

Manheim Township Zoning Hearing Board Minutes
Monday, October 6, 2008
6:30 P.M.

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. Mr. Wood announced that S.E., Smoker case will be moved ahead of the Giant Food Stores/Federal Realty Investment Trust case.

George M. Hurst
Agricultural, 2870 Oregon Pike

Case #08-40

George Hurst and Chad Hurst were sworn in for testimony

Mr. George Hurst made application for a Zoning Permit to Township to construct a bunker silo. The Zoning Permit application was approved the Planning and Zoning Department. The site plan for the Zoning Permit indicated the bunker silo would be 75 feet from Jake Landis Road.

Mr. Hurst stated that he made a mistake by installing a bunker silo 40 feet from Jake Landis Road instead of the required 75 feet. Mr. Hurst would like to construct a new bunker silo 40 feet from Jake Landis Road that would be attached to the existing bunker silo. Jake Landis Road is a dirt Road and will be a Manheim Township bike path in the near future.

Lisa Douglas stated that there are plans to convert Jake Landis Road into a non-motorized path and is planned to be moved 70 feet from the existing location of Jake Landis Road. Mr. Hurst is in the process of completing a stormwater management plan for the second bunker silo.

Mr. Winters moved to approve the variance request to section 505A.2.A.4.a. to permit the existing bunker silo and a proposed silage feed bunk pad to be within 40 feet of Jake Landis Road street right of way consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Domini C. Silviglia c/o Lancaster Contact Lens
I-1, 700 Eden Road

Case #08-41

Kevin Varner of Diehm & Sons and Leon Martin of ACI Construction were sworn in for testimony.

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Mr. Varner distributed reduced copies of the plan and described the project. This 1 acre property is located on the corner of Eden Road and Crooked Oak Drive. An expansion of the front and rear of the building and reconfigure the parking lot is planned.

The applicant is requesting a Special Exception to expand a non-conforming structure. The setback will be 34.3 feet from the Crooked Oak Drive right of way. The expansion will not encroach any closer than the existing building along Crooked Oak Drive.

Mr. Varner discussed the variances regarding sidewalk and parking lot encroachments into the 10-foot improvement areas and the number and size of parking spaces. The reconfigured parking space measurements are proposed to be 9 feet by 18 feet. The existing spaces are 9 feet by 17 feet. The parking lot reconfiguration will eliminate the dead end parking and will have better traffic circulation. There are 48 existing parking spaces, 45 spaces are proposed and will have 25-foot isles in the proposed parking lot.

Mr. Varner requested a time extension to obtain permits and complete construction.

The Boarded inquired about handicap accessibility. Mr. Varner stated that they will meet Township standards for handicap accessibility/

Mr. Winters moved to approve the following: a special exemption in accordance with section 301.4.B. to permit an expansion of a non-conforming structure, a variance to section 1405.2.E.5.d., to permit sidewalk and parking lot encroachments within the 10 foot improvement area, a variance to section 1704.4. to parking lot encroachments within the 10 foot improvement area, a variance to section 1707.1. to permit parking spaces to be less than the required 180 square feet, a variance to section 2006.2. to permit the proposed sidewalk to encroach within 5 feet of the property line, a variance to section 2312.2. to permit the proposed sidewalk and parking lot to encroach within the 10 foot wide planting strip, a variance to section 2208.1. to permit a time extension to obtain all necessary permits and complete construction, that the time to begin construction start 90 days and it be completed 1 year from the date the Land Development Plan is recorded, consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Richard Breneman.

R-1, 795 Dent Creek Drive

Case 08-42

Richard Breneman was sworn in for testimony.

Mr. Breneman explained the request. Mr. Breneman is representing Frank Nolt. Mr. Nolt is requesting a variance to increase the height of an outbuilding to 15 feet. Mr. Breneman stated that it would be impractical to attach the proposed outbuilding to the house. Bent Creek approved the request for this out building. Mr. Breneman stated that in order to comply with the 10 foot height requirement a flat roof would need to be constructed. The flat roof would not be in character with the house.

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Mr. Winters moved to approve the request to permit a variance to section 1903.1. to permit construction of a 16 foot by 16 foot screen porch (outbuilding) 15 foot in height consistent with the testimony and exhibits presented before the Board this evening.. Edward Hoover seconded the motion. The motion was approved 5-0.

Tonya Pompey and Marilyn Marques

R-1, 2338 Fruitville Pike

Case #08-43

Tonya Pompey, Fred Pompey, Marilyn Marques, Frank Holland, Phyllis Sauder, Richard Wallin, Ernest Buyok were sworn in for testimony.

Ms. Marques stated that they are requesting a special exception to operate a day care from her sister's house with 4-6 children, 2 shifts. Ms. Marques has a list of potential clients to start the business.

Mrs. Pompey described the property and explained the operation of the child day care. There is an out door play area for the children. The children would be dropped off in the driveway on this property. One parking space will be available for the child drop off on this property. This property is accessed with a shared private driveway. The private driveway is shared with five other properties. The widest portion of the shared driveway is at this property. The day care would be compliant with state laws. There were discussions about the state laws.

Mrs. Pompey stated that the hours of operation that would be available is 7:00 AM to 3:00 PM. 3:00 PM to 11:00 PM and 11:00 PM to 7:00 AM. All three shifts would be available for working mothers. There was discussion regarding the operation of tree shifts between the Board and the applicants. Mrs. Pompey then stated that they would only operate two shifts.

Mr. Pompey stated the shared driveway is 24 feet wide at this house.

The Board asked how many cars are in the driveway at one time. Mrs. Pompey stated that they would stagger the time of the cars picking up children. It was discussed regarding the number of children that will be there at one time. Ms. Marques stated that the state law allows 4- 6 children and does not permit overlapping of children. Ms. Pompey stated that they would need to have at least 4 children to make the business viable.

The Board reviewed the Special Exception criteria regarding the suitability of use, adverse effect of traffic, and the effect on the adjacent properties. Ms. Marques stated that the number of cars would be limited and that there will be no adverse effect on neighboring properties.

There were numerous public comments. The neighbors voiced the following concerns: 1) Possible traffic problems, 2) Driveway is too narrow for the increased traffic, 3) Poor visibility at Fruitville Pike and driveway intersection, 4) Already have traffic problems with the Pompey's visitors, 5) Possibility of increased accidents on the dangerous Fruitville Pike.

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Mr. Buyok read a statement that stated this property is part of the Dennis Herr development. Deed restrictions were placed on this development that prohibits business uses which includes this property. Mr. Buyok asked the Board to deny this request. Mr. Buyok distributed the deed restriction document.

Mr. Wood read a letter from Mr. Richter stating concerns with the daycare regarding traffic problems. Mr. Richter mentioned in the letter that a separate driveway should be constructed from Fruitville Pike to the Pompey's driveway. Mrs. Pompey stated that would not be feasible.

Mrs. Pompey stated that she was not aware of the deed restrictions. Mrs. Pompey was given the deed restrictions.

Mr. Winters moved to deny the request for a special exception in accordance with section 1910.4.M.7. to permit a major home occupation for a family daycare of 4 to 6 children. Mr. Hoover seconded the Motion. The motion was approved 5-0.

S.E. Smoker, Inc
B-1, 1865 Fruitville Pike

Case #08-45

W. Charles Lewis was sworn in for testimony.

The applicant is requesting a special exception for an increase of 225 square feet to the proposed expansion of the church building for a kitchen storage area.

Mr. Lewis stated that S.E. Smoker, Inc is the design build contractor that is constructing the Lancaster Brethren in Christ Church building addition. The expansion is under construction and was approved by the Manheim Township Zoning Hearing Board. However, there was a change to the size of the building expansion. An additional 225 S.F. of storage room is now planned for the new addition. The room would be for kitchen storage and a hot water heater. The complete size of the addition would be 9,030 S.F. including this storage room. Mr. Smoker distributed the elevation plans for the church building addition and storage room.

Mr. Winters moved to approve the request for a special exception in accordance with section 1003.1. to permit the expansion of a church building with a 225 square foot addition to the proposed addition consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Giant Food Stores / Federal Realty Investment Trust
B-4, 1605 Lititz Pike

Case #08-44

Charles Courtney, Doug Gosik, Craig Mellott William Shrader and David Joss were sworn in for testimony.

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Mr. Courtney explained the request. Giant Food Stores are planning to expand the grocery store at the Lancaster Center Shopping center. In addition, Federal Realty Trust is planning to build a Bank site pad on the Oregon Pike side of the property. A number of variances would be needed for the Giant Food Store expansion and Bank pad site construction.

Mr. Courtney stated that while researching the deeds of the property it was revealed that the Lancaster Center shopping center is constructed across two lots. The building is on one lot and a portion of the parking on a different lot. All lot functions as one unit.

Mr. Courtney reviewed the following variances that Giant Food Store is requesting.

- 1) Building length would be 243 feet instead of the required 150 feet.
- 2) Driveway addition would include a right turn lane at Oregon Pike intersection, no left turn on Lititz Pike.
- 3) Required yards setbacks increase setback nonconformities 7 foot deeper loading areas in front yard along Route 30. Four additional loading areas proposed and one existing. Mr. Courtney explained the truck traffic circulation in shopping center.
- 4) Proposed setback at the interior lot line. It was not known of this property line.
- 5) Encroachments in improvement areas along property lines all are non-conforming and changing configuration in area.

Landscaping along the driveway and interior property line would be increased.

The curves in the driveway will control speeding on the driveway.

Mr. Gosik explained the lighting plan. The lighting exceeds the 2 foot-candles at the property lines because of the contiguous parking lot over property lines and other property lines along the streets. The lighting will be upgraded in the whole site.

Mr. Coventry reviewed the proposed parking. 796 parking spaces are required in the shopping center. There are 730 parking spaces existing. There are many basement areas in the shopping center buildings. The basement areas do not create vehicle trips. 2,474 S.F. of basement would be eliminated.

Mr. Mellott stated that a parking study was conducted. Mr. Mellott explained the parking study. The parking study was conducted during the day before and day after Thanksgiving 2007, which is the worse case scenario of traffic for the shopping center. 393 parking spaces were occupied. The building square footage is being reduced. Reducing basement areas do not reduce the parking needed. Basement areas do not generate traffic. Mr. Mellott calculated that 3.68 spaces per 1,000 square feet are required without basement areas. 368 parking spaces are required without basement areas.

William Shrader of Giant Food Stores stated that the Giant store is expanding 30%. However, a Giant study discovered that only an 8% increase of new customers would be realized with the 30% expansion. The existing customers usually stay longer and spend more with the increased products offered for sale.

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Mr. Mellott concluded that there are plenty of parking spaces for the shopping center with the Giant expansion

Mr. Grant explained the shopping center business.

Mr. Mellott stated that the bank that is in the shopping center is moving to the bank pad site. That will not have any substantial effect on parking.

Mr. Courtney stated that he met with neighboring property owner Marvin Weaver and he supports the expansion.

Mr. Courtney requested a time extension.

Mr. Winters moved to approve the following requests: a variance to section 1305.2.E.6. to permit the eastern and western walls of the supermarket to have a maximum length of 243 feet as shown on the site plan, a variance to section 2011.1. to permit the shopping center's driveway widths to be greater than 35 feet at the intersections with Lititz Pike and Oregon Pike, a variance to section 1305.2.E.5.a., section 1709.3. and section 2305.6. to permit the supermarket's proposed loading areas to be located within the required front yard along Route 30, a variance to section 1305.2.E.5.b. to permit a freestanding bank to be located 5 feet from the common property line boundary with the shopping center, a variance to section 1305.2.E.5.d. to permit encroachment within the 20 foot improvement area, a variance to section 2312.2.A. to permit encroachment within the 10 foot planting strip, a variance to section 2312.3.A. to permit no landscape screening, a variance to section 1704.4. to permit encroachment within the 10 foot parking setback from a street right of way, a variance to section 2006.2. to permit proposed parking, drive isles and other improvements to encroach within the 5 foot setback requirement from property lines, a variance to section 1702.4. to permit the shopping center not to provide the required number of parking spaces, a variance to section 1704.1. to permit required parking spaces not to be located on the same lot as the building that they are intended to serve, a variance to section 2305.3. to permit lighting to exceed two foot candles at all of the shopping center parcels property lines, a variance to section 2208 to permit a time extension to obtain all necessary permits and to complete construction, permit the redevelopment to commence and completed within 3 years after the date on which the Final Land Development Plans for the redevelopment are recorded. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 9:18 PM. The next regularly scheduled meeting will be held on Wednesday, November 5, 2008, at 6:30 P.M.