

Manheim Township Zoning Hearing Board Minutes
Monday, February 2, 2009
6:30 P.M.

Attendance:

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

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.

Lancaster Church of the Brethren
R-3, 1601 Sunset Blvd.

Case #09-01

Mr. Wood stated that the Township received a verbal request to remove this case from the agenda. Barbara Morrow of Lancaster Brethren was told to submit a written request, however one was not received.

Mr. Winters moved to deny any further relief on this case and allow the prior decision of this case to stand. The motion was approved 4-0

Mennonite Disaster Services
I-3, 583 Airport Road and 645 East Oregon Road

Case #09-04

Thomas Madison, Kevin King and Ronald Guenther were sworn in for testimony.

Mr. Madison explained the request and stated the following:

The 645 East Oregon Road property would be subdivided along Airport Road to create a new lot. The Mennonite Disaster Services would be constructing a facility on the subdivided lot along Airport Road. An existing barn located on 645 East Oregon Road property encroaches within the front yard building setback. A variance is being request for the barn to encroach within the front yard building setback. Two lots would be created with the subdivision therefore all structures must comply with the Zoning Ordinance setbacks

The Mennonite Disaster Services is planning to construct an office facility for training purposes of staff and storage, on the subdivided lot along Airport Road, 583 Airport Road. They want to

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rent out the multipurpose room to the public for banquets in order to raise money to help fund their non-profit organization.

Mr. Madison explained that the Township would allow the Mennonite Disaster Services to use the multipurpose room and the kitchen to serve food and for training purposes for their staff as an accessory use. Mr. Madison stated that renting the multipurpose room to the public for the same purpose would be a similar use as the Mennonite Disaster Services accessory use.

Mr. Madison stated that this use is not specified in the Zoning Ordinance. The request is for a non-specific use and would be similar to the said accessory use allowed by the Township.

The Board inquired if the use would be incidental to the principal use; Mr. Madison stated that it would.

Mr. Guenther stated that the training programs would involve 24 to 75 persons during each training program. Mr. King added that training programs would be 10 to 12 days per month.

Mr. Winters moved to approve the applicant's requests for a non-specific use in accordance to section 302 and a variance to section 1604.2.A.4.a. to permit a subdivision of the existing farm from the vacant lot across Airport Road and to permit the applicant to rent the proposed multipurpose room to outside groups with the following restrictions; that the Mennonite Disaster Service be permitted to rent the proposed multipurpose room when Mennonite Disaster Service occupies the facility themselves and up to the point the Mennonite Disaster Service no longer occupies the facility themselves. Mr. Byram seconded the motion. The motion was approved 4-0.

Joseph Suggs

R-3, 1500 Sunset Avenue

Case 09-05

Joseph Suggs and Nancy Skee were sworn in for testimony.

Mr. Suggs explained that he is planning to purchase this vacant property and would like to construct a house on the lot. Mr. Suggs is requesting a variance to construct the house 10 feet from Elizabeth Avenue street line and is also requesting a variance to place two parking spaces five feet from the Elizabeth Drive street line which encroaches within the front yard building setback. The proposed parking spaces would be at the rear of the house and would access Elizabeth Drive.

The reason Mr. Suggs gave for the variance requests is that he does not want to complete a Stormwater Management plan with his improvements. The variances would allow the total square footage of Mr. Suggs improvements to be below 1,000 square feet.

Mr. Suggs then requested a time extension as the result of Lisa Douglas' suggestion.

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Mr. Winters moved to approve the following requests: a variance to section 806.2.B.3.d.i. to permit the construction of a single family detached dwelling encroaching within the minimum front yard building setback consistent with the testimony presented before the Board this evening and a variance to section 1704.4. to permit two parking spaces within the minimum front yard building setback and the Board grant applicant's request for an extension of time under 2208 to allow the applicant 6 months to pull permits and 1 year from the date the permits are received to complete construction all consistent with the testimony and exhibits presented to the Board this evening. Mr. Byram seconded the motion. The motion was approved 4-0.

Springwood Development Partners

Case 09-06

B-3, 3104 Lititz Pike, 235 and 245 Bloomfield Drive

Benjamin Roth, Caroline Hoffer and David Marschka were sworn in for testimony.

Ms. Hoffer made a request to the Board to allow the combined review of case 09-06 regarding Springwood Development Partners at Bloomfield shopping center located at 235 and 245 Bloomfield Drive, Bloomfield Restaurant at 3104 Lititz Pike and case 09-07 for Manheim Pike Associates located at 1601 Manheim Pike, since they have the same request. The Board agreed to allow the combined review of the cases.

Ms. Hoffer explained the Bloomfield shopping center sign request. Springfield Partners and Manheim Pike Associates are requesting to place 28 banners on the light posts at the Bloomfield Shopping Center and 15 banners on the light posts located at the Manheim Pike Group property at the Men's Wearhouse building on Manheim Pike.

The banners were placed on the light posts. Ben Roth, Manheim Township Sign Official, informed Mr. Marschka that the banners were in violation of the sign ordinance and Ben suggested that he should request a variance from the Zoning Hearing Board or face an Enforcement Notice. Mr. Marschka stated that he did know that the banners were in violation when he erected banners.

Ms. Hoffer displayed the photograph of the banners and stated that the banners were intended to be decorative and are not for identification of the shopping centers. Ms. Hoffer continued by stating that Lancaster City routinely posts banners along their streets and displayed photographs of the Lancaster City banners. Ms. Hoffer stated that the banners do not affect the health and welfare of the Township residents. The banners are labeled with Bloomfield Village on the banner.

Mr. Roth stated that he considered the banners as signs which are regulated by section 1805 of the Zoning Ordinance. Mr. Roth stated that the shopping centers could have center signs. Mr. Roth stated that the banners would not be considered signs if they were just decorative without lettering. Mr. Roth voiced concern that if the banners were allowed it could open the door for other signs for advertisement on the property.

There was a discussion of what content on the banner that considers it a sign.

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The Board dismissed for an executive session. The Board reconvened.

The Board asked Mr. Marschka if the wording on the banner signs is used to direct traffic to the shopping center. Mr. Marschka stated the wording is only for aesthetics.

Ms. Hoffer stated that there is no intention to identify tenants of the shopping centers and the banners.

Mr. Winters moved to deny all the variances in cases 09-06 and 09-07 because the Zoning Ordinance does not permit these banners. There was no second to the motion. This motion did not carry.

Mr. Byram moved to approve a variance to section 1804.22 to permit decorative banners on light poles within the parking lot area of Bloomfield Village Shopping Center and Manheim Pike Shoppes; a variance to section 1805.2. to allow additional sign area and additional number of signs placed on the properties. Mr. Trimble seconded the motion. Motion was approved 3-1 with Mr. Winters dissenting.

Manheim Pike Group LP

Case 09-07

I-1, 1601 Manheim Pike

This case was combined with the Springwood Development Partners case. Please read the minutes for Springwood Development Partners.

John Oppenheimer

Case 09-08

R-2, 265 Bloomfield Drive

John Oppenheimer was sworn in for testimony.

Mr. Oppenheimer stated that he now operates a minor home occupation in his home. He is requesting a major home occupation to permit a non-resident employee to work in the business. The hours of operation are 9:00 AM to 6:00 PM Monday through Friday. There are four off-street parking spaces in the driveway. No more than 3 to 4 clients at a time would visit the property. There will be one car parked on the property for the employee in addition to the client's vehicles.

Mr. Oppenheimer stated that there would be no change in the operation of the business. The business involves web site design, search engine marketing and internet service provider.

Mr. Winters moved to approve a special exception in accordance with section 1910.4.M.1. to operate an office facility with one non-resident employee as a major home occupation limited to the testimony and exhibits presented before the Board this evening including applicant's request

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for the Home Occupation application. Mr. Trimble seconded the motion. The motion was approved 4-0.

The meeting adjourned at 8:25 PM. The next regularly scheduled meeting will be held on Monday, March 2, 2009 at 6:30 P.M.

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