

**Manheim Township Zoning Hearing Board Minutes**  
**Monday, October 7, 2019**  
**6:30 P.M.**

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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.

**Devin Hogan** **PLZHB19282**  
**1599 Mission Road, R-2 Residential**

Devin and Samantha Hogan, Kathy Kauffman and Charles Herr were sworn in for testimony.

Mr. Hogan began testimony by explaining that he did not realize that the property has two front yards because it is a corner property. He stated that he wants to place a 6-foot fence along the street right of way, 35 feet from the center of the road. This is an oversized, 70-foot-wide right of way.

Referencing the submitted photographs Mr. Hogan stated that the fence will be behind the landscaping along the street and will not be seen. Mr. Hogan stated that they have 4 dogs and need the fence to keep them from going onto the street.

Neighbor Kathy Kauffman stated that she supports the fence installation and does not understand why the fence was not permitted.

Mr. Strasser moved to approve the following: a variance of Section 2108.1. to permit the 6-foot-tall fence to encroach within the front yard and the required 25-foot front yard setback along the Sunset Drive street right of way; a variance of Section 2108.6. to permit the placement of a solid fence within the required front yard setback. Mr. Stephens seconded the motion. The motion was approved 5-0.

**Dustin and Victoria Carl** **PLZHB19283**  
**630 Valley Road, R-2 Residential**

Dustin Carl, Bob Hershey and Steven Gergely were sworn in for testimony.

Mr. Gergely explained that this property is 5 acres in size and the land slopes to the street. A wall from 43 inches to 63 inches in height with taller pillars is planned to be constructed within the front yard and the front yard building setback.

Mr. Gergely explained the requested variances regarding a 14-foot encroachment of the wall within the front yard building setback and a semi-circle wall 39 feet from the street.

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Referencing a site plan, Mr. Gergely explained the property and proposed location of the wall. The wall cannot be constructed without encroaching within the stormwater easement. The wall will not impede the seepage pit and will be setback, so it does not impede the site distance at the street.

The Board voiced concerns that the wall may change the character of the neighborhood and voiced concerns that the Valley Road right of way may be widened in the future and the proposed wall location may encroach within that future right of way. The gate footprint should be redesigned.

There was an executive session.

There was a discussion regarding moving the wall further back from the street than requested.

Mr. Beyer moved to approve the following: a variance of Section 2108.1. to permit the wall height to exceed 42 inches in the front yard and the required front yard setback; a variance of Section 2108.6. to permit the wall and fence in the required front yard setback with a maximum of 7-foot encroachment; a variance of Section 2108.9. to permit the wall and fence within an easement. Mr. Wolf seconded the motion. The motion was approved 5-0

**Fred Oneill**

**PLZHB19284**

**1400 Manheim Pike; B-4 Business and D-R Retrofit Overlay**

Sherry and Fred Oneill were sworn in for testimony.

Mr. Oneill explained that he purchased this property in 2004 and was planning to repave the macadam on the lot which is in disrepair. The existing parking lot is tight and close. Mr. Oneill stated that he worked with a property survey and created the drawing with 68 parking spaces which is increased from the existing 37 parking spaces. The new plan will have 23 spaces in the front of the lot. This would help reduce the cut through traffic from Manheim Pike to West Roseville Road.

Mr. Oneill stated he was trying to bring the parking count to the 48 required parking spaces and freshen up the lot.

Mr. Stephen stated that Mr. Oneill could comply and be over the zoning ordinance requirement, why the narrow isle widths? Mr. Oneill stated that he wants to maximize the property because of the cost of the repaving and in the future, may want to create a tenant space to be rented.

Mr. Oneill explained the location of the lot with the neighboring commercial properties.

There was a discussion regarding placing landscaped islands in the parking lot since the whole lot is macadamized. Mr. Oneill stated that he did not want landscape islands in the parking lot. There was another discussion regarding the needed parking spaces for the future tenant. Mr.

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Strausser stated that the parking space amount should be reduced, and landscaping should be placed on the lot.

Mr. Wolf moved to approve the following: a variance of Section 1405.2.J.5.e. to permit encroachment of parking spaces and isle ways within the 20-foot perimeter buffer; a variance of Section 2008.2. to permit less than 18 feet of isle width behind the 45-degree parking spaces on the rear 2 sides of the property; a variance of Section 2507.1.C. to allow the driveway less than 10 feet from the rear 2 sides of the property; a variance of Section 2512.3.C. not to require interior landscaping in the parking lot. Mr. Beyer seconded the motion. The motion was approved 3-2 with Mr. Stephens and Mr. Strausser dissenting.

**Austin D. Sahd**

**PLZHB19285**

**213 Jackson Street and 200 Lincoln Avenue; R-3 Residential and T-6 Urban transition Overlay**

Austin Sahd, Derek Dissinger, Steve Gergely, Melonie Martinez, Jim Englert, Andrea Fields, Joe Sexton, Joshua Nice, Allyson Hillegass and Eric Gockley were sworn in in for testimony.

Mr. Albert explained the party status process. Melonie Martinez and Josh Nice requested party status. The Board voted unanimously to allow the party status to Mr. Nice and Mrs. Martinez.

Mr. Dissinger began by stating that apartment dwellings are permitted within the T-6 overlay and it is hard to do in the underlaying R-3 Residential zoning district because you could only place 4 units with the R-3 zoning district regulations. Mr. Dissinger then explained the prior requests starting at 25 units, then reduced to 18 and now Mr. Sahd is requesting a 12-unit apartment dwelling. Mr. Sahd retooled his plan to take in account the residents and the Board comments.

Mr. Dissinger stated that this plan accomplished the goals of the Manheim Township Comprehensive Plan, there are shortages of apartments, and there will be 18 parking spaces on site. The comprehensive plan allows 65-foot buildings and this plan has a building height of 35 feet the same height of the neighbor's dwellings.

Mr. Sahd explained that he scheduled a meeting with the neighbors showing the changes on the prior plan and 15 neighbors attended the meeting. Mr. Sahd stated that most of the neighbors are in favor with the project.

Mr. Sahd explained the changes of the plan. There is a reduction in the number of apartments to 12 units, 18 parking spaces on the two lots, pave alley, a 12-car garage use for parking and refacing the garage with bricks and garage doors. Mr. Sahd displayed photos of the garage interior with a car parked inside showing that there is room for cars to park in the garage. Mr. Sahd read a list of conditions that he would agree to if the project were approved.

Mr. Sahd displayed elevation plans of the front of the proposed apartment building and the rear of the apartment building with garages. Mr. Sahd described other apartment buildings that are in the neighborhood and stated that this apartment building would have less units and will be a smaller building.

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The neighboring residents announced their support and concerns for the apartment building.

Concerns: Roof top deck, construction impact, a lot of things on the new plan is similar to prior plans, no hardship still can use the property, higher density new plan will change the character of the neighborhood, parking is difficult on Jackson Street and should be lined parking spaces on Jackson Street.

Support: The alley will be repaved, raise property values, and the building looks good.

There was an executive session.

The Board announced their concerns regarding the roof top deck.

Mr. Dissinger stated that there will be no roof top deck constructed on the property and Mr. Sahd's condition list was submitted as an exhibit.

Mr. Wolf moved to approve the following: a variance of Section 905.2.E.1.a. to permit the reduction of minimum lot area requirements for a combined lot area with garage lot; a variance of Section 2407.5.J.2. to permit the reduction of the minimum lot area requirements within the T-6 Overlay Area; a variance of Section 2407.5.J.5.a. to permit the reduction of the minimum side yard setback requirement; a variance of Section 2407.5.J.5.b. to permit the reduction of the rear yard setback requirement; a variance of Section 2407.5.J.5.c. to permit reduction of the minimum perimeter buffer requirement; a variance of Section 2512.5.A-E. to permit the reduction of the 10 foot wide landscape screen requirement to zero; a variance of Section 2407.6.A. Appendix A Design Standard 7.5 to permit the reduction of the minimum setback of rear loaded garages; a variance of Section 2407.6.A. Appendix A Design Standard 15.6. to permit the reduction of the required minimum street connections to one; With the following conditions: 1) The applicant shall pave the private alley behind the property prior to occupying the property for multi-family housing consistent to his testimony. 2) The property shall not contain a rooftop deck. 3) Applicant shall renovate the rear garage structure with automatic doors prior to occupying the property for multi-unit housing. 4) The façade of the property shall be bricked to match the aesthetics of the neighboring properties and will be in keeping with the testimony given tonight. 5) Applicant will comply with all applicable local, county, state and federal requirements, including, without limitation, the Manheim Township noise ordinance. 6) Other than variances granted by the Zoning Hearing Board, Applicant's operation of the property shall otherwise comply with Manheim Township's zoning ordinance. 7) Other than the variances granted hereby, Applicant shall comply with the lighting, buffering and landscaping requirements of the Subdivision and Land Development Ordinance, 8) Any violation of these conditions shall be considered a violation of the Zoning Ordinance and shall be subject to penalties and remedies contained in the Zoning Ordinance and in the Pennsylvania Municipalities Planning Code. Mr. Strausser seconded the motion. The motion was approved 5-0.

This meeting was adjourned at 9:30 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will held be on Wednesday, November 6, 2019.