

Manheim Township Zoning Hearing Board Minutes
Monday December 2, 2019
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Absent
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.

M&G Realty Inc. PLZHB19305
1850 Oregon Pike/ East Roseville Road; B-2 Business / DC Corridor Overlay

Mr. Rohrbaugh stated that he is representing M&G Realty and they want to develop is 1850 and 1860 Oregon Pike. Mr. Rohrbaugh described the property location and stated that the Stauffer store and Roseville Tavern closed, and their lots would be combined into one lot.

Mr. Rohrbaugh explained the 1850 property is located within the B-2 zoning district and is owned by Stobro Company LP, the Stauffer family, and the 1860 property is owned by M&G Realty.

Mr. Rohrbaugh explained the project and the requested variances regarding a the construction of 9,335 square foot building instead of the 4,000 square foot requirement, provided number of parking spaces of 66 spaces and with 101 parking spaces required, parking in the rear and side yard setbacks of a residential area, exceeding the 35-foot driveway width requirement, not complying with the parking lot interior landscaping, and 5-foot sidewalks instead of to 10 feet.

The Board questioned the need of such a large building including a convenience store, gas station and restaurant. Mr. Rohrbaugh stated that the building will also be used for food preparation, and a lot of product offerings including beer, they do not want a congested store. Only 5,400 square foot of the store have public access. The average Rutter's store is 8,835 square feet to 10,065 square feet. There was a discussion of the locations and size of all Rutter's store locations in Lancaster County. Mr. Rohrbaugh stated that with beer sales Pennsylvania requires 30 seats in the building and then explained the floor plan.

Mr. Rohrbaugh reviewed the distributed Rutter's Leola parking study with the Board. The Leola store shows the 5,400 square foot store with 62 parking spaces, had 17 parking spaces available for use at the peak time of 12:45 PM.

Mr. Rohrbaugh explained that the variance request for the 40 feet and 50 feet width instead of the required 35-foot driveway is a safety issue to allow tractor trailers to turn easier into the property.

The Board voiced concerns regarding traffic and the size of the building. Mr. Wood asked what the traffic impact would be. Mr. Brandon Harner of Rutter's stated that they do not have that

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information yet. A traffic impact study must be done. Oregon Pike will be widened with a right turn lane installed. The Roseville Road access will be for cars only.

There was discussion with the Board comparing this store to loves truck stop. Mr. Rohrbaugh explained that there will be no showers, overnight stays allowed by the trucks, Rutter's do not want that. Pennsylvania does not allow for idling trucks. Mr. Wood asked what the hardship is. Why large scale why not smaller store. Mr. Rohrbaugh stated that this is the Rutter's business model to have trucks and that Rutter's is willing to compromise.

The Board unanimously approved 15 persons with party status, 3-0.

Public comment: There were 18 persons testified with the following concerns:

Traffic, pollution from light and trucks, safety, hardship created by applicant, creating a non-conformity, could comply with the zoning ordinance with smaller store, crime, accident concerns, truck idling, truck drivers parking to sleep, how to enforce truck idling, this is a truck stop and do not want struck stop, could attract more tractor trailers, not in keeping with the neighborhood, gaming concern, will alter the character of the neighborhood, screening of residential neighborhood, do not need another convenience store, quality of life concerns, noise, safety issues for children, parking concerns, truck traffic concerns. These persons were sworn in while they testified.

A large number of residents involved in the public comment would not mind a smaller convenience store without tractor trailer access. Mr. Rohrbaugh stated that this store would be good for the community.

There was an executive session.

Mr. Stephens moved to deny the variance requests in full and in total. Mr. Beyer seconded the motion. The motion was approved 3-0. Mr. Strausser was absent, and Mr. Wolf did not participate in this hearing because he arrived late to the meeting.

Frank Muse
154 Pinetown Road, R-1 Residential

PLZHB19334

Frank Muse and Jan Schaeffer were sworn in for testimony.

Mr. Wolf joined the board for the remaining of the hearings.

Mr. Muse explained that he lives beside this property and that Pinetown Road is a challenging hardship road. Mr. Muse described the property and area: The house is close to the road and the rear of the property has steep slopes to the Conestoga River. The garage/barn was constructed in 1876 and needs to be torn down because it is no useable. The garage/ barn will be torn down to the foundation and will build an out building on the same foundation to be used by the proposed accessory dwelling unit. The 1876 foundation will be reinforced to meet code.

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Mr. Muse explained about the accessory dwelling unit request. Sisters live in the house and want a ground floor living space because of mobility issues. Most of the properties on Pinetown Road are in violation of the zoning ordinance because they were built before the zoning ordinance was created.

Mr. Muse reviewed the special exception criteria and variance criteria and issues.

The Board discussed if an addition could be built to the house for the accessory dwelling unit. Ms. Schaeffer stated that she did not want to construct an addition to the house because of the historic value of the house. In addition, there would be a pumping issue for the on-lot sewer.

Mr. Beyer moved to approve the following: a special exception in accordance with Section 2515.2. to permit an accessory dwelling unit; a variance of Section 2515.2.A.3. to construct the accessory dwelling unit within the proposed detached outbuilding; a variance of Section 2515.2.A.11. not to supply one additional parking space for the proposed accessory dwelling unit; a variance of Section 2515.2.A.12. not to supply public water and public sewer to the principal dwelling and accessory dwelling unit; a variance of Section 2515.2.A.13. to place the accessory dwelling unit on a lot that is less than 90% of the zoning district's required minimum lot size; a variance of Section 2103.1. to permit the proposed outbuilding to be greater than 10 feet in height. Mr. Wolf seconded the motion. The motion was approved 4-0.

Hawthorne Centre Associates LP
600 Pleasure Road; R-3 Residential and T-4 Urban Neighborhoods Overlay

PLZHB19335

Attorney, Mark Stanley explained the zoning hearing board case of last year regarding creating more parking spaces for a store proposed to occupy the empty tenant space. Mr. Stanley explained that the tenant space was not able to be filled and the new parking is not necessary now.

Mr. Stanley requested for a time extension variance of 2 years to obtain permits and one year to complete construction. Mr. Stanley stated that the stop sign that was requested by the Board at the intersection was installed, nothing else was done.

Mr. Stephens moved to approve an additional 2 years to obtain permits extending it out to March 2022 and one year to complete construction to March 2023 as a variance of Section 2808.1. The motion was seconded by Mr. Beyer. The motion was approved 4-0.

Rehana Raja
202 Butler Avenue, Suite 102. B-2 and D-R Retrofit Overlay

PLZHB19336

Rehana Raja was sworn in for testimony.

Ms. Raja explained that she is requesting a special exception for a daycare center for 30 children with a fenced in play area. The children will be dropped off at the front door of the building. She stated that there are 6 children at her existing day care center at Fruitville Pike. The hours of operation will be the same as the other existing day care 6:00 AM to 8:00PM Monday to Saturday.

The Board voiced concerns on the walking path for the children from the building through parking lot to the to the play area.

Ms. Raja stated that the parking spaces at the walking path are for the employees of the daycare only and teachers will be walking the children to the play area. The ages of the children are up to 4 years old. The Fruitville Pike daycare will be operating until this day care is operating.

Mr. Wolf moved to approve a special exception in accordance with Sections 1203.5., 1205.2.E., and 2508 to operate a commercial day care center. Mr. Stephens second the motion. The motion was approved 4-0.

Sean and Sarah Pfeiff
316 Copley Drive, R-1 Residential

PLZHB19337

Mr. Pfeiff explained that they are requesting to operate a single chair hair stylist salon at 316 Copy Drive. Mr. Pfeiff explained the hair stylist salon location and the operation. The salon will comply with the state board requirements. The salon will be operated as appointment only. There will be a front door added for the salon.

Mr. Stephens moved to approve a special exception in accordance with Section 2110.4.M.3.b to permit to operate a single chair hair stylist salon as a major home occupation. Mr. Wolf seconded the motion. The motion was approved 4-0.

Barry Donlon
90 Hillside Lane, R-2 Residential

PLZHB19338

Barry Donlin was sworn in for testimony.

Mr. Donlin explained the permit process to this point since July 2019 and then explained the project and floor plan of the proposed addition. Mr. Donlin is enlarging the existing dwelling with an addition on the rear of the dwelling. This property has public sewer and an on-lot water well, which will be replaced with a deeper well. Neighbors support this project.

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Mr. Beyer moved to approve the following requests: a special exception in accordance with Section 301.4.B. for expansion of a non-conforming building on a non-conforming lot; a variance of Section 301.4.B.1. to permit a building expansion of more than 25 percent; a variance of Section 805.2.B.2.e. to permit the open area of the lot to be less than 80 percent; a variance of Section 805.2.B.2.d.ii. to permit the building addition to encroach within the 12-foot side yard building setback. Mr. Stephens seconded the motion. The motion was approved 4-0.

**Zac and Emily Huston
2438 Kissel Hill Road, R-2 Residential**

PLZHB19340

Emily Huston was sworn in for testimony.

Ms. Huston explained that she is planning to place an accessory dwelling unit above the attached garage for her parents. The space is already framed out for the use. There will be a separate outside entrance to the accessory dwelling unit.

Mr. Stephens moved to approve for a special exception in accordance with Section 2515.2. to permit an accessory dwelling unit within the garage attic. Mr. Wolf seconded the motion. The motion was approved 4-0.

This meeting was adjourned at 10:16 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will held be on Tuesday, January 7, 2020 at 1840 Municipal Drive Lancaster, Pa. 17601