

Manheim Township Zoning Hearing Board Minutes
Tuesday, September 6, 2011
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
Helen Adams, Alternate	Absent

Chairperson David Wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda.

Dave Costello **Case 11-14**
R-2, 231 Hess Blvd.

David Costello, Ronald Ford and Charles Sinclair were sworn in for testimony.

This case was continued from the August 2011 Zoning Hearing Board meeting.

Mr. Hoover stated that he will recuse himself from this case.

Mr. Costello began by stating that he is now requesting a variance to permit one parking space outside the front yard setback line and a variance to have a 25 foot front yard building setback. Mr. Costello stated that the existing trees will be able to remain on the property.

Mr. Winters stated the Zoning Hearing Board cannot change the minimum building setback but can approve an encroachment within the 35 foot building setback. This would be 10 foot encroachment of the dwelling into the required 35 foot front yard building setback

Public comment:

Neighbor, Ronald Ford stated that this property was an orphaned lot and was not intended to be developed. In addition, Mr. Ford stated that this lot is not large enough to build a house. Mr. Ford stated that he is concerned with the "pencil" driveway.

Neighbor, Charles Sinclair stated that he has lived next to this property for 3 ½ years. Mr. Sinclair stated that he is concerned with blasting if rock would be discovered. In addition, Mr. Sinclair is concerned there is not enough of water supply for this house on Hess Blvd.

Mr. Costello stated the blasting contractor should cover Mr. Sinclair's house repairs if there is any damage from blasting.

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Mr. Trimble moved to approve a variance of Section 1704.4 to permit one parking space outside the required front yard building setback and a variance to Section 706.2.B.3.d.i. to permit a front yard building setback of 25 feet instead of the required 35 feet. Mr. Byram seconded the motion. The motion was approved 3-1 with Mr. Winters dissenting.

Carolyn Leshar

R-3, 1113 Frances Avenue

Case 11-16

Carolyn Leshar, Bruce Campbell, Donald Tshudy 712 Janet Avenue, and Martin Drum were sworn in for testimony.

Mr. Drum stated the following: A one story bathroom addition is planned to be constructed on the rear of this house. Mrs. Leshar had surgery on one knee and is planning a surgery for the other knee. She has difficulty climbing stairs because of her knees. The addition would encroach within the 3 foot interior lot line setback and the 35 foot rear yard building setback.

It was determined that the addition would be constructed up to the interior lot line and would encroach 3 feet within the rear yard building setback.

Mr. Hoover suggested placing the door in the middle of the addition so the side yard setback could be met. Mrs. Leshar stated that she did not want to knock down the brick wall and also would need to move the kitchen cabinets.

Mr. Tshudy stated that he lives right behind Mrs. Leshar and that he supports the addition.

Mr. Winters moved to approve a variance to Section 806.2.F.5.d. to permit the construction of an addition which would encroach within the minimum rear yard building setback by 3 feet, and a variance to Section 806.2.F.5.c. to permit the addition to encroach within the interior lot line minimum building setback, consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Springwood Development Partners

B-3, 245 Bloomfield Drive, Suite 100

Case 11-17

Caroline Hoffer, Eric Shirk, Adam Montpettit, Ben Shirk and Donna Deerin-Ward were sworn in for testimony.

Ms. Hoffer stated the following: Adam Montpettit, Ben Shirk, Eric Shirk would be the operators of the New York Bagel Café and deli. They will lease a 1994 square foot retail space would be located at Suite 100 in building A. The request is for a special exception for a restaurant. A parking variance is requested for the restaurant. There will be 45 seats for this restaurant, 25 seats indoors and 20 seats outdoors. The fence and landscaping has been installed as requested from prior cases for this shopping center. Garbage pickup would not be later than 7:00PM as the requirement made in prior cases of this center. The property is fully developed but not fully leased.

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Ms. Hoffer distributed a photograph of the Shoppes at Bloomfield Village. Ms. Ward stated that the restaurant is suitable for the shopping center, will have no adverse effects to the Township and will have ample parking. Ms. Ward explained all the uses in the center and their hours of operation.

Ms. Hoffer reviewed the special exception criteria with the Board.

Ms. Hoffer reviewed the prior parking variances explained her parking calculation to the Board.

Mr. Ben Shirk explained the operation of the restaurant and stated the following: This restaurant would offer sandwiches, bagels, soups for breakfast and lunch and possible dinner. A deli case will sell sliced meats. The busy hours would be 6:00AM to 9:00AM and 11:00AM to 1:00PM. Indoor and outdoor seats would be available. The outdoor seats would be between the buildings.

There was a discussion of the location of the dumpster and trash disposal.

Mr. Winters moved to approve the applicants request for the following: a special exception in accordance with Section 1203.4. to permit a 1,994 square foot restaurant in The Shoppes at Bloomfield Village; a variance of Section 1702.5. to reduce the parking requirement for the restaurant to 10 spaces; a variance of Section 2208 to permit an extension of time to allow 6 months to obtain permits and 6 months after the those permit are obtained to complete construction . Mr. Hoover seconded the motion. Motion was approved 5-0.

Lancaster County Solid Waste Management Authority (LCSWMA) Case 11-18
I-2, 1299 Harrisburg Pike

John Mateyak, David Wilhelm of LCSWMA, Andrew Richards of Mercury Solar and Thomas Adams of LCSWMA were sworn in for testimony.

Mr. Mateyak distributed updated site plans and stated the following: The Authority removed the truck ports and therefore the height variance and the improvement are encroachment variance would not be needed. The Authority is installing a solar energy system with approximately 45,000 square feet solar panels on the roof of the existing buildings which are permitted by right. In addition, there will be approximately 5,700 square feet of carports with solar panels on the roofs over existing parking spaces.

Mr. Mateyak stated that there were discussions with staff and issues arose with the carport structures, weather they were garages or ground mounted solar panels. If they are considered garages then a variance is required to allow a garage larger than three cars. If they were considered ground mounted solar panels, then a variance is needed to exceed the 360 square feet and the 10 foot height for ground mounted solar panels. The Authority would prefer that they are considered garages.

Mr. Adams explained the plans for the Solar Energy System. There will be 33 parking spaces under the solar panels. The system will generate 80 to 85 percent of the energy of the transfer

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station. The 8 foot height is necessary for traffic and snow removal. All of the panels could not be placed on the building roofs instead of ground mount. The carports are essential to the effectiveness of the project and solar output.

Mr. Richards explained the solar project and design. Seals would be placed between the panels and acts as a roof. The panels will not emit glare. Three roofs are angled 9.4 degrees and one is angled at 14 degrees. The Manheim Township Commissioners support the project.

Mr. Winters moved that the Board considers the proposed installation as a roof mounted solar system and the Board therefore grant applicant's request for a variance to Section 1902.1. to permit the construction of two (2) solar panel carports in excess of three (3) cars consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 8:16 PM. The next regularly scheduled meeting will be held on Monday, October 3, 2011 at 6:30 P.M.