning Code is the correct one.

Mr. Scott stated that this will not affect the neighboring properties.

In public comment the neighbors that were in attendance supported the project.

Mr. Strausser made a motion to support the zoning officer's decision regarding the side yard building setback requirements and also approved a variance of Section 805.2.B.3.d.ii. to permit construction of the proposed garage and related improvements at a minimum setback of 10 feet from the property line. Mr. Stephens seconded the motion. The motion was approved 4-0.

Chairman David Wood left the meeting and Vice Chairman James Stephens served as acting chairman for the rest of the meeting.

**High Hotels LTD and the Crossings at Conestoga Creek Association Inc. PLZHB18047
1000 – 4000 Crossings Blvd.; I-1 Industrial zoning district and DR Retrofit Overlay and
Planned Commercial Development.**

Caroline Hoffer and Ken Hornbeck were sworn in for testimony.

Ms. Hoffer explained the location of the Crossings at Conestoga Creek. Ms. Hoffer explained the 5 condominium units for the development which includes the hotel unit, Wegmans unit, residential apartments units, the Deisley farm house and the main retail unit. All those units share the Crossings Blvd ring road.

Ms. Hoffer explained the request to install 2 center signs and 2 incidental signs in the development and explained the proposed location of the signs on the subdivision plan. One entrance sign will be along Harrisburg Pike and a variance is being requested for a 141.7 square foot sign instead of the 120 square foot requirement. The height will be in compliance.

One entrance sign will be erected at the Farmingdale Road entrance of The Crossings. A variance is requested for the size of 325 square feet instead of the required 120 square feet and a

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variance for the height of 30 feet instead of the 20 feet height requirement. This height and size that is requested is to allow traffic on Rt. 30 to see the sign and locate the Crossings development. This sign would be 300 feet from Rt. 30.

Ms. Hoffer explained that the Township measures the square foot of the sign by placing a block around the words which includes empty space in the calculation. She stated that the square footage of the sign would be less if you only measured the letters on the sign.

Mr. Hornbeck stated that the signs are intended to identify the main tenant. The smaller tenants would need to make their own requests for larger signs. The Farmingdale Road center sign proposal is the smallest sign that could be placed there because it needs to be read from Rt. 30. Mr. Hornbeck compared the size and height of the proposed Farmingdale Road center sign to the surrounding buildings and power lines and then stated that the proposed sign will be only 4 feet taller than the Toys R Us building.

There was a discussion regarding why the size and height of the center signs are needed and if enough information was given to prove hardship for approval of the variances.

Ms. Hoffer stated a variance is requested to place the name of Residence Inn and Toys R Us on 2 incidental signs at the Farmingdale Road and Harrisburg Pike entrances to direct traffic to those locations. These signs would comply with the 4 square foot size requirement.

In public comment, Chris Dye stated that the zoning ordinance should consider the visual looks of the signs with the zoning ordinance.

Mr. Trimble moved to approve a variance of Section 1806.2 Table 2 Part B to exceed the center sign height and square footage requirements; a variance of Section 1802 to allow 2 incidental signs with the names of businesses on the signs as presented with the testimony here this evening. Mr. Stevens seconded the motion. The motion was approved 3-0.

The meeting was adjourned at 8:08 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday May 7, 2018.

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