

Manheim Township Zoning Hearing Board Minutes
Wednesday, November 5, 2014
6:30 P.M.

Attendance:

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

Chairman, David Wood called the meeting to order, explained the meeting process and announced the agenda.

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

Mike Brenner and Lawrence George were sworn in for testimony.

Mr. Brenner agreed to allow the Zoning Hearing Board members that were not involved in this case in the October meeting to be part of this month's review.

Mr. Wood suggested to amend the special exception request for overnight stays.

Mr. Brenner explained the process of the discussions with the Manheim Township Code Compliance Department. Mr. Brenner announced that he does not agree with The Code regarding the Code Compliance Department's definition of his use building classification. The Zoning Hearing Board and Lisa Douglas stated that the Zoning Hearing Board has nothing to do with the building codes and it should not be discussed at the Zoning Hearing Board meeting.

Mr. Brenner explained the respite program for individuals with autism. The program participants will stay overnight on weekends and will work with Lancaster County Behavioral Health Services.

Mr. George, Director of Lancaster County Behavioral Health Developmental Services, explained program, which was developed primarily to provide respite for the families of individuals with autism, adolescents and adults.

Mr. Wood discussed the special exception criteria with Mr. Brenner. Mr. Brenner explained that his hardship is that the building is setup for overnight stays.

Mr. Strausser moved to grant a special exception of Sections 510-55.A.2 and 510-211. to operate a commercial daycare center with overnight stays; a variance of Section 510-12 commercial day care definition to permit overnight stays within the commercial daycare center, with the conditions that any overnight stays be limited to a maximum of 24 hours, and that the applicant resolve all code compliance issues as required prior to obtaining a certificate of occupancy. Ms. Luciani seconded the motion. The motion was approved 4-0.

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John DeSanctis

PLZHB14317

B-2 Business and T-5 Neffsville Overlay

Ken Szala and Barry Burkholder were sworn in for testimony.

Mr. Szala agreed to allow the Zoning Hearing Board members that were not involved in this case in the October meeting to be part of this month's review.

Referencing the revised site plan, Mr. Szala described the location of the proposed 24 foot by 30 foot canopy, new fuel pumps, U-Haul truck rental business and parking spaces. The proposed canopy is to be 41 feet into the 50 foot setback and 9 feet from the Lititz Pike right of way, the same distance as the existing canopy.

Mr. Szala also explained why the canopy must be at the requested location.

Mr. Burkholder explained that John DeSanctis owns the ground and that he, Mr. Burkholder, has a purchase agreement on the property but only after everything is cleaned and back in operation.

Ms. Luciani moved to grant the following: a special exception in accordance with Section 510-4.D.2. to expand a non-conforming use; variance of Section 510-77.B.10.e.1 to permit the construction of a 30' x 24' gas canopy and fuel pump islands which would encroach into the fifty (50) foot minimum front yard building setback.. Mr. Strausser seconded motion. The motion was approved 4-0.

Debra Heagy

PLZHB14339

535 Somerset Road, R-2 Residential

Debra Heagy and Derek Heagy were sworn in for testimony.

Mrs. Heagy explained that she is requesting to operate a massage therapy business in her home so she can stay home for her children. She stated that she will service one person at a time. Four parking spaces are available in the driveway located on the property.

Mrs. Heagy and the Zoning Hearing Board discussed the hours of operation for the proposed massage therapy business and the location in the dwelling. The hours that were decided are 8AM to 8:30PM Monday to Friday; Saturday 8AM to 5PM.

Mrs. Heagy stated that she will be in compliance with the Commonwealth of Pennsylvania massage therapy regulations.

Mr. Strausser moved to approved a special exception in accordance with Section 510-166.D.13.b. to permit the operation of a massage therapy office as a major home occupation, having a condition that the hours of operation will be from 8:00AM to 8:30PM Monday through Friday and 8:00AM to 5:00PM on Saturdays and the second condition that one client be served at a time. Ms. Luciani seconded the motion. The motion was approved 4-0.

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Calabrese Good Architect

PLZHB14340

222 Eden Road, B-4 Business and D-R Retrofit Overlay

Greg Strausser recused himself because his firm's direct involvement with this site.

Keith Good was sworn in for testimony.

Mr. Good explained the project of erecting a stone wall and piers between the Eden Resort and the Sheetz convenience store properties to block the view of the convenience store from the Eden Resort and better define the two separate properties.

Referencing a site plan Mr. Good explained the location of the proposed wall and piers on the property, and explained the variances required for this project.

Mr. Trimble moved to approve the following: a variance of Section 510-164.C. to permit the stone wall and pier portion of the streetscape wall to be greater than 42 inches high; a variance of Section 510-164.B. to permit the stone wall and pier within the front yard building setback; a variance to permit the side yard requirements of Section 510-164.E and 510-164.G. to be reduced as per the testimony presented here this evening. Ms. Luciani second the motion. The motion was approved 3-0.

Fred Laurenzo

PLZHB14341

1143 Manheim Pike, I-2 Industrial and T-6 Urban Transition Overlay

Robert Shenk of HRG and Peter Kerekgyarto of Beers & Hoffman Architecture were sworn in for testimony.

Mr. Shenk explained the project referencing a site plan.

Mr. Shenk explained that a special exception is being requested to expand a non-conforming use with an addition to the building. He also explained the requested variances and explained that the B-4 regulations that is being used for this nonconforming use.

Mr. Shenk stated there are not variances requested for the building addition, only for the existing nonconformities on the property. A time extension was requested for the approval if approved.

Greg Strausser moved to approve the following: a special exception in accordance with Section 510-4.D.2.a. to permit an expansion of a non-conforming use; a variance of Section 510-77.B.10.e.1. to permit a thirty-five (35) foot variance for the front yard building setback along Race Avenue; a variance of Section 510-77.B.10.e.5. to permit relief of the twenty (20) foot perimeter buffer requirements to permit no greenbelt on the northern and western sides of lot; a variance of Section 510-77.B.10.g. to permit less than the required twenty (20%) percent minimum open area; a variance of Section 510-148.D. to permit parking spaces within the 10 foot setback requirement from the street right of way; a variance of Section 510-253.A. to permit a time extension to 2 years from the Zoning Hearing Board decision date to obtain necessary

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permits and begin authorized actions and 3 years from the Zoning Hearing Board decision date to complete authorized actions. Mr. Trimble seconded the motion. The motion was approved 4-0.

The meeting was adjourned at 8:02 PM. The next regularly scheduled meeting will be held on Monday, December 1, 2014.

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