

Manheim Township Zoning Hearing Board Minutes
Wednesday, November 5, 2008
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Absent
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 Lorraine Ewearitt, were sworn in for testimony

Mr. Strausser described the existing conditions of the property and explained the request.

Mr. Strausser stated that a topographical survey was completed for this property and it revealed a steep 60% slope at the rear of the property.

Mr. Strausser stated that the applicant would like to construct a 24 foot by 24 foot 2 car garage within the front yard building setback. The garage would be 12.48 feet from the street right of way line and would protrude 22.52 feet into the front yard building setback.

Mr. Strausser stated that the existing driveway is the only flat spot on the property and that there is no way the proposed garage and driveway would fit in the very small driveway area of the property. Mr. Strausser stated that the proposal would be to cut into a bank in the front yard to build the garage.

Mr. Strausser stated that in his opinion, the proposed area would be better than place for the garage to be built and if the garage would be built in the rear on the slope additional fill would be needed. Mr. Strausser stated that it is not feasible to build on slopes that are 60% and greater.

The Board revealed that the garage would be 14 feet in height. The Board requested an architectural rendering of the garage; the applicant could not supply one.

There was discussion on the height of the garage and the grade contours of the property. It was revealed that the garage would be 14 foot in height and roof would protrude 4 feet above the 390 degree contour grade level and therefore only a roof protruding from the grade level would be seen from the street.

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Mr. Wood voiced safety concerns regarding the garage this close to the street and that a car could hit the garage roof on icy roads. Mr. Strausser stated that there would be an 8 foot retaining wall for the garage.

Mr. Hover inquired about placing the garage on the other side of the driveway at the slope area building on top of a poured concrete wall. Mr. Linder stated that her contractor stated that it would be expensive to construct the garage on the slope.

There was an executive session.

Mr. Pfannebecker suggested that section 2312 of the zoning ordinance should be reviewed for screening possibilities and this case could be continued to next month to discuss screening and the elevation of the garage. Mr. Strausser agreed to request to table this case until the December Zoning Hearing Board meeting.

Public comment:

Verna Milton was sworn in for testimony. Mrs. Milton, a neighbor of the property, voiced stormwater runoff concerns and safety concerns regarding the garage. She further stated that snow covered streets would be a concern on the curve of the street and she would also like the garage to conform to the house.

Neighbor Lorraine Ewearitt voiced support for this project.

Mr. Winters moved to approve the applicant's request to continue the case to December meeting of the Zoning Hearing Board. Mr. Hoover seconded the motion. The motion was approved 4-0.

U.S. Commercial Realty

Case #08-47

R-2, R-3, and I-3, 140 Hess Blvd. 1595 and 1580 Fruitville Pike

Caroline Hoffer, Ken Leaman, Michael Wagner, Benjamin Roth, Howard Thomas Kaufman, Edward M. Borris, and Catherine Hunt were sworn in for testimony.

Mr. Wood discussed party status of Ms. Hunt and Mr. Borris.

Ms. Hoffer described the location of the properties and explained the request.

Ms. Hoffer stated the following: U.S. Commercial Realty is the listing agents for the Aaron Hess Estate. The properties include a 71-acre parcel on the east side of Fruitville Pike across from Red Rose Commons which is located in the R-3 zoning district. There is a 5.8 acre parcel with farm buildings on it on the west side of Fruitville Pike and is located in the I-2 zoning district. In addition, there is a 15 ½ acre property on Hess Blvd. that is zoned R-2.

Ms. Hoffer stated that the listing agreement provided U.S. Commercial Realty the right to put signs on the properties to advertise the sale. Real estate signs are permitted in all zoning

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districts. But there are limitations in size of those signs. That is where we are this evening requesting relief from the zoning requirements due to the size and the location of these properties in order to make the signs visible to the public.

Ms. Hoffer distributed exhibits including aerial photographs of the properties and photographs of the signs in the locations taken from certain distances from the signs.

Referencing the above-mentioned exhibits Ms. Hoffer explained the location of the signs.

Ms. Hoffer stated that the zoning ordinance has severe limitations on the size of signs. The residential district allows 6 square feet, and the industrial zoning district allows 32 square feet. The four proposed, actually installed, signs are 6 feet by 8 feet totaling 48 square feet. The signs identify the property for sale, identify the realtor and the phone number to call. The signs are located out of the street right of ways but not meeting the 10 foot setback requirements. The face separation of the sign is greater than permitted however; you cannot see both signs at one time.

Ms. Hoffer referenced the photographs that show 200 feet and 100 foot distances from the signs and stated that the large signs are needed to read them while driving on the street. The sale signs are competing with other signs in the area and larger signs would be easier to read and would be safer.

Ms. Hoffer stated that U.S. Commercial Realty erected the signs without permission however; they would have gone to the Zoning Hearing Board for variances anyway to request larger signs.

Mr. Wagner stated that these are not the first signs of this size that U.S. Commercial Realty installed in the Township.

Mr. Wagner apologized for placing the signs as stated that he did not think he needed approval to place these signs. He explained the letter size of the signs in relationship with the distance of the motorists to the sign. He stated that the signs include 10 inch and 6-inch letter sizes.

Mr. Wagner stated that 6 square foot signs would not be adequate and stated that the larger signs do not alter the character of the neighborhood because they are in a commercial area.

Mr. Roth stated that the reason we are here again is that the signs were erected without Township approval. They do exceed the allowable square footage. Mr. Roth explained how he calculates sign area.

Mr. Roth stated that three sided signs are permitted but the issue is the distance of separation of the signs. Both sides of the signs can be viewed at one time at the Red Rose Commons location, which would be calculated at 65 square feet of viewing area.

Mr. Roth stated that signs cannot exceed 6 square feet however real estate signs could be combined with development signs, which is allowed to be 20 square feet itself.

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Mr. Roth stated that he would feel comfortable with a sign larger than 6 square feet, and there are certain circumstances where that can be permitted.

Mr. Winter stated that there are unique circumstances in this request. Mr. Roth stated that the requested signs exceed what would be permitted in industrial parcels and on a B-4 zoning district by double the size.

Public Comment:

Howard Kaufman stated he feels the signs are blatant and that 2 foot by 3 foot signs are too small however 3 foot by 4 foot signs would be better.

Edward Borris stated that the realtor could use radio, newspaper and television for advertisement. Mr. Borris inquired about the lengths of time the signs have been there and how long will the signs be there.

Mr. Wagner stated that the signs were posted 2 months ago. Mr. Wagner stated that people drive the market areas to look for properties for sale. The developers come out to areas looking for properties to purchase.

Mr. Roth stated that permits are required because of safety concerns of sign construction and informed Mr. Wagner that some of the signs are leaning over.

Mr. Wagner stated that he will have someone investigate the leaning signs.

Mr. Winters moved to approve the following: a variance to section 1805.2. to permit the erection of real estate signs larger than permitted and closer to the street right of way than permitted; a variance to 1803.13. to permit the erection of real estate signs with greater sign face separation than permitted. The following conditions were placed on the approval: 1) no additional signs be erected on any of the parcels, 2) all existing signs remain in their current locations; 3) all existing sign remain at their current size, 4) signs will be removed from their current locations no later than September 1, 2010, consistent with the evidence and testimony presented before the board this evening.. Mr. Byram seconded the motion. The motion was approved 4-0.

Granite Properties

B-4, 1581-1583 Manheim Pike

Case 08-48

Timothy Gingrich of Central Pennsylvania Subway, Mike Zwally Subway franchisee, Maria Elliot attorney for applicant, Bill Horst of Granite Properties and John Gazsi of Derck Edson were sworn in for testimony.

Ms. Elliot explained the case and stated the following: The subway is located at Granite Run Square on lot 30 and addressed 1581 Manheim Pike. The owner is Granite Properties. The property is located in the B-4 zoning district. There are two existing retail buildings on lot 30.

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Ms. Elliot stated that this request is a parking variance because Subway is planning to expand the existing 1,000 square foot restaurant to 2,000 square feet into the Classic Cut hair salon retail space. The parking variance request is for the reduction of required parking spaces by 16 spaces. There are 136 parking spaces on the lot and 28 parking spaces are needed for the Subway expansion. A time extension is requested.

Mr. Zwally, Subway Franchisee, stated that Subway began in 1965 and has 30,000 stores worldwide which include 30 locations in Lancaster County. This Subway has been in operation for 19 years.

Mr. Zwally stated that the average size of a Subway is 1,500 square feet. Presently this store only accommodates 5- 6 people in the store. There are 12-14 employees at this location. The store expansion would accommodate existing customers. Presently the equipment is small. **Mr.** Zwally stated that he would expand the refrigeration so Subway would not need as many food deliveries.

Mr. Zwally stated that the parking lot is 88 to 90 percent empty at 3:00 PM. Mr. Zwally stated that he would like to stay at this location. Mr. Zwally stated that he might need to move to another location if this variance is not approved.

Mr. Gingrich stated that there is one line and one cashier. The expansion is for existing customers to allow them to sit down and eat.

Mr. Gazsi explained the parking calculations. He compared the 1988 parking regulations to the present parking regulations.

Mr. Gazsi stated that there are 136 parking spaces on lot 30. The parking requirement for retail when the shopping centered opened was 1 space for every 300 square feet of gross floor area. Mr. Gazsi stated that 120 spaces were required with that formula.

Mr. Gazsi reviewed the parking survey with the Board.

Mr. Gazsi stated that today's standards require 152 parking spaces. There is a 16 space deficit. Mr. Gazsi stated that the parking survey was conducted at lunchtime and weekends, which revealed that there are parking spaces available at those times.

Mr. Gazsi stated that here are open tenant spaces in building two, which would account for 21 parking spaces. Worst-case scenario on Friday at 6:30 PM there were parking spaces available. The best-case scenario was at 5:00 PM right before dinner hour rush there were 70 percent parking spaces available based on the parking survey.

Mr. Zwally stated that the average size of a Subway in Lancaster County is 41 seats and 1,500 square feet.

Bill Horst stated that the testimony was correct.

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Mr. Winters moved to approve a variance to section 1702.5. to permit a reduced number of parking spaces in connection with the expansion of the Subway restaurant from 18 seats to 56 seats and a variance to section 2208 to permit an extension of time to allow permits to be obtained within six months from zoning approval and complete construction within six months from the date of obtaining permits and consistent with the testimony and exhibits present before the Board this evening.

The meeting adjourned at 9:12 PM. The next regularly scheduled meeting will be held on Monday, December 1, 2008, at 6:30 P.M.

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