

Manheim Township Zoning Hearing Board Minutes
Monday, August 2, 2010
6:30 P.M.

Attendance:

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|------------------------|---------|
| Michael Winters | Present |
| Patrick Trimble | Present |
| David Wood | Present |
| Edward Hoover | Present |
| Robert Byram | Absent |
| Helen Adams, Alternate | Present |

Chairperson David Wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda. Alternate member Helen Adams was seated in place of the absent Robert Byram.

Terry and Linda Tice
R-2, 324 Ashford Drive

Case 10-35

Terry and Linda Tice and Daniel Bawell were sworn in for testimony.

Mr. Tice explained the request. The existing open front porch is proposed to be widened on either side of the existing stoop and a roof would be constructed over the re-constructed concrete porch. The porch would be enlarged from 7 ft 6 inches in width to 11 ft 8 inches in width; the depth of the porch will not change. Mr. Tice is requesting a variance to permit the porch to encroach within the 35 foot front yard building setback. Mr. Tice displayed photographs of a porch similar to the porch and porch roof that he would like to construct.

In addition, Mr. Tice stated that the height of the two leveled front porch will be lowered to one level to create a safer entrance.

Mr. Winters moved to grant a variance to section 706.2.B.3.d.i. to permit the enlarging of the existing front porch by extending the width across the front of the house and adding a roof encroaching within the 35 foot front yard building setback consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

George L. Border
R-2, 440 Haymarket Lane

Case 10-36

George L. Border, Rose Border and Robert Worley were sworn in for testimony.

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Mr. Border explained that he is constructing a roof over his existing deck which would be setback 25 feet from the rear property line. The angle of the house causes the one part of the deck to be 39 feet from the rear property and the other part of the deck is 25 feet from the rear property line.

Mr. Border stated that he made a mistake and had already built the roof over the deck without a permit.

Mr. Worley of 168 April Lane stated that the roof would enhance the house and property and that he has no objections.

Mr. Border stated that the neighbor behind the house has no objections.

Mr. Winters moved to grant a variance to section 706.2.B.3.d.iii. to permit the construction of a roof over an existing deck to encroach within the 35 foot rear yard building setback by 10 feet, consistent with the testimony and exhibits provided before the Board this evening. Ms. Adams seconded the motion. The motion was approved 5-0.

Charles F. Snyder Funeral Home and Chapel Inc
B-1, 3110 Lititz Pike

Case 10-37

Charles F. Snyder III, Doreen Snyder, Caroline M. Hoffer and Art Quinn were sworn in for testimony.

Ms. Hoffer described the property and its location along Lititz Pike and Bluebell Drive and stated the following: The building was expanded and the owner wants to upgrade the signs on the property due to visibility concerns. There are no entrances on Lititz Pike. The entrance is on Bluebell Road. The proposal is to increase the incidental signs from 2 square feet to 4 square feet. In addition, the existing Lititz Pike freestanding sign is 20 square feet and would replace that sign with a 40 square foot sign. The neighboring property is B-3 which allows 80 square foot signs. There is an existing 20 square foot sign on Bluebell Drive that was approved by Manheim Township and was issued in error, at that time. Ms. Hoffer distributed handouts of photographs and a site plan of property, exhibit one.

Mr. Snyder explained the locations of the proposed signs, referencing exhibit one site plan. Mr. Snyder stated that his elderly clients complain that they cannot read the signs and have problems finding the entrance to the funeral home. Mr. Snyder stated the Lititz Pike and incidental signs must be enlarged for better visibility so customers can find the entrance. Brethren Village supports a larger sign.

Doreen Snyder stated that a large majority of funerals are prearranged and most customers, not only elderly persons, cannot find the entrance to the funeral home.

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Mr. Quinn of Superior signs explained the sign proposal is based on a “readability chart.” There is 350 to 400 feet to read the signs. Based on the 40 MPH speed limit on Lititz Pike, the letters of the sign should be 16 inches in height. The Lititz Pike sign should be 40 square feet to safely read the sign with the 40 MPH speed limit on Lititz Pike.

There was a discussion regarding the sign square footage versus the distance to find the entrance to why the larger sign makes a difference. Mr. Wood stated that the Board does not want to set a precedence to double the size of a sign.

Ms. Hoffer explained that the applicant is also proposing to move the existing 20 square foot sign on Bluebell Drive to the north side of the entrance and to clean up the error of the sign approval. Ms. Hoffer stated that in her opinion the applicant has a vested right to that sign.

Mr. Winters moved to approve a variance to section 1802.14 to permit incidental signs on the property to be 4 square feet in area and to permit the signs to include the names of the applicant consistent with applicant’s exhibit 1 that was presented before the Board this evening rather than the applicant’s exhibit that was presented with the initial application; and moved to deny the request to permit a variance to section 1806.2 Table 2 Part A to permit the freestanding sign on Lititz Pike to be 40 square feet; and moved to approve the request to permit a variance to section 1806.2 Table 2 Part A to replace and relocate a second freestanding sign for the property on Bluebell Drive contingent upon the removal of the incidental sign currently at that location that was discussed during the testimony and presentation of exhibits before the Board this evening, with the intention that both of the Charles F. Snyder freestanding signs to be 20 square feet. Ms. Adams seconded the motion. The motion was approved 4-1, with Mr. Trimble dissenting.

Lancaster County Motors

I-1, 1550 Commerce Drive

Case 10-38

Glen Frill of Professional Design and Construction, Larry Prescott, Frank Nolt and Caroline M. Hoffer were sworn in for testimony.

Ms. Hoffer explained the background of this property and stated the following: Lancaster County Motors is the owners of this property with 5.23 acres and is located in the I-1 zoning district. A special exception and a variance was approved to enlarge the use by 25 percent and was granted by the Zoning Hearing Board in 2000. Another expansion of the use would not comply with the zoning ordinance because of the prior expansion. Franchise requirements from Mercedes Benz are requiring this proposed expansion.

Ms. Hoffer explained that the applicant’s requests: a special exception to expand a non-conforming use; a variance is for a second expansion; a variance not to place screening along the front of property. This property is mentioned in the Manheim Township Comprehensive Plan as a “Highway Opportunity zone” which allows motor vehicle sales.

Mr. Prescott explained the building plans and site plans: Lancaster County Motors is planning to enlarge the show room area by 1,730 square feet, the customer drop off area by 100 square feet

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and the service area by 10 bays. Mr. Prescott displayed the proposed building sketch and fielded questions.

Ms. Hoffer reviewed the special exception criteria and stated that this expansion would not adversely affect the neighborhood and there would be no change in character of the property and neighborhood.

Ms Hoffer stated that the neighboring properties have commercial businesses. A time extension of 18 months to obtain permits and 1 year for construction is also being requested. The total expansion of this use from the original non-conforming use would be an 89 percent increase including this expansion.

Mr. Winters moved to approve the following: a special exception in accordance with section 301.4.B. for the expansion of a non-conforming use; a variance to section 301.4.B.1. to permit the expansion of the non-conforming use to be greater than 25 percent of the floor area of the buildings that exists on the date the use first became a non-conforming use; variance to section 301.4.B.5. to permit a second expansion of the non-conforming use; a variance to section 2312.3.A. to permit no screening along the street rights of way; a variance to section 2208 to extend the time limit to 18 months to obtain permits from the date of zoning approval and complete construction within 12 months after permits were obtained. Mr. Hoover seconded the motion. The motion was approved 5-0.

Herbert S. Long
R-1, 185 Delp Road

Case 10-39

Greg Strausser, Yvonne Brown, Paul Brown, Peter Panas, Laralee Bash, Thomas Baldacci, Heidi Baldacci and Evan Laub were sworn in for testimony.

Mr. Strausser explained that there is a single family detached dwelling and a two story garage on a $\frac{3}{4}$ acre lot. The property line crosses in the middle of the garage. Mr. Long owns the 5.16 acre property next to this property. Mr. Long proposes to move the property line around the garage to keep the garage on the $\frac{3}{4}$ acre property with the house. In order to do this the following variances are needed: the house has on lot water and sewer and the lot size is non-conforming, therefore a variance for the lot size is required, and a variance for the garage setback from side property line is required, a variance to allow the Agricultural use on the 5 acre property is required. A lot add on plan would be completed to enlarge the $\frac{3}{4}$ acre lot. No building construction is planned at this time.

Mr. Wood inquired as to why not create a 60,000 square foot lot to comply with the zoning ordinance. Mr. Strausser stated that the buyer of the 5 acres property did not want the size go below 5 acres' to allow for a higher density development in the future, in case the property gets developed.

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The neighbors voiced concern that the large 5 acre property may be developed in the future and wanted the smaller lot to be enlarged to 60,000 square feet to force the large lot to go below 5 acres so a lesser density development is constructed on the property.

Mr. Heinly stated that he would like the agricultural variance proposal to be amended to only allowing the growing of crops on the 5 acre property to prevent a the raising of farm animals. Mr. Strausser agreed to place that condition on the variance.

Mr. Winters move to approve the following: a variance to section 605.2.B.2.a. to allow the minimum lot size for a single family detached dwelling to be less than the minimum 60,000 square feet requirement; a variance to section 605.2.B.2.d.iii. to allow a single family detached dwelling rear yard setback to be less than the minimum 35 feet requirement; a variance to section 1902.5. to allow the side yard setback for a detached private garage to be less than the minimum 15 foot requirement; a variance to section 605.2.A.1. to allow an agricultural use lot area of less than 10 acres limited to the raising of crops; a variance to section 605.2.B.2.e. to allow the minimum open area for the single family detached dwelling to be less than the 80 percent requirement consistent with the testimony and exhibits presented before the Board this evening. Ms. Adams seconded the motion. The motion was approved 5-0.

Kenia L. Perez-Gonzalez

R-3, 124 Lincoln Street

Case 10-40

Kenia L. Perez-Gonzalez was sworn in for testimony. Ms. Perez-Gonzalez stated that she is planning to operate a child day care in her home for up to 6 children. Twenty-four hours would be offered to the clients. Ms. Gonzales stated that she will not operate all the shifts during the 24 hour period, but must offer all the hours for the need of the clients. There will be a drop off in the rear of the dwelling.

Ms Gonzalez stated the following: "I have a bachelor's degree in psychology from my country, from Cuba. I'm working as a teacher in the Early Head Start Program. I have been taking all the training for family day care and I have been working on the family day care, too, with my friend." Ms. Gonzalez stated that she needs this Zoning Hearing Board approval to get state approval.

Ms. Gonzalez stated that the day care would be operated in the living room and would be using a first floor bathroom. And the existing living room would be moved upstairs. Ms. Gonzalez stated that this day care would be excepting children through the Child Care Information Services (CCIS) agencies which subsidies the child care cost. The fenced rear yard will be used for a play area for the children.

There was discussion regarding concerns with the rear yard drop off and if there is an actual alley in the rear of this property. Ms. Gonzalez stated the alley is grass. The Board voiced concerns with a grass alley access because of mud and snow blocking the access.

Ms. Gonzalez stated that there will be no sign.

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There were discussions regarding the 24 hour day care operation request. The Board asked Ms. Gonzalez what hours she would what to operate because the Zoning Hearing Board will not approve the 24 hour request. Ms. Gonzalez stated that she did not know what hours to operate because she is not in operation.

Mr. Winters moved to approve a special exception in accordance with section 1910.4.M.7. to permit the operation of a Family Child Day Care Home for up to 6 children unrelated to the operator contingent upon the applicant obtaining the necessary certificate of compliance to be issued by the Department of Public Welfare of the Commonwealth of Pennsylvania and also contingent upon the fact that that the children shall be dropped off on the same side of the street as applicants home. In addition, the hours of operation shall be restricted to 6:00AM to 8:00 PM Monday through Friday consistent with the testimony and any exhibits presented before the Board this evening. The motion was seconded by Mr. Trimble. The motion was approved 3-2 with Helen Adams and Edward Hoover dissenting.

Bruce Shenk

I-1, 203 Koser Road

Case 10-41

Bruce Shenk, Jody Shenk and Todd Good were sworn in for testimony.

Mr. Good explained the request. This property is located in the I-1 zoning district. The property is occupied by a house and a detached garage. This residential use is a non-conforming use. Mr. Shenk is planning to construct a 2 car garage attached to the house. Mr. Good explained that the request for special exception to expand a non-conforming use and a variance to allow the expansion to exceed 25 percent.

Mr. Shenk stated that he purchased this property at an auction in July.

There was a discussion regarding a need for a time extension. Mr. Shenk agreed to request a time extension of 12 months to obtain permits and 12 months to complete construction.

Mr. Winters moved to approve the following: a special exception in accordance with section 301.4.B. to permit the expansion of a non-conforming residential use and structures; a variance to section 301.4.B.1. to permit the expansion of the non-conforming use to exceed 25 percent of the floor area; and a variance to 2208 to allow 12 months to obtain all necessary permits and 12 months from the date of obtaining those permits to complete construction consistent with the testimony and exhibits presented before the Board this evening. The motion was seconded by Mr. Hoover. The motion was approved 5-0.

The meeting adjourned at 9:58 PM. The next regularly scheduled meeting will be held on Tuesday, September 7, 2010 at 6:30 P.M.