

**Manheim Township Zoning Hearing Board Minutes**  
**Monday June 3, 2019**  
**6:30 P.M.**

---

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Present
James Stephens	Present
Matthew Wolf	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.

**Lancaster Country Club** **PLZHB19127**  
**1466 New Holland Pike; R-1 Residential**

Chairman David Wood announced that a letter was received stating that the Lancaster Country Club case was withdrawn.

**Stacey Rawlings** **PLZHB19120**  
**2412 Fruitville Pike; R-1 Residential**

Stacey Rawlings was sworn in for testimony.

Mr. Rawlings stated that he is requesting a special exception to construct an accessory dwelling unit onto the house for his mother and father to live in. An existing garage will be removed and will be replaced with another 2 car garage and the accessory dwelling unit.

Mr. Rawlings explained that he received a letter from the Lancaster County Historic Preservation Trust supporting this project. This dwelling is listed on the Manheim Township Historic Resource list.

Mr. Rawlings explained this construction and restoration project.

Mr. Stephens moved to approve a special exception to permit an accessory dwelling unit in accordance with Section 2515. Mr. Wolf seconded the motion. The Motion was approved 5-0

**Ashley Sommer** **PLZHB19121**  
**1875 Lititz Pike; B-1 Business and D-C corridor Overlay**

Ashley Sommer was sworn in for testimony.

Ms. Sommer explained that she is planning to operate a daycare center which will be a custody exchange location. This will be a safe haven to drop off children free from retaliation. The children will be kept for only one hour and will allow only 5 children at a time. This business is not considered a day care by the Commonwealth of Pennsylvania and therefore, a play area and

**Zoning Hearing Board Minutes**

**Monday June 3, 2019**

**Page 2**

employee certifications are not required by the state. The one parent will drop off their child for the other parent to pick up the child. The hours of operation will be 7:00 AM to 7:00 PM 7 days a week.

There was a discussion of the access driveway and drop off locations. Ms. Sommer stated that 10 to 12 cars will be involved for dropping off and picking up the children. There is adequate parking for this exchange.

Mr. Wolf moved to approve a special exception in accordance with Section 1103.2 and Section 2508 to operate a child daycare for short term child care. Mr. Stephens seconded the motion. The motion was approved 5-0.

**Manheim Township School District  
155 School Road; R-3 Residential and T-5 Neffsville Overlay**

**PLZHB19122**

Caroline Hoffer, Tom Koch and Steve Gergely were sworn in for testimony

Ms. Hoffer stated that the Manheim Township School District is constructing a new middle school. The prior variance request to construct a parking lot for the middle school without the landscaping islands was for maintenance issues and was denied by the Zoning Hearing Board.

This application is for a variance not to place landscape islands on a certain part of the new parking lot of the middle school for the band to practice.

Mr. Koch explained that the existing parking lot where the band was practicing is being removed for the middle school construction. The school does not want the band to practice in the grass because of the weather and because it would wear down the grass. Landscape areas will be redistributed in other parts of the parking lot. The landscape island areas will be made larger to compensate for removal of the islands in the proposed band practice area.

Mr. Gergely explained the new middle school site plan layout and showed the location of the proposed practice area. He stated that 6 islands would be removed for the band area. The parking lot requirement and stormwater management will still be met. One hundred (100) parking spaces will be displaced during band practice.

There were discussions of other areas the band could practice.

Mr. Koch stated that the turf field cannot be used because the band practices the same time as the sports teams. There were discussions regarding when the band practices.

Mr. Beyer moved to approve a variance to Section 2512.3.C.3. not to install interior parking lot landscaping in an area of the new parking lot in order to conduct band practice and the request of a time extension pursuant to Section 2808.1 of the zoning ordinance to complete construction of the parking lot to provide for 3 years to complete construction instead of the 2 year period

**Zoning Hearing Board Minutes**

**Monday June 3, 2019**

**Page 3**

provided in the zoning hearing board minutes. Mr. Stephens seconded the motion. The motion was approved 5-0

**Jeff and Joy Huber**

**PLZHB19123**

**1105 Esbenshade Drive; R-3 Residential and T-4 Urban Neighborhood Overlay**

Jeff Huber, Joy Huber, Connie and Ed Milukas, Katie Schultz, Amy Haller, Angel Torres and Sol Rodriguez were sworn in for testimony.

Joy Huber distributed photos of the rear of their property, explained the project and the neighbor's impact. The Hubers are planning to construct a deck and patio in the rear yard which would encroach within the rear yard and right side yard building setbacks.

Ms. Huber stated that there is an alley at the rear of the property. The deck will be 30 inches tall and the patio will be at ground level. This is a two tier affect and would make a lower impact. Without the variance they would only be allowed to build an 8 foot wide deck. The side yard encroachment would be a seating wall.

Several neighbors testified in support of the project.

There was a discussion regarding the subdivision and prior variance approvals for Charter Homes to construct this development. Mr. Wood stated that a hardship is needed for variance approvals.

Mr. Strausser moved to approve a variance of Section 2106 to permit the construction of a patio that encroaches within the side yard building setback, and construction of a deck that encroaches within the rear yard building setback to the dimensions indicated in the application. Mr. Wolf seconded the motion. The motion was approved 5-0.

**Rafal Kolawa**

**PLZHB19124**

**780 Flory Mill Road; I-1 Industrial and D-R Retrofit Overlay**

Rafal Kolawa and Steve Gergely were sworn in for testimony.

Mr. Gergely explained the project to demolish the existing building and construct a new 11,610 square foot building to include a 2,000 square foot showroom for Mr. Kolawa's granite business.

Referencing the site plan Mr. Gergely described the lot and the area surrounding the lot.

Mr. Gergely explained the requested variances regarding no public water, encroaching within the side yard building, freestanding sign setback encroachments, parking lot encroachment within the perimeter buffer, and 5 wide foot sidewalk reduction. ,

**Zoning Hearing Board Minutes**

**Monday June 3, 2019**

**Page 4**

There was a discussion regarding reducing the size of the building. Mr. Kolawa explained he cannot reduce the size of the building because he needs indoor storage for the granite because the granite is weather sensitive. Mr. Kolawa stated that he wanted to build a 20,000 square foot building. His existing shop is 8,000 square feet and it is too small.

There was a discussion regarding the sign variances. Mr. Kowala stated that he could move the proposed freestanding sign on Flory Mill Road to comply with the zoning ordinance.

There was a discussion about the side yard setback variance and safety concerns about the requested setback. Mr. Kolawa stated that there will be a fire wall on that side of the building.

Mr. Stephens moved to approve the following: a variance of Section 1504.2.G.1. not to require public water service; a variance of Section 1504.2.G.5.b. to permit the new building to encroach within the side yard building setback at the westerly side property line; a variance of Section 1504.2.G.5.e. to permit encroachment within the required 10 foot perimeter buffer; a variance of Section 2005.4. to permit the required parking spaces to encroach within the 10 foot perimeter buffer; a variance of Section 2512.2.A. to permit encroachment within the required planting strip; a variance of Section 2408.3.A. Appendix A Form Based Code Design Standard 14.3. to permit the installation of a 5 foot wide sidewalk instead of the required 10 foot wide sidewalk; a variance of Section 1805.2. Table 2 to permit the proposed sign on Route 283 side of the property to encroach within the required 10 foot setback from the street right of way. Mr. Strausser seconded the motion. The motion was approved 5-0.

**Dwight and Kathleen Shimp  
1061 Fondersmith Drive; R-2 Residential**

**PLZHB19125**

Dwight Shimp, Kathleen Shimp, John Troop and Gerry Horst were sworn in for testimony

Mrs. Shimp explained that they are requesting a special exception for an accessory dwelling unit for her and her husband. Their daughter is building this new home and will include an accessory dwelling unit for them to live in. A restoration plan is included.

Mr. Beyer moved to approve a special exception in accordance with Section 2515 to construct single family detached dwelling to include a 1,000 square foot accessory dwelling unit within the dwelling. Mr. Wolf seconded the motion. The motion was approved 5-0.

**AVA Development Inc. C/O Ajesh Patel  
720 Enterprise Way; B-4 Business and D-R Retrofit Overlay**

**PLZHB19126**

Joel Young and Kevin Ember were sworn in for testimony.

Mr. Young explained the project to construct a 128 room, 4 story, Marriott Spring Hill Street Hotel on lots 7, 8 and 9. The lots will be combined with a subdivision and land development

## **Zoning Hearing Board Minutes**

**Monday June 3, 2019**

**Page 5**

plan. Mr. Young stated that most zoning coverage and setback requirements will be met. There will be street treatments placed along the build to lines.

Referencing the site plan, Mr. Young explained the hotel design and parking lot placement.

Mr. Young explained the requested variances regarding placing the building at the build to line and the 5 foot wide sidewalk instead of the required 10 foot wide sidewalk. Mr. Young stated that the sign will be placed on the building.

Mr. Young explained the time extension request for 2 years to obtain permits and 3 years to complete construction.

There was a discussion about not constructing the building at the build to line. Mr. Young stated that the Marriott has their own design which includes the drop off location in the front of the hotel and do not want to build any other design.

Mr. Wolf moved to approve the following: a variance to Section 2408.2.B. to permit the building to be set back further from the street right of way than the required build to line; a variance of Section 2408.3.A. Appendix A Design Standard 14.3. to permit the required sidewalk width to be 5 feet instead of the required 10 feet; a variance of Section 2808. to permit an extension of time from 1 year to 2 years to obtain the necessary permits and from 2 years to 3 years to complete construction. Mr. Stephens approved the motion. The motion was approved 5-0.

This meeting was adjourned at 8:35 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday, July 1, 2019.

Z:\Zoning Hearing Board\MINUTES\2019\06032019 ZHB minutes.doc