

Manheim Township Zoning Hearing Board Minutes
Monday, February 4, 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.

R. Hess Excavation, Inc.

Case #08-03

R-1, 841 Lititz Road

This case was continued from January's Zoning Hearing Board meeting to render a decision. The Board agreed to move this case to first on the agenda.

Mr. Winters moved to deny the special exception request regarding the substitution of a nonconforming use. Robert Byram seconded the motion. The motion was approved 4-0 with Patrick Trimble abstaining because he was not in attendance during the testimony of this case.

The Board stated that the applicant failed to satisfy the requirements of Section 301.4.F.1. of the Manheim Township Zoning Ordinance.

Manheim Township School District

Case 07-72

R-3, 450 Candlewyck Road

Mr. Wood explained that this case was continued from January's Zoning Hearing Board meeting and that only new material would be permitted to be heard. Mr. Wood stated that the Board is going to focus today on the Township meeting proof of equitable ownership and showing the open area percentages of the existing property per the Board's minutes from two months ago. The Board is going to listen to the traffic concerns that the Board did not feel were addressed adequately by the applicant or Manheim Township School District and discuss any other new variance criteria.

Stacey Morgan, Mark Lauriello and John Schick were sworn in for testimony.

In addition, Mr. Wood explained that the Zoning Hearing Board received a letter and material from Diane Supple to place into testimony. Manheim Township counsel, Stacey Morgan, reviewed Ms. Supple material and agreed to place the material into testimony with an objection

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to the hand written notes on the submitted material. The Supple letter and material was placed in to testimony disregarding the hand written notes.

Ms. Morgan explained that the Manheim Township School Board and John Schick, a traffic engineer for Rettew Associates, are in attendance.

Ms. Morgan stated that the variance request regarding the required minimum open area is being withdrawn because the 65% open area requirement is being met as the result of a redesign of the project. Ms. Morgan stated that there was an agreement between the Manheim Township School District and Manheim Township Commissioners to convey the open area from the Manheim Township Commissioners to the Manheim Township School District. A copy of the Manheim Township Commissioners resolution was distributed.

Referencing a site plan comparing the past plan and the newly redesigned plan Mr. Lauriello explained the new modified plan, labeled "Plan B". The following are the summary of the plan changes: Parking reconfiguration and elimination of the loading dock and tennis courts. Soccer fields were added. Underground detention basins were added to replace the aboveground detention basins.

The neighbors voiced concerns with the proposed use in the vacant area within the school building and the number of parking spaces.

Mr. Schick explained a traffic study that was completed by Rettew Associates. After the traffic study explanation Mr. Schick stated that the traffic generated would not have a substantial adverse impact on the area.

In public comment the neighbors voiced the following concerns: The design plans for the school building were changed numerous times, a traffic light is needed on Fruitville Pike, they are opposed to expansion, they would like a smaller facility, proposed baseball fields would be reduced to "T ball" baseball fields instead of the existing little league baseball fields. Mr. Strausser voiced concerns regarding the district office re-locating to the Bucher Elementary School building. The neighbors stated that the Manheim Township School District offices should not be re-located in the Bucher Elementary School building.

There was an executive session.

Mr. Winters moved to approve the request to withdraw the variance request under section 807.2.C.6, approve the special exception request as presented before the Board in accordance with section 803.3. to permit the expansion of the existing elementary school, approve a variance to section 2208.1. allowing the applicant one year to obtain permits and two years to complete construction consistent with the evidence and testimony presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

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Thomas Bayles
R-2, 1801 Lititz Pike

Case #08-01

Thomas Bayles was sworn in for testimony.

Mr. Bayles explained the request and stated the following: A sign was placed in the front yard to advertize Mr. Bayles' business Mortgage Craft LLC. This property was recently purchased by Mr. Bayles. A tenant of the building, Graybill Realty, has a lease to use the existing non-conforming sign until February 2009. Mr. Graybill refuses to share the sign with Mr. Bayles. Mr. Bayles stated that his clients cannot find his business and that there is no other place on the property to place a sign to show the location of his business. There are four tenants plus the owner occupying the building.

Mr. Winters moved to deny the application for the requested variance to 1805.2, Table 2, Part A, to permit an additional freestanding sign. Mr. Byram seconded the motion. This motion failed 3-2 with Mr. Hoover, Mr. Trimble and Mr. Wood dissenting.

Mr. Hoover made a motion that the applicant be granted a request for a variance to Section 1805.2, Table 2, Part A, to permit an additional free-standing sign at 1801 Lititz Pike to identify the business Mortgage Craft, LLC, said time or said extension for the sign shall be February 28th, 2009 as per testimony. Mr. Trimble seconded the motion. The motion was approved 3-2 with Mr. Winters and Mr. Byram dissenting.

Amos K King
Agricultural, 1150 East Oregon Road

Case #08-05

Amos King was sworn in for testimony.

Mr. King explained the request and stated the following: Mr. King would like to construct an addition to the existing single family detached dwelling to be used as an additional dwelling unit to permit a family to live in and help with the farm. In 1992 Mr. King signed an agreement with Manheim Township to sell all but two of his Transferrable Development Rights (TDR) from his land. The agreement directed that Mr. King would be permitted to use the remaining two TDR's for the construction of a single-family detached house and an attached dwelling. The agricultural use would be continued.

Mr. Winters moved to approve a special exception in accordance with section 503A.1. to permit the conversion of a single family detached farm dwelling into a two (2) family farm dwelling; a variance to section 503A.1. to permit the construction of an addition to the single-family detached farm dwelling to provide for an additional dwelling unit; a variance to section 2208 to permit an extension of time to obtain all necessary permits and complete construction within one year after land development approval. Mr. Hoover seconded the motion. The motion was approved 5-0.

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The meeting adjourned at 10:02 PM. The next regularly scheduled meeting will be held on Monday, March 3, 2008, at 6:30 P.M.

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