

Manheim Township Zoning Hearing Board Minutes
Tuesday, September 2, 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.

Eden Resort

Case #08-35

B-4, 222 Eden Road

Drew G. Anthon was sworn in for testimony

Mr. Anthon explained that he is the owner of Eden Resort and is requesting several variances to place an 8-foot tall fence along Route 30 in front of the Club Suite buildings of Eden Resort. The fence would be placed between the pylon sign and the parking lot of Eden Resort within the Penn Dot easement and drainage easement. Mr. Anthon stated that he obtained a letter from Penn Dot allowing the fence to be placed in the Penn Dot easement. Mr. Anthon stated this proposed fence would block the traffic noise from Route 30 and be a visual barrier from Route 30. Mr. Anthon stated that Penn Dot's wall along Route 30 deflects the traffic noise on the Eden Resort's property. Trees would be planted on the inside part of the fence. There are already trees along Route 30 that would be in front of the proposed fence.

Mr. Anthon stated that this fence would not impede the stormwater drainage because there is a stormwater pipe underground.

There was discussion to whether a 6 foot fence could accomplish the same results. Mr. Anthon stated that the 8-foot fence would protect the first floor and a 6-foot fence would not be tall enough because you still would be able to see the tall trucks on Route 30. Mr. Anthon tested the effectiveness of the 8-foot height by temporarily placing plywood long Route 30. The building has been sound proofed which helped considerably by blocking the noise.

Ms. Douglas stated that Mr. Anthon would need to receive Manheim Township Commissioner's approval to place a fence in the drainage easement and would need approval from any other easement owner's for any easement that the fence encroaches.

Mr. Winters moved to grant the following: a variance to section 1908.1. to permit the erection of an eight (8) foot fence; a variance to section 1908.2. to permit the erection of a closed fence within the front yard, a variance to section 1908.3. to permit the erection of a fence within the

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front yard which is over 3 feet in height, a variance to section 1908.5. to permit an eight (8) foot fence to encroach within the minimum front yard building setback, pending any approval from any easement holders and Manheim Township Commissioners as these variances may relate to any applicable easements on the property and consistent with the testimony and exhibits presented to the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Hess Home Builders

I-1, 120 Eden Road

Case #08-36

Earl Hess and John D. Snyder were sworn in for testimony.

Mr. Hess explained that Mr. Snyder would like to construct an addition to his single family detached dwelling that would include a garage and a second floor recreation room. This residential use is non-conforming because this property is within the I-1 zoning district, which does not permit dwellings.

Mr. Hess reviewed the special exception criteria and stated that this addition would not have an adverse effect or no impact on the neighborhood. The neighboring properties include single family detached dwellings, industrial and commercial buildings.

Mr. Hess stated that Mr. Snyder is requesting a variance because the addition would be 1,613 square feet or an 82 percent expansion of the dwelling. Mr. Hess stated that a 494 square foot, 25 percent expansion would be permitted by ordinance but would not meet the needs of Mr. Snyder and would be more expensive to build. The existing house is 1,979 square feet.

Mr. Hess stated that the hardship is that the property is located in the I-1 zoning district and this expansion would be permitted in any residential zoning district.

The submitted photographs of this property and surrounding properties were discussed.

Mr. Winters moved to grant a special exemption to expand a non-conforming use in accordance to section 301.4.B. and a variance to section 301.4.B.1. to allow an 82 percent increase in size instead of 25 percent, consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Michael Ault.

R-2, 2807 Long Farm Lane

Case 08-37

Michael C. Ault was sworn in for testimony.

Mr. Ault explained that he is requesting a variance to construct a 22 feet by 24 feet 2 car garage onto his dwelling 8 feet from the side property line encroaching within the 15 foot side yard building setback. Mr. Ault submitted letters from the neighbors supporting the project.

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The Board inquired if the garage could be built while complying with the Zoning Ordinance. Mr. Ault stated no and then stated that he needs two off street parking spaces because of the vandalism of his cars when the cars were parked on the street.

Mr. Winters moved to grant a variance to section 706.2.B.3.d.ii. to permit a 2 car garage addition with an 8 foot side yard setback in lieu of 15 feet consistent with the testimony and exhibits presented before the Board this evening. Edward Hoover seconded the motion. The motion was approved 5-0.

Herb Landis

Case #08-38

R-3, 1004 Skyline Drive

Herb Landis was sworn in for testimony.

Mr. Landis explained that he would like to build a deck off the family kitchen area. The deck would encroach within the front yard-building setback.

Mr. Byram stated that the variance would be 19 feet from the 25-foot setback requirement.

Mr. Wood asked Mr. Landis if he could build the deck to the edge of the house that already encroaches in the setback, not as far as the proposed deck. Mr. Landis stated that is would be difficult to do and that and would be a small deck.

Mr. Winters moved to approve a variance to section 1906 to construct a deck that would encroach within the front yard minimum building setback by no more than 19 feet as presented through testimony and exhibits before the Board this evening. Mr. Trimble seconded the motion. The motion was approved 5-0.

Jeffrey Sholly

Case #08-39

Agricultural, 1115 John Landis Road

Jeffrey Sholly was sworn in for testimony.

Mr. Sholly explained that he is planning to install and operate a wind turbine. A variance is needed for the height to 89 feet instead of the required 35-foot building height limit. The height is in accordance with FAA standards.

Mr. Sholly stated the wind turbine height must be at least 30 feet above the highest roofline to be efficient. Solar panels would also installed to compliment the wind turbine. The wind turbine would not handle the complete electricity use of the property.

The board inquired why construct a wind turbine. Mr. Sholly stated that he is an engineer and always wanted to build one and wants to be energy efficient.

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There was a discussion regarding the noise of the turbine, blade length, height of the blade from ground level and the distance of the blades from the property lines.

Mr. Sholly stated the following:

- 1) He did not have any information regarding the noise.
- 2) Each blade is 12 foot in length.
- 3) The blade would be 50 feet from ground level.
- 4) The distance to the nearest property line from a blade would be 49 feet.

Mr. Sholly stated that the neighbors support the wind turbine and are waiting the outcome of this Hearing to install their own wind turbine.

Mr. Winters moved to deny the variance to permit a height variance to section 505A.1. and section 2008 to permit the construction, operation and maintenance of a wind turbine at a height of 78 to 89 feet consistent with the testimony presented before the Board this evening and because the applicant has not met the requirements for a variance showing a hardship and other elements required under section 2205. Mr. Byram seconded the motion. The motion was approved 4-1 with David Wood dissenting.

The Board urged Mr. Sholly to submit a request to the Manheim Township Commissioners to amend the zoning ordinance for wind turbines.

The meeting adjourned at 7:42. The next regularly scheduled meeting will be held on Monday, October 6, 2008, at 6:30 P.M.