

Manheim Township Zoning Hearing Board Minutes
Monday October 6, 2014
6:30 P.M.

Attendance:

David Wood	Absent
Greg Strausser	Present
Helen Adams	Present
Jennifer Luciani	Absent
David Beyer	Present
Patrick Trimble	Absent

Acting Chairman, Greggory Strausser called the meeting to order and announced the agenda.

Mike Brenner **PLZHB14316**
2159 Oregon Pike, B-1 Business and D-C Corridor Overlay

Patricia Rose, business partner of Mike Brenner, was sworn in for testimony.

Ms. Rose explained the operation of this use and the request. This business operates as a Pediatric Extended Care Center from 6AM to 6PM on weekdays for children with medical needs and they were approved by a Manheim Township Zoning Hearing Board as a daycare center. Ms. Rose and Mr. Brenner thought that this Pediatric Extended Care Center was approved for 24 hours by Manheim Township Zoning Hearing Board, but it was not. This use is approved by the Pennsylvania Department of Health for overnight stays.

Ms. Rose stated that this request is to also allow respite care for children and adults on weekends from 6 PM Friday to 6AM Monday. This will be for different people than weekday care and they would be from the Lancaster Behavioral Health Center. The maximum of 5 children may stay overnight.

There was a discussion of why this request was for a medical office instead of a daycare center. Ms. Rose could not explain why the request is for a medical office. The Board was concerned that this use is not a medical office and was approved as a daycare center in the past. Mr. Strausser stated that it is his opinion that the Zoning Hearing Board may not be able to approve this request as a medical office. Mr. Albert stated that a continuance may be suggested.

Ms. Rose requested a continuance to the next meeting to resubmit the application as a daycare center.

Ms. Beyer moved to grant the continuance until the November Zoning Hearing Board meeting. Ms. Adams seconded the motion. The motion was approved 3-0.

Zoning Hearing Board Minutes

Monday, October 6, 2014

Page 2

John DeSanctis

PLZHB14317

B-2 Business and T-5 Neffsville Overlay

Ken Szala and H. Galen Hess were sworn in for testimony.

Mr. Szala explained that the request is for a variance to construct a gas canopy and pumps 19 feet into 50 foot front yard building setback. The existing canopy and pumps were removed to remediate the soils from a gas leak found in the ground as required by the Pennsylvania Department of Environmental Protection (DEP). The contaminated soil has been removed from the property.

Mr. Szala requested to change the application request to allow the new canopy and pumps to be 41 feet into the 50 foot and 9 feet from the Lititz Pike right of way, the same as the existing canopy was.

Mr. Hess stated that he and his boss want to keep the canopy as far front as possible and they do not want to park the customer cars in front of the canopy close to Lititz Pike.

The Board discussed that the new request would be 21 feet further front into the setback.

Mr. Hess questioned if this request could be grandfathered to place the canopy in the same place as the existing canopy because they were required to remove the canopy and pump because of the soil contamination. Mr. Hess described the history of the project.

The parking of the property was discussed. Mr. Szala stated that U-Haul trucks are rented and parked on the property. Mr. Szala explained the parking on the property.

The Board went to executive session.

Mr. Albert stated that the Board feels that this case needs more factual development and the Board suggested to continue the meeting. Mr. Strausser explained what should be submitted and stated that the current application as submitted may not be approved by the Board.

Mr. Hess requested a continuance to the November Zoning Hearing Board meeting. There was a discussion when to submit the new request and supporting material for the continuance.

Ms. Beyer moved to grant the requested continuance. Ms. Adams seconded motion. The motion was approved 3-0.

Zoning Hearing Board Minutes

Monday, October 6, 2014

Page 3

PLZHB14318

Tracy Kidan

1094 Stillwood Circle, R-3 Residential

Tracy Kidan and Adam Kidan were sworn in for testimony.

Mr. Kidan explained the history of the patio request. They were originally approved by the HOA and started construction of the patio. When they found out about the setback provision, they stopped construction of the patio and submitted the Zoning Hearing Board application to request a variance.

Mr. Kidan stated that their neighbors have patios and screened in porches which blocks their rear yard. Referencing the submitted site plan, the Board and Mr. Kidan reviewed the site plan, discussing their proposed patio, the neighboring patios, screened porches and landscaping.

Ms. Douglas explained the zoning ordinance patio regulation changes and also explained why the neighbors were allowed to construct their patios within the rear yard setback.

Ms. Adams moved to approve a variance of Section 510-162 of the 2011 Zoning Ordinance and Section 2306.2.c. of the 1989 Zoning Ordinance regarding cluster development, to construct a patio within the minimum rear yard building setback. Mr. Beyer seconded the motion. The motion was approved 3-0.

The meeting was adjourned at 8:06 PM. The next regularly scheduled meeting will be held on Wednesday, November 5, 2014.