

Manheim Township Zoning Hearing Board Minutes
Monday, May 3, 2010
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Absent
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
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. Mr. Wood stated that the Board received a request from Federal Realty Investment Trust to continue case 10-21 to the June Zoning Hearing Board meeting.

Helen Adams was seated on the Board and participated in the hearings and voted.

Kate Rothacker

Case 10-19

B-1, 2045 Oregon Pike

Kate Rothacker and Andy Greiner were sworn in for testimony.

J. Dwight Yoder attorney for the applicant began by explaining the applicants request and stated the following: The applicant is requesting a substitution of one nonconforming use for another. The dwelling has been a single family home since it was built in 1968. Ms. Rothacker has a scrapbooking business and she would like to use the property to hold scrapbooking retreats over the weekends. In addition, she will hold evening sessions where people would come in to do scrapbooking in the building. The traffic to the site would be similar as a single family home.

Mr. Greiner of Oregon Pike Group, owner of 2045 Oregon Pike, stated that Ms. Rothacker signed a lease agreement with Oregon Pike Group to use their parking lot at 2101 Oregon Pike for overflow parking when needed. There would be no conflict with parking because the office building hours are weekdays 8:00 AM to 5:00 PM and no weekends.

Mr. Yoder explained that in the alternative Ms. Rothacker would like to request a non-specified use for this scrapbooking business since it does not fit in any uses in the zoning ordinance.

Ms Rothacker explained the operation of her scrapbooking business, interior of the house and explained the history of her locating on the property. The scrapbooking would be done in the former living room. There will be no more than ten guests at a time for the weekend retreats.

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There will be no retail sales to the public; guests can purchase material when needed. The plan is to have six scrapbooking sessions per week during the weekdays to teach scrapbooking. Traffic would be less than a single family house. No employees would work at the building.

Mr. Yoder reviewed the special exception criteria.

A memo was given to the Zoning Hearing Board by Sam Maurer, Assistant Zoning Officer, stating the following: In 2004 Ms. Rothacker met with Sam Maurer, Assistant Zoning Officer, to see if the scrapbooking business would be permitted to locate at 2045 Oregon Pike. Mr. Maurer denied the request stating that retail services are not permitted in the B-1 zoning district. January 2010 Mr. Maurer received a phone call from an assessment company to see if the scrapbooking business is permitted at 2045 Oregon Pike. Mr. Maurer mailed a violation notice to the Oregon Pike Group and Ms. Rothacker.

The Board asked Ms. Rothacker why she went forward with the business in the house without Manheim Township approval. Ms. Rothacker stated that she reformulated the business plan to take out the retail service and thought it would be in compliance but did not ask the Township if it would be permitted. Ms. Rothacker stated that this is a unique service and is needed in the community.

Mr. Yoder distributed an exhibit packet and explained the contents in including pictures of both properties and the parking agreement.

There was a discussion regarding what this use would be similar to a bed and breakfast, without serving meals, and an office use.

Mr. Winters moved to approve the following: pursuant to section 302 to allow the scrapbooking retreat use as a non-specified use with the following conditions: 1) no more than ten guests at any time, 2) no signs be displayed, 3) no employees are to exist or be permitted on the property other than Ms. Rothacker, 4) no retail sales, 5) No parking in the setbacks of as they apply to the property on Oregon Pike, 6) no greater use of the property for this particular use other than that already included in Ms. Rothacker's application or testimony this evening; a variance to section 1702.6 and section 1704.1. to allow for additional parking , if needed , on the adjoining office parking lot located at 2021 Oregon Pike, consistent with the testimony provided by both Ms. Rothacker and Mr. Greiner before the Board this evening. Ms Adams seconded the motion. The motion was approved 4-1 with Mr. Hoover dissenting.

Jacqueline James and Jessica Reheard

R-2, 2159 Kentwood Drive

Case 10-20

Jacqueline James, Jessica Reheard, Donna Moore, Alice Boulton, Kerry Fritz and Wayne Ritchie were sworn in for testimony.

Ms. James began by explaining that she and her daughter Ms. Reheard purchased this property together and would like to create an accessory dwelling unit in the dwelling. The garage would

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be converted into bedrooms, one for Jessica and one for her daughter, a hallway and a playroom as a portion of the accessory dwelling unit. The existing laundry room would be converted into a kitchen for the accessory dwelling unit. In addition, a variance is being requested to permit 2 parking spaces in the front yard building setback.

There was a discussion regarding parking. Ms. James and Ms. Reheard stated that 3 cars could be parked in the existing driveway. There would be 4 cars associated with this property.

The public comment was regarding a concern on the number of people living in the house and the neighbor did not want the residents of this dwelling to park on Belair Avenue.

There was a discussion regarding the variance request that was advertised in the paper. The number of parking spaces required is 3, one for the accessory dwelling unit and 2 for the principal dwelling. However, the number of parking spaces that was advertised was 2 spaces.

Mr. Pfannebecker asked Ms. James if she would want to continue this case to the June Zoning Hearing Board meeting in order that variance could be advertised correctly. Mr. Pfannebecker explained the reasons to continue this case. Ms. James stated that she did not want to continue this case to the June meeting and requested to amend the variance request to permit 3 vehicles to be parked in the front yard building setback.

The Board voted and approved the amendment to the application.

Mr. Winters moved to grant the following: a special exception in accordance with section 2315 to place an accessory dwelling unit in a single family detached dwelling and a variance to section 1704.4 to permit 3 required parking spaces in the front yard building setback specifically at the location of the current driveway consistent with the testimony and exhibits presented before the board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Federal Realty Investment Trust, A. Maryland Reit

Case 10-21

B-4, 1601 Lititz Pike

Mr. Wood announced that the Board received a letter requesting a continuance to June 7, 2010 Zoning Hearing Board meeting and asked for a motion to continue this case.

Mr. Hoover made a motion to continue this case to the June 7, 2010 Zoning Hearing Board meeting. Ms. Adams seconded the motion. The motion was approved 5-0.

Landis Valley Partners

Case 10-22

B-3, 2347 Oregon Pike, Suite 101

Caroline Hoffer, Donna Deerin-Ward, Patrick Klugh and James Pikarski were sworn in for testimony.

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Ms. Hoffer explained the request and stated the following: This property is under construction for a shopping center and is in the leasing stage of the site. This property is located in the B-3 zoning district. The request is for a special exception to permit a restaurant to be located at 2347 Oregon Pike Suite 101 in one of the four proposed retail buildings.

Ms. Ward explained the site and proposed uses to locate there. There will be four retail buildings totaling 32,000 square feet of retail, a convenience store, a CVS Pharmacy and a bank. A pizza shop will locate here and would have fifty seats.

Ms. Hoffer reviewed the special exception criteria. The land development plan and traffic study are completed. The required parking spaces are in compliance with the zoning ordinance.

Ms. Hoffer requested an extension of time of six months to obtain permits and one year to complete construction.

The Board asked where the dumpsters would be located. Referencing the site plan, Ms. Ward described where the dumpster would be located, which will be between the retail buildings out of sight of the dwellings on Landis Valley Road.

The public comments where regarding a concern of the amount of traffic this would generate in addition to the Calvary church traffic. Ms. Ward stated that a traffic study was done for this property which took in consideration of the Calvary church traffic and this shopping center traffic.

Mr. Winters moved to approve a special exception request to permit special exception in pursuant to section 1203.4. to permit a restaurant and a variance to section 2208 to permit a time extension of 6 months from tonight's approval to obtain all necessary permits and 6 months from the date of obtaining permits to complete construction, consistent with the testimony and exhibits presented before the board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Springwood Development Partners

B-3, 245 Bloomfield Drive, Suites 105 & 106

Case 10-23

Caroline Hoffer, Donna Deerin-Ward were sworn in for testimony

Ms. Hoffer explained the applicants request and stated the following. This is an existing shopping center located in the B-3 zoning district. The applicant is requesting a special exception to permit a commercial recreation facility, named Anytime Fitness, to operate in the Bloomfield Village shopping center.

Referencing a site plan, Ms. Ward explained the layout of the shopping center including traffic pattern and the location of the proposed Anytime Fitness business. Ms. Ward explained the operation of the fitness club stating that there are 750 members of the fitness club and the club

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will be operating 24 hours. There will be only 20 people in the building at any one time. Only four to five people use the center after hours.

Ms. Hoffer explained that the parking for this use would be in compliance with the variance that was obtained for the shopping center.

Ms. Hoffer and Ms. Ward reviewed the special exception criteria for this commercial recreation use.

Mr. Winters moved to approve the following: a special exception pursuant to Section 1203.9. to permit a 4,000 square foot commercial recreation facility and a variance to section 2208 to permit a time extension of 6 months from tonight's approval to obtain all necessary permits and 6 months from the date of obtaining permits to complete construction, consistent with the testimony and exhibits presented before the board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Steven J. and Victoria H. Zuckerman

Case 10-24

R-2, 241 Wren Way

Gregory Strausser and Alan Parker were sworn in for testimony.

Mr. Strausser explained the request and stated the following: The applicants have lived in this house since it was built. This property is located within the R-2 zoning district. The applicants are planning to construct an addition onto this dwelling. They hired Mr. Strausser to survey the property for the addition. During our survey it was discovered that the house was constructed 13.28 feet from the side property line. This is 1.72 feet (20 inches) into the side yard building 15 feet building setback.

Therefore, the applicants are requesting a variance to permit the dwelling to encroach within the side yard building by 1.72 feet.

Mr. Strausser stated that he investigated about completing a lot add on plan to move the property line. However, that would make the neighbor's dwelling be in non-compliance. In addition, Mr. Strausser stated that it is not viable to move the load bearing wall to meet the setback.

Mr. Winters moved to approve a variance to section 706.2.B.3.d.ii. to permit a minimum side yard setback of 13.28 feet for a single family detached dwelling consistent with the testimony and exhibits presented to the Board this evening where the structure as it exists today. Mr. Byram seconded the motion. The motion was approved 5-0.

Thaddeus Stevens Foundation

Case 10-25

R-3, 1125 Grofftown Road

Sidney R. Kime Jr. was sworn in for testimony.

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Mr. Hoover reclude himself from participating because of his relationship with the Thaddeus Stevens Foundation.

Mr. Kime explained the request and stated the following: This lot is a 32,000 square foot property in which 25,000 square feet is in Manheim Township and 7,000 square feet is located in Lancaster City. The Zoning Hearing Board reviewed and approved variances for a housing project subdivision plan for this property 18 months ago. This submittal is a different layout from the prior plan. A geo-tech study of the property discovered deposits of coal ash over half of the property. At points on the property the coal ash was as deep as 10 to 12 feet. Apparently this was a dump for the neighborhood properties. This revelation made the Foundation alter its plans. The Foundation decided to remove the coal ash from the property and replace with fill that will act as a good filter for the stormwater. The foundation then decided to create a different subdivision plan. Mr. Kime reviewed the revised subdivision plan.

Mr. Kime stated that the variances are needed to try to not to place the dwellings where the deepest part of the old ash pit were.

Mr. Winters moved to grant the following: a variance to section 806.2.B.3.a. to permit the minimum lot area of 7,000 square feet for single family detached dwellings reduced to 6,000 square feet for lot 5; a variance to section 806.2.B.3.c. to permit the minimum lot depth of 100 feet for single family detached dwellings reduced to 25 feet for lot 5 and 73 feet for lot 6; a variance to section 806.2.B.3.d.i. to permit the minimum front yard of 25 feet for a single family detached dwelling reduced to 11 feet for the existing dwelling on lot 5; a variance to section 806.2.B.3.d.iii. to permit the minimum rear yard of 35 feet for a single family detached dwellings reduced to 7.63 feet for lot 5 and 24 feet for lot 6; a variance to section 806.2.C.2. to permit the minimum lot area of 6 000 square feet for single family semi-detached dwellings reduced to 3994 square feet for lot 2, 640 square feet for lot 3 and 405 square feet for lot 4; a variance to section 806.2.C.3. to permit the minimum lot width of 50 feet at the front yard setback line for single family semi-detached dwellings reduced to 47 feet for lot 2; a variance to section 806.2.C.4. to permit the minimum lot depth of 100 feet for a single family semi-detached dwellings reduced to 99 feet for lot 2; a variance to section 806.2.C.5.a to permit the minimum front yard of 25 feet reduced to 20 feet for lot 2; a variance to section 806.2.C.5.b. to permit the minimum side yard of 24 feet for single family semi-detached dwellings reduced to 15 feet for lot 2; a variance to section 2002 to permit the clear sight triangle of 100 feet reduced to 68 feet on lot 1 and 81 feet on lot 6; a variance to section 2013 to permit the special building setback requirements of 50 feet for PA Route 23 reduced to 48 feet for lot 1, 20 feet for lot 2, and 11 feet for the existing dwelling on lot 5; a variance to section 2208.1. to permit a time extension of 1 year from the date of the approval to obtain all necessary permits and complete construction within 1 year of the issuance of the permits. Ms. Adams seconded the motion. The motion was approved 4-0.

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Pennsylvania CVS Pharmacy LLC

B-3, 2363 Oregon Pike

Case 10-26

Caroline Hoffer, Robert Oelenschlager and Maria Oelenschlager were sworn in for testimony.

Ms. Hoffer stated that CVS has authorized National Sign Service to appear on its behalf. Ms. Hoffer entered in to testimony exhibit 1.

Robert Oelenschlager of the National Sign Service explained his role for this property. National Sign Service is a consultant to decide what signs are needed for the CVS site located at 2363 Oregon Pike.

Ms. Hoffer stated that a CVS Pharmacy building will be constructed on lot one. Variances are being requested to place more than 200 square feet of building signs and more than 280 square feet of total sign area on the lot.

Mr. Oelenschlager explained the proposals for building signs and freestanding signs for CVS Pharmacy. There will be a 44.61 square foot pylon sign, which 80 square feet is permitted. The pylon sign would include a 24.38 square foot CVS sign and a 20.32 square foot electric sign. The electric sign would not flash and will not change the message more than one time per day. The building signage would total 264.82 square feet. The total sign area for the property would be 309.34 square feet. The proposed signage would be the minimum size for this property for adequate visibility. Smaller signs would create a traffic hazard. There will be no hardships to neighboring properties.

The Board asked if the photo, drive thru pharmacy, beauty, photo drive-thru signs could be removed from the building to decrease the sign area on the building and to get closer to the ordinance regulations. Mr. Oelenschlager stated that those signs create more sales and would create a financial hardship to CVS if those signs would be removed.

Mr. Winters moved to grant the following: a variance to section 1804.24. to permit an electronic message on the CVS pylon sign with message changing one time in 24 hours; a variance to section 1806.2. Table 2 Part A to permit the maximum total area of all building signs to exceed 200 square feet, not to exceed 264.82 square feet and to permit the total area of all signs on the lot to exceed 280 square feet, not to exceed 309.43 square feet; a variance to section 2208 to permit a time extension of 6 months from zoning approval to obtain all necessary permits and 6 months from date of obtaining permits to complete construction. Mr. Byram seconded the motion. The motion was approved 4-1 with Mr. Wood dissenting.

The meeting adjourned at 10:00 PM. The next regularly scheduled meeting will be held on Monday June 7, 2010 at 6:30 P.M.