

Manheim Township Zoning Hearing Board Minutes
Monday, May 7, 2018
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Present
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.

St. John Neumann Church **PLZHB18085**
601 East Delp Road; R-2 Residential

William Swiernik was sworn in for testimony.

Mr. Swiernik stated that a time extension is being requested to finish the project for the construction of the elementary school. The site work and plans are complete. The building was not constructed because the funds are needed to be raised for cost of the project.

There was a discussion of the amount of extension needed. The Board decided that an additional 3 year time extension to construct school building was acceptable.

Mr. Stephens moved to approve a variance of Section 2808.1. to permit a time extension to December 2, 2021 to complete construction of the improvements associated with the Zoning Hearing Board case #09-19, for an elementary / secondary school building. Mr. Strausser seconded the motion. The motion was approved 4-0.

RGS Associates **PLZHB18078**
1001 East Oregon Road; IN Institutional

Craig Smith and Linford Good were sworn in for testimony.

Referencing site plans Mr. Smith stated that an apartment building, wellness center and a new main entrance being constructed at Landis Homes. He explained the placement of the proposed new signs at the new main entrance, other entrances, and in front of the new building.

Mr. Smith explained the following: Two signs will be placed at the new main entrance, will remove the existing east entrance sign and retain the west entrance sign. In addition, an identification sign will be placed in the middle of the site, in front of the new building, which will displays the donors. There will be 4 total signs.

Mr. Smith reviewed the variance requests for the proposed sign area and the number of signs proposed. Each proposed sign will be 26 square feet which exceeds the allowed 20 square feet

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per sign. Additional new sign area is 72 square feet. There will be a total of 100 square feet for the existing and new freestanding signs. This will exceed the 40 square feet allowed for freestanding signs for the property. Only 2 development signs are permitted for the property.

There was a discussion regarding placing one double sided sign instead of two signs at the main entrance. Mr. Smith stated that a double-sided sign would be hard to see at the main entrance.

Mr. Strausser moved to approved the following: a variance of Article XVIII Table 2, Part A to permit 4 freestanding signs 3 of which are considered development signs; a variance of Article XVIII, Table 2, Part B to permit 3 development signs with 2 development signs at one entrance; a variance of Article XVIII, Table 2, Part B to permit development signs greater than 20 square feet per sign. Mr. Beyer seconded the motion. The motion was approved 3-1 with Mr. Stephens dissenting.

**David J. Rosenfeld and Julia Schrock-Rosenfeld
195 Pinetown Road; R-1 Residential**

PLZHB17079

Caroline Hoffer, David and Julia Schrock-Rosenfeld, Lynn Eisenhauer, Patricia Witmer and Lora Ann Esh were sworn in for testimony.

Lynn Eisenhauer, Patricia Witmer and Laura Esh all requested to be party to the case. Ms. Hoffer accepted them as party to this case.

Ms. Hoffer stated that this property is located within the R-1 zoning district, explained the background of the dwelling and property, and described the location of the property and its surroundings.

Ms. Hoffer stated the following: Mr. Rosenfeld moved from the property and is trying to sell the property, but cannot sell the property. He is requesting to operate a Bed and Breakfast on the property with variances. Ms. Hoffer requested to remove the variance request regarding evening dining Section 2505.6 and remove a variance of Section 702 uses by right. Additional parking is not required without evening dining.

Ms. Hoffer submitted exhibits 1 and 2 which were an aerial photograph and site plan of the property.

Mr. Rosenfeld identified the property on the aerial photograph and explained the location of the property in relationship with Rt. 222, and Oregon Dairy and explained that this property has a wooded area.

Mr. Rosenfeld explained and described his history with the property: He purchased the property in 1988, constructed an addition in 1992, constructed a sound wall in 1998 next to Rt. 222 to block the traffic noise, and constructed a new 6 bathroom septic system on site. The original dwelling was constructed in 1835.

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Mr. Rosenfeld described the interior and floor plan of the dwelling showing the Board interior photographs of the dwelling.

Mr. Rosenfeld described the property referencing a site plan. He stated that he had the property on the real-estate market for 3 ½ years and could not sell the property.

Ms. Hoffer stated the following; a Bed and Breakfast is a use by special exception in the R-1 zoning district and stated that a residential use is not good for this property, and this would be a low impact use for the area.

Ms. Hoffer then explained the variance requests of Section 2505 to the Board; regarding having a manager operating the business instead of the owner living there and operating the Bed and Breakfast establishment, and exceeding the 5 bedroom limit with 6 bedrooms.

Mr. Stephens stated it would not meet the definition as a bed and breakfast establishment. Then he read the definition from the zoning ordinance. There was a discussion regarding the Bed and Breakfast definition and the hotel definition from the zoning ordinance.

Ms. Hoffer reviewed the special exception criteria. Ms. Hoffer stated that there will be less traffic than when the Rosenfeld's lived there, on lot water and sewer, and the character of the neighborhood will be maintained.

Public comment: Three neighbors voiced the following concerns if the Bed and Breakfast were approved: potential of 12 people on site, this proposed use is like a hotel, may drain the water table, septic system may not handle the increase of people, increased traffic, have too much traffic now, unsafe with people visiting from out of the area, Pinetown Road is a narrow road, cars may park along the narrow road, already have an Airbnb operating in an existing dwelling on Pinetown Road which are noisy.

The Board stated that the public water and sewer is a valid issue and the Board are concerned with the owner not operating the business.

In closing, Ms. Hoffer explained that this will be a low impact business and is allowed in residential, this business will be kept up and will have reservation only for the room rental.

Mr. Stephens moved to deny a special exception pursuant to Section 703.6, subject to requirements of Section 2505 to operate a Bed and Breakfast establishment and variances to Section 2505.1, .2, .4, and 12. The motion was seconded by Mr. Beyer. The motion was approved 3-1 with David Wood dissenting.

Rehana Raja
2257 Fruitville Pike; R-2 Residential

PLZHB18081

Rehana Raja and Kathy Loccisano were sworn in for testimony.

Ms. Raja stated that she is requesting a special exception to operate a Major Family Day Care Center with up to 6 children. The day care center will be operated in the living room area of the dwelling. Pickup and drop off of the children will be in the driveway. There are 6 parking spaces in the driveway. Ms. Raja stated that a lot of families need this day care. The hours of operation will be 6AM to 6PM Monday through Friday. Will have an outdoor play area with a fence and will use the kitchen door to take the children outdoors. Will obtain a license from the Commonwealth of Pennsylvania.

Public comment: Ms. Loccisano, lives behind this property stated, that she is concerned with the existing 50 year old daycare center next door of this property with noisy children, there are 12 children in that daycare. Ms. Loccisano is concerned with the children trespassing on her property which is to the rear of this property.

Ms. Raja stated that she will place a 4 foot tall fence with an enclosed area in the middle of the rear yard away from Ms. Loccisano property. In addition, she stated that she will take the children outside in the morning which is an opposite time than the existing daycare.

There was a discussion regarding the square footage of the dwelling and the day care center.

It was discovered that the dwelling is 2,680 S.F. in area and would have 286 square feet of day care area.

Mr. Strausser moved to approve a special exception in accordance of Section 2110.4.M.7. to operate a Major Family Day Care Center as a home occupation with 6 children at 2257 Fruitville Pike with the hours of 6:00 AM to 6:00PM Monday through Friday as per the testimony. Mr. Stephens seconded the motion. The motion was approved 4-0.

The meeting was adjourned at 9:52 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday June 4, 2018.