

Manheim Township Zoning Hearing Board Minutes
Monday, October 5, 2015
6:30 P.M.

Attendance:

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

Chairman David Wood called the meeting to order, requested a roll call and explained the meeting process and announced the agenda items.

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

PLZHB15233

Mr. Wood confirmed that counsel present for Kyle and Jeanene Denlinger was Sheila O'Rourke of Gibbel, Kraybill & Hess and counsel present for Michael Shultz and Anthony Kulp was Christopher Dreisbach of Kluxen, Newcomer and Dreisbach.

Mr. Wood stated that the Board did receive the memorandums of law from the attorneys and the Board had some discussions with the Zoning Hearing Board solicitor.

Mr. Wood requested a motion.

Mr. Beyer moved to approve the applicant's request for a variance to be allowed to maintain their existing addition at its current location approximately five feet to six feet from the property line is hereby granted. To expand the prior nonconforming structure is hereby granted. Applicant's request for a special exception to expand the prior nonconforming structure is hereby granted. The enforcement notice is dismissed as moot in light of all the resolutions of a variance and the special exception requests. Ms. Luciani seconded the motion. The motion was approved 2-1, with Mr. Wood dissenting.

Mr. Wood stated that the motion was approved.

The Board signed the written decisions and Board Solicitor Robert Pfannebecker handed the signed written decisions to attorneys Sheila O'Rourke and Christopher Dreisbach.

Scott and Anja Wawrzyniak
1617 Santa Barbara Drive; R-2 Residential

PLZHB15266

Scott and Anja Wawrzyniak were sworn in for testimony.

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Mr. Wawrzyniak explained the history of this case regarding the removal of the existing patios and walkways and constructing new larger patios closer to the rear property line than the existing patios. He stated the reason that they did not obtain a permit was because the contractor told them that a permit was not required for the new patio and walkways.

Mr. Strausser confirmed with Mr. Wawrzyniak that the actual variance that they are requesting is 18 feet 4 inches; that's the least amount of separation from one of the improvements to the rear property line. Mr. Wawrzyniak agreed.

Lisa Douglas, Director of Manheim Township Planning and Zoning Department, stated that if the patio was replaced with the exact dimensions, as long as they did not go any deeper or longer, they would not have needed a permit.

Mr. Strausser moved to approve a variance of Section 2106 to permit the construction of a patio which is encroaching within the rear yard building setbacks. Mr. Beyer seconded the motion. The motion was approved 5-0.

The meeting was adjourned at 6:58 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Wednesday, November 4, 2015.

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