

Manheim Township Zoning Hearing Board Minutes
Tuesday, September 8, 2015
6:30 P.M.

Attendance:

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

Chairman David Wood called the meeting to order, requested a roll call and explained the meeting process and announced the agenda items. Mr. Wood announced that Ms. Luciani will be attending the meeting later.

Mr. Wood announced that the Denlinger case will be moved to last on the agenda.

Sign Medix **PLZHB15232**
1373 Manheim Pike; B-4 and D-R Retrofit Overlay

Phil Sanders of Sign Medix was sworn in for testimony.

Mr. Sanders distributed photographs and exhibits, then explained the request: Autohaus is proposing to replace the existing pre-owned freestanding sign with a smaller sign which will include an electronic variable message center sign. The proposed sign would be moved from the parking area allowing for more parking of vehicles. The existing preowned sign, marked E-2 on the site plan, was approved by the Zoning Hearing Board on December 3, 2003. The proposed sign would comply with the zoning ordinance regulations regarding setbacks and electronic variable message center regulations.

There was a discussion on the frequency of message changes on the proposed electronic variable message center sign. Ms. Douglas stated that the zoning ordinance allows for messages to change once an hour.

Mr. Strausser moved to approve a variance of Section 1805.2. Table 2 to replace the existing 33 square foot "Preowned" sign designated E-2 on the applicant's submittal, with a 32.91 square foot sign which includes an electronic variable message and the customer's name. Mr. Beyer seconded the motion. The motion was approved 3-0.

Sheetz Inc. **PLZHB15234**
1699 Oregon Pike; B-4 and D-R Retrofit Overlay

Maria Elliot, Chris Venarchick, Michael A. LaCesa, and Brian K. Soyka were sworn in for testimony.

Ms. Elliot began by explaining the request stating that Sheetz is the tenant and are planning to renovate the store and gas service areas.

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Mr. LaCesa, Director of Real Estate for Sheetz, distributed color site plans. Referencing the site plans, he explained the planned renovations to the Board. Mr. LaCesa stated that this will be a complete remodel of the Sheetz brand. The remodel will not affect the driveway. The remodel will expand the store and increase offerings inside the store which will include seating inside and outside. Also, the remodel will change the gas island canopies

Mr. Venarchick explained the effects of this remodel on the lot. Mr. Venarchick explained that the expansion would be over existing impervious area, altering the canopies and not the gas islands, and there will be shared parking with Eden Resort.

Mr. Venarchick explained the proposed variance regarding, lot open area reduction, parking area access and location, as well as a time extension for this project. Sixty-four (64) parking spaces would be required for this project which thirty-one (31) of the sixty-four (64) parking spaces are planned to be shared with Eden Resort. A parking agreement between Sheetz and Eden Resort was distributed to the Board.

Mr. LaCesa explained that the store will be closed for renovations.

Mr. Beyer moved to approve the following: a variance of Section 1405.2.J.7. to permit the reduction of open area with a minimum of open area reduction to fourteen percent (14%); a variance of Section 2005 to permit locating the fourteen (14) additional required parking spaces on the adjoining property; and a variance of Section 2808.1. to permit a time extension of eighteen (18) months from the time of the Zoning Hearing Board approval to the start of construction and thirth (30) months from the time of the Zoning Hearing Board approval for the completion of construction. Mr. Strausser seconded the motion. The motion was approved 3-0.

Mr. Wood announced that Jennifer Luciani is now present and will be participating in the meeting.

Calebrese Good Architects

PLZHB15235

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

Keith Good was sworn in for testimony.

Mr. Good explained the proposed project for an addition to the regency tower portion of the hotel for a new handicap compliant elevator and entranceway which would allow for handicap access to the west of the hotel.

Mr. Good stated that the proposed additions would be encroaching twenty (20) feet into the fifty (50) foot setback. Mr. Good stated that other alternatives could not be found for this project and five (5) parking spaces will be removed to allow for this addition to account for the increased impervious coverage on the lot.

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Mr. Strausser moved to approve a variance of Section 1405.2.B.5.b. to permit the construction of a vestibule addition and canopy within the fifty (50) foot side yard building setback. Ms. Luciani seconded the motion. The motion was approved 4-0.

Kyle M. and Jeanene M. Denlinger
14 Susquaw Place; R-2

PLZHB15233

Mr. Strausser stated that he will recuse himself from the Denlinger case because his company, Strausser Surveying and Engineering, surveyed the property line.

Samuel Maurer, Assistant Zoning Officer, was sworn in and gave testimony, explaining the time line of his investigation of a complaint made by Michael Shultz and Anthony Kulp regarding an addition that was constructed within the side yard building setback.

The Board questioned Mr. Maurer about his testimony.

Attorney Dwight Yoder, representing the applicant, and Attorney Chris Dreisbach, representing the respondent, cross examined Mr. Maurer.

Mr. Yoder called Kyle M. Denlinger and Jeanene M. Denlinger to testify and they were sworn in for testimony.

Mr. Yoder explained his position on the case and questioned Mr. and Mrs. Denlinger regarding the history and construction of the building addition encroaching within the building setback. He also explained his requests to the Zoning Hearing Board for relief of the addition encroaching within the setback.

Mr. Yoder questioned Mrs. Denlinger. Mr. Dreisbach cross-examined Mrs. Denlinger.

The Board questioned Mrs. Denlinger.

Mr. Pfannebecker requested a memoranda of law from both Mr. Yoder and Mr. Dreisbach on the case issues within 10 days.

Mr. Dreisbach called Michael Schultz to testify. Mr. Schultz was sworn in for testimony.

Mr. Dreisbach questioned Mr. Schultz regarding his complaint of the addition.

Mr. Yoder cross examined Mr. Schultz.

The Board questioned Mr. Schultz.

The testimony was closed for this case.

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Mr. Pfannebecker stated that this case will be continued to the October Zoning Hearing Board meeting for a decision.

There was public comment.

The meeting was adjourned at 10:30 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday, October 5, 2015.

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