

**Manheim Township Zoning Hearing Board Minutes**  
**Monday, December 1, 2008**  
**6:30 P.M.**

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Attendance:

|                 |         |
|-----------------|---------|
| Michael Winters | Present |
| Patrick Trimble | Present |
| David Wood      | Present |
| Edward Hoover   | Present |
| Robert Byram    | Present |

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

**Barbara W. Linder**  
R-1, 423 Ringneck Lane

**Case #08-46**

Greg Strausser, Barbara Linder and Ruth Schlegel, Tim Zehr of Metzler Homebuilders, Gloria Ober, Carol Piersol, Lorraine Ewearitt, and Verna Milton were sworn in for testimony

Mr. Wood asked if Mr. Trimble would be permitted to vote on the case since he was not present at last month's hearing. Mr. Trimble read last month's testimony of this case. Mr. Strausser and Ms. Linder agreed to allow Mr. Trimble participate and to vote on this case.

Mr. Strausser distributed revised site plans of the property which showed the revised location of the proposed garaged. Mr. Strausser explained the site plans and stated the following:  
The garage would be moved further from the house to meet building code requirements. However, the garage still would be 12.91 feet from the street right of way. The size of the garage was reduced to 24 feet by 22 feet. Arborvitae would be planted along the street in front of the proposed garage which would be for screening and safety. Mr. Strausser highlighted that the site plan indicates a utility pole is along the street and if a car would leave the road it would hit the utility pole instead of the garage.

Mr. Zehr distributed elevation computer images which showed the proposed appearance of the garage and discussed the computer images with the Zoning Hearing Board.

Mr. Wood stated that he was concerned with safety and that the pole would be an obstruction and the arborvitae would be acceptable.

Mr. Zehr stated that the front grades are very steep. The grades would be the same as existing grades. The roofline was turned on the revised depiction of the garage.

Mr. Strausser stated that the architectural nature of the homes in this neighborhood was driven by the topography and that this garage would be kept within the context of the existing buildings.

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### Public comment:

Gloria Ober of 2382 Henbird Lane stated that she is concerned with the proposed location of the garage. She stated that it “would stick out like a sore thumb.”

Carol Piersol asked how far the garage would be from the street. Mr. Strausser answered 21 feet. Ms. Piersol voiced her concern with digging so close to the street that it might weaken the street.

Verna Milton voiced her concerns regarding stormwater runoff and traffic safety. Ms. Milton distributed and read her written statement that addressed hardship issues for the variance.

Ms. Milton also distributed a statement from Kathy and Jeff Gonick of 443 Ringneck Lane. Mr. & Mrs. Gonick stated that they were opposed to the garage and they did not feel that that Ms. Linder met the requirements of a hardship for the variance request.

Mr. Strausser stated that stormwater management is not necessary and that the physical properties of the lot are the hardship case. He also reviewed and explained the variance criteria from the Zoning Ordinance.

Mr. Byram stated that in previous testimony it was stated that it is feasible to build the garage on the slope but that option was too expensive. Mr. Strausser agreed.

Mr. Winters stated that since 73 percent of the garage would be located in the front yard building setback and that is the reason for his motion to deny this variance request.

Mr. Winters moved to deny a variance to sections 1902.4. and 605.2.B.3.d.i. to permit the construction of a 2 car detached garage on the property. Mr. Byram seconded the motion. The motion was approved 4-1 with Mr. Wood dissenting.

### **Robert Sciscento**

R-2, 2153 Saddleridge Road

**Case #08-49**

Robert Sciscento was sworn in for testimony.

Mr. Sciscento stated that the Zoning Hearing Board approved this project. Mr. Sciscento stated that he could not obtain a contractor in the timeframe allowed. Mr. Sciscento stated that he was not aware of the time frame, a contractor has been arranged and the project is now ready to be built.

Mr. Winters inquired if the project has changed. Mr. Sciscento stated the project has not changed since last approval.

Mr. Winters moved to approve the variance request to permit a variance to section 706.2.B.3.d.ii. to permit the construction of an additional garage which would be attached to the existing home on the right side of said property noting this would encroach within the minimum side yard building setback consistent with the previous testimony offered by this applicant.

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Mr. Hoover seconded the motion. The motion was approved 5-0.

**Melvin Faler**

I-2, 355 East Liberty Street

**Case 08-50**

David Bravo, Melvin Faler, Greta Brackbill, Ken Brackbill, Thiola Felter, and Toveah Mirot were sworn in for testimony.

Mr. Bravo explained the case and project and stated the following: Mr. Faler would like to lease out a portion of his building for office use. That section of the building would change from warehouse to office use. The number of parking spaces required for the change in use is 12 parking spaces. There is no room on the property for additional parking. Mr. Faler is planning to demolish the rear one-story portion of this building to provide 6 additional parking spaces on the lot. This property was developed in the early 1900's.

Mr. Bravo stated that the property borders the Amtrak railroad tracks on the north, on the west by a similar industrial type building, on the south by a residential area in Lancaster City, and on the east by the former Consumer Packing Company.

Mr. Bravo stated that there are 19 existing parking spaces outside and 6 in an existing building on the property. Six more parking spaces would be provided in the location of the demolished building.

Mr. Bravo stated that Mr. Faler is requesting to reduce the number of required parking spaces to 6 spaces.

Mr. Bravo reviewed the requested variances. The variance requests include reducing the number of required parking spaces, elimination of the 10 foot improvement area, elimination of the 10 foot planting strip, reducing the parking isle width to 19.5 feet.

Mr. Faler explained his business and property and stated the following: Mr. Faler operates Engelside Products, which he supplies cleaning products to companies. The new office would be for a computer software company. There will be no more than 3 to 4 employees. Mr. Faler stated that he purchased the property 14 years ago. The computer company would not have many visitors. The computer business would go to their customers businesses. There is street parking on Liberty Street. Most of the building is warehouse.

### Public comment:

The residential neighbors voiced concerns with the parking situation on East Liberty Street. The neighbors complained that some customers from Mr. Faler's property do park on street.

Mr. Faler stated that there is a parking problem on Liberty Street but he requires costumers to park on this property. He stated that most of his customers leave at 5:00 PM.

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Mr. Winters moved to approved the following: a variance to sections 1702.8.A. and 1702.12. to permit a decrease in the number of required parking spaces from 12 spaces to 6 spaces; a variance to section 1504.2.C.5.d. to permit the elimination of the required 10 foot side and rear improvement area setbacks with the parking space setbacks to be 4 feet from the side yard and 2 feet from the rear yard property lines; a variance to section 2312.2. to permit the elimination of the required 10 foot planting strip at the side and rear property lines; a variance to section 1707.2. to permit a decrease in the required parking aisle width from 25 feet to 19.5 feet. Mr. Hoover seconded the motion. The motion was approved 5-0.

**Dennis L. Usner**  
R-1, 841 Lititz Road

**Case 08-51**

Rodney Hess, Dennis Usner, Sandra, Orndorf, Grace Pierson, Blaine Lowry, Deb Witmer, and Melvin Hess, were sworn in for testimony

Mr. Hess requested party status for the Witmers, Lowrys and the Orndorfs. There was discussion regarding party status and if they are adjoining neighbors.

The Board approved by vote party status to Ms. Orndorf, Mr. Lowry and Ms. Witmer. Ms. Pierson was not granted party status because she is not an adjoining neighbor.

Mr. Usner began by explaining his business and his intension for the property and stated the following: Mr. Usner will purchase the property to store up to two tri-axle dump trucks in the building while working in the area. The trucks must be parked indoors to protect his investment in the trucks. A garage door would be placed on the rear wall so the dump trucks could access the building. Mr. Unser's main shop is located at his home at 715 Cider Press Road, Manheim. The office space would be used for Mr. Usner's business. One car would be parked on the property when he is using a dump truck. Mr. Usner stated that the building is being used for Mr. Hess's excavating business for an administration office. Mr. Hess is not parking large trucks on property. Mr. Usner also stated that an electrical contractor is storing equipment in the building.

Mr. Usner stated that he would use the property to store his dump trucks and plans to rent out a portion of the building to a tenant.

Mr. Melvin Hess interviewed the neighbors.

### Public comment:

Ms. Orndorf stated that this area is a country setting. She voiced her concerns regarding the noise of diesel engines running. She stated that the property is now being used as an office and has no large trucks on the property. She would like the same type of office use to remain.

Mr. Lowery stated he would like an office use in the building. He was concerned that the proposed dump trucks would have back up beepers and the running diesel engines. Mr. Lowery stated that it has been 8 years since diesel trucks were on property.

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Ms. Pierson stated she did not want trucks on the property.

Mr. Usner stated that his hours would be 6:55 AM to 5:30 PM. He would store up to 2 dump trucks in the building and a tractor for snow removal. The dump truck values are \$140,000.00 each.

Mr. Melvin Hess stated that presently Mr. Hess has 3 diesel pickup trucks and 2 cars parked on the property and the hours of operation is 7:00 AM to 5:00 PM.

There was an executive session.

Mr. Winters stated that, in his view, the Zoning Ordinance does not allow him to approve another non-conforming use because this property is located in the R-1 zoning district which is the most restrictive zoning district. He explained his determination.

Mr. Winters moved to deny the request. Mr. Byram seconded the motion. The motion was approved 3-2 with Mr. Trimble and Mr. Wood dissenting.

### **Springwood Development Partners**

B-3, 245 Bloomfield Drive

**Case 08-52**

Amanda Wagner, Allison Mingle, Donna Deerin-Ward and Caroline M. Hoffer were sworn in for testimony.

Ms. Hoffer distributed aerial photographs of the property and area and also distributed a site plan of the property.

Ms. Hoffer stated the following: The request is for a special exception for the operation of a restaurant. The proposed restaurant would be a coffee shop and would operate similar to Starbucks. This property is located within the B-3 zoning district. A restaurant use is a use by special exception. Ms. Hoffer requested a time extension to obtain permits in six months and complete construction in six months after obtaining permits.

Ms. Hoffer described the property as being a shopping center with retail office units which is next to a residential neighborhood. A fence was placed at the property line along the residential neighborhood. Ms. Hoffer explained the history of restrictions regarding trash removal which is 7:00 AM to 8:00 PM. The hours of operation would be 6:00 AM to 7:00 PM Monday through Saturday and 7:00 AM to 5:00 PM on Sunday. Most business would be in the morning and lunch times. There will be 21 seats in the restaurant. The restaurant would meet the parking requirements.

Ms. Hoffer requested a time extension to obtain permits and complete construction.

Ms. Deerin-Ward stated that the following: The coffee shop would serve high-end coffee, pastry and bakery items. There will be no baking on the premises. The entrance would be in the front of the building.

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### Public comment:

The neighbors supported the coffee shop use.

Mr. Winters moved to approve a special exception pursuant to Section 1203.4 to permit an approximate 2,106 square foot restaurant at Bloomfield Village Shopping Center and a variance to Section 2208 to permit an extension of time of six months to obtain permits and six months to complete construction from the date those permits are obtained consistent with the evidence and testimony presented before the board this evening, including the fact that trash removal will not occur before 7:00 AM or after 8:00 PM and trash storage will be at the location designated on Applicant' Exhibit one. Mr. Byram seconded the motion. The motion was approved 5-0.

**Metro Express Inc.**  
B-2, 2467-B Lititz Pike

**Case 08-53**

Glen Eshelman, Fred Talmadge, and Thomas Mulcavage were sworn in for testimony.

Mr. Talmadge explained that they are operating a pizza delivery business in a small area of the building and would like to expand into the next unit on the first floor. Metro Express is operated in a very small space of about 300 square feet for its kitchen and probably 30 or 40 square feet for its lobby. Fifty percent is a carryout business. The expansion would improve customer service for handicap accessibility and would double the size of the floor area. A satellite sales business was the prior occupant of the unit to where they want to expand. There will be no seats. The parking impact should be reduced. Most business in the shopping center would be closed after 5:00 PM. The present lobby is small and only holds 5 people at the most. The business has been in operation for 22 years.

Mr. Winters moved to approve the following: a special exception in accordance to section 301.4.B. to permit the expansion the current facility to adjoining space to allow for handicap access, larger lobby, small office and storage; a variance to section 301.4.B.1. to permit the expansion of a non-conforming use to exceed 25 percent. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 10:04 PM. The next regularly scheduled meeting will be held on Monday, January 5, 2009 at 6:30 P.M.