

Manheim Township Zoning Hearing Board Minutes
Monday, February 1, 2016
6:30 P.M.

Attendance:

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

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

Kathryn Neyer **PLZHB16010**
1322 Glen Moore Circle, R-3 Residential and T-4 Urban Transition Overlay

Kathryn Neyer and Trent DeArment were sworn in for testimony.

Ms. Neyer began testimony by explaining that she installed the patio in 2012 after the submitted permit application was denied by the Manheim Township Planning and Zoning Department because the patio would have increased the impervious coverage of the property to 52 percent which exceeded the permitted 50 percent coverage allowed by the zoning ordinance.

Ms. Neyer stated that when she had Mr. DeArment start working on replacing the sidewalks. Sam Maurer visited the property and told her a permit is required to replace the sidewalks and he then noticed the patio was installed. Mr. Maurer and Ms. Neyer discussed the situation and she decided to remove the existing walkways in the rear yard to reduce the impervious coverage on the property to 47 percent. Mr. Maurer then told Ms. Neyer that the patio encroaches within the side and rear yard building setbacks and she must remove the patio or receive a variance to allow the patio to remain.

Ms. Neyer stated that she wants the patio in that location because it is shaded and grass will not grow there.

Ms. Neyer read a letter aloud from the rear neighbor stating that she supports the patio to be in that location.

Mr. DeArment stated that his company installed the patio even though he was aware that she was denied a zoning permit for the patio.

Ms. Luciani questioned Ms. Neyer and Mr. DeArment as to why they installed the patio when the permit was denied. Mr. DeArment stated that the garage is closer to the property line than the patio. Ms. Neyer stated that she has no excuse for installing the patio.

Mr. Strausser moved to approve a variance of Section 2106 to permit the patio to encroach within the rear and side yard building setback. Mr. Beyer seconded the motion. The motion was approved 3-1 with Ms. Luciani dissenting.

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Area 18, LP

651 Delp Road, B-4 Business and D-R Retrofit Overlay

PLZHB16011

Frank Nolt and William Swiernik were sworn in for testimony.

Attorney Mark Stanley explained the request and stated that Frank Nolt is the principal for this project and he is planning to move his Subaru dealership to this 4.5 acre tract. This tract will be subdivided from the PPL property through a subdivision and land development plan. There are 5 variance requests to seek relief of the following: the build to line setback, 75 foot breaks in the front facade along Manheim Pike and Delp Road, reduce the 10 foot sidewalk requirement and a time extension.

Mr. Stanley made a request to amend the application by adding a variance request for the length of the building to exceed 250 feet. Mr. Strausser moved to amend the application to allow the applicant to add a variance request for building length to the Zoning Hearing Board application requests. Mr. Beyer seconded the motion. The motion was approved 4-0.

Mr. Swiernik of David Miller Associates distributed exhibits of site plans, aerial views of the area and elevation plans of the proposed building. Referencing the exhibits, Mr. Swiernik explained the requested variances.

Mr. Stanley stated that the requested variances would not impact the neighborhood and they are the minimum variances necessary for the project.

Mr. Beyer moved to approve the following requests: a variance of Section 2408.2.B.1. to permit the proposed building to be located outside the build-to-line along Delp Road; a variance of Section 2408.2.C. to permit the proposed building to exceed 250 feet in length; a variance of Section 2408.2.C.1. to permit the proposed building without a visual break in the building façade every 75 feet along Manheim Pike and Delp Road; a variance of Section 2408.2.3.A. Appendix A, Design Standard 14.4 to permit development of the property without sidewalks located thereon and a variance of Section 2408.2.3.A Appendix A, Design Standard 14.3 to permit the sidewalks proposed to be located opposite the property to be less than 10 feet in width; a variance of Section 2808.1. to permit an 18 month period for obtaining all necessary permits and commencing construction and a 30 month period to complete all construction. Ms. Luciani seconded the motion. The motion was approved 4-0.

Frank Nolt

1015 Fruitville Pike, R-1 Residential

PLZHB16012

Frank Nolt was sworn in for testimony.

Mr. Nolt explained his request. Mr. Nolt wants to subdivide a lot to the rear of 1015 Fruitville Pike so he can build a single story dwelling for his elderly in-laws that are now living in the log cabin at 1015 Fruitville Pike.

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Mr. Nolt explained the history of the property. The property was previously two lots but he combined the two lots together 8 years ago.

Mr. Nolt stated that he will serve the following properties with public water and sewer through an easement from Bent Creek: 1) 1015 Fruitville Pike, 2) the new lot and 3) 1019 Fruitville Pike.

There was a discussion regarding the driveway and the need for an access easement agreement to allow the new rear lot occupant to use the driveway for access to the property.

Ms. Luciani moved to approve a variance of Section 705.2.B.3.b.i. to allow the creation of a lot without street frontage, a variance of Section 2212.1. to allow a shared private driveway instead of the required permanently maintained private street to access the newly created lot. Mr. Beyer seconded the motion. The motion was approved 4-0.

The meeting was adjourned at 7:50 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday, March 7, 2016.