

Manheim Township Zoning Hearing Board Minutes
Tuesday, September 8, 2009
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Absent
Robert Byram	Absent

Chairperson David Wood asked for a roll call. A quorum of the Board was established.

Chairperson David Wood opened the meeting, explained the Zoning Hearing Board meeting process, and announced the agenda.

Deborah and Daniel Audette
R-1, 33 Kings Pointe

Case #09-31

Deborah Audette and Greg Biscoe were sworn in for testimony.

Deborah Audette explained the request and stated the following. This project will replace part of the existing deck with a sunroom which will be 28 feet from the rear property line. The sunroom would not impinge on anyone's view. There is arborvitae surrounding the property. They cannot comply with the 35 foot rear yard setback anywhere in the rear yard in order to construct this sunroom. There is only 5 feet from the existing house to the rear yard building setback, which would not be enough room to build a sunroom.

Ms. Audette displayed pictures of the rear yard and explained the planned location of the proposed sunroom.

Ms Audette stated that the sunroom will not alter the character of the neighborhood.

Mr. Winters moved to approve a variance to 605.2.B.3.d.iii. to place a sunroom 7 feet into the 35 foot minimum rear yard building setback consistent with the testimony and exhibits presented to the Board this evening. Mr. Trimble seconded the motion. The motion was approved 3-0.

Brett E. Miller
R-2, 322 Maxson Road

Case #09-32

Brett Miller and Gene Enck were sworn in for testimony.

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Mr. Miller distributed photographs of his and his neighbor Mr. Enck's existing garage to the Zoning Hearing Board.

Mr. Miller explained that he would like to expand his existing garage to 11 feet from the side property line. He explained that the existing garage is in bad shape and he cannot get out of his vehicle when it is parked in the garage during rain. In addition, Mr. Miller stated his dwelling was tested with high radon and the best way to penetrate for the radon fan is through the garage.

Mr. Miller stated that there is no other place on the property to place a garage. Mr. Miller stated that there is 31 feet 6 inches between his existing garage and the neighbor's garage, Gene Enck. The proposed garage would be 28 feet from Mr. Enck's garage.

Mr. Enck stated that he supports this widening of Mr. Miller's garage.

Mr. Miller requested one year to obtain permits and complete construction.

Mr. Winters moved to grant a variance request to permit a variance to section 706.2.B.3.d.ii. to permit encroachment of a new garage structure 4 feet into the 15 foot minimum side yard building setback, approximately 11 feet from the side property line consistent with the testimony and exhibits presented before the Board this evening and also the Board approved your variance request to section 2208 allowing one year to obtain permits and complete construction from today's date. Mr. Trimble seconded the motion. The motion was approved 3-0.

Nelson Rohrer

Agricultural, 2660 Oregon Pike

Case #09-33

Nelson Rohrer was sworn in for testimony.

Mr. Rohrer explained that he is requesting a time extension of 5 years for the previously approved projects to place a bed and breakfast in the dwelling and to place retail sales and green house in the barn.

The Board asked Mr. Rohrer why the project was not completed yet and why he needs a 5-year extension. Mr. Rohrer stated the following. Mr. Rohrer owns the three farms in that area. He sold 30 acres of land from his farm to the Manheim Township Commissioners for the compost site operation. The Manheim Township Commissioners agreed to purchase the 30 acres of land and the Transferable Development Rights (TDR) from the remaining farms. The Township has never purchased the TDRs. Mr. Rohrer explained he would like to keep this active until the Manheim Township Commissioners purchase the TDRs. Mr. Rohrer stated that the buildings are a liability without some kind of business, potential business use of them.

Mr. Rohrer stated that the plans for this project and property have not change since the time of the original approval by the Zoning Hearing Board.

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Mr. Winters moved to grant the following: a variance to section 2208 to permit a time extension to secure all necessary permits and complete construction for the previously approved Zoning Hearing Board case 00-34 regarding a special exception to allow a bed and breakfast establishment to operate within the dwelling; a variance to section 2208 to permit a time extension to secure all necessary permits and complete construction for the previously approved Zoning Hearing Board case 01-15 to permit variances regarding retail sales within a barn with an adjoining greenhouse consistent with the testimony presented to the Board this evening not to extend beyond 5 years from today's date. Mr. Trimble seconded the motion. The motion was approved 3-0.

The meeting adjourned at 7:12 PM. The next regularly scheduled meeting will be held on Monday, October 5, 2009 at 6:30 P.M.