

Manheim Township Zoning Hearing Board Minutes
Tuesday November 1, 2016
6:30 P.M.

Attendance:

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

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

Ingrid Ortega
187 Blossom Hill Drive, R-2 Residential

PLZHB16302

Ingrid Oretga and Raul Lugo were sworn in for testimony.

Ms. Ortega stated that she is already operating a family child daycare center at 187 Blossom Hill Drive and would like to continue the daycare business to care for up to six (6) children. She further explained the operation of the business and that she cares for the children in a good environment. The children are dropped off in the driveway which only takes 5 minutes. The children play in the rear yard. There are no complaints regarding the family child daycare center. The hours of operation are 7:30AM to 5:30PM Monday through Friday, no weekends.

Ms. Ortega requested to have one non-resident employee for the family child daycare center.

The Board asked Ms. Ortega if she has a certificate from the Pennsylvania Department of Welfare to operate this family child daycare center in the dwelling. Ms. Ortega and Mr. Lugo stated that she does have the certificate. The Board stated that the certificate must be submitted to the Planning and Zoning Department if this is approved.

Ms. Luciani moved to approve the request for a special exception in accordance with Section 2110.4.M.7. to operate a Major Family Day Care Center within a single family detached dwelling, subject to Ms. Ortega presenting the Pennsylvania Department of Welfare certificate of occupancy as well as any permits required by the Township regarding signage, and the hours of operation of 7:30 AM to 5:30 PM. Monday through Friday. Mr. Stephens seconded the motion. The motion was approved 5-0.

Michael and Beth Phillips
2660 Oregon Pike, Agricultural

PLZHB16303

Michael Phillips was sworn in for testimony.

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Mr. Phillips explained that he is restoring a farmstead on this property. The tobacco barn had to be torn down because it was in bad shape. Wants to replicate the tobacco barn for historic reasons and use the new building as a detached garage with the same height as the tobacco barn, 26 feet in height. Mr. Phillips stated that he is requesting a variance to permit the proposed garage to be taller than 20 feet.

Mr. Phillips reviewed and commented on the variance criteria.

Mr. Stephens moved to approve a variance of Section 2102.2 to permit the proposed garage to be taller than the required maximum height of 20 feet. Mr. Beyer seconded the motion. The motion was approved 5-0.

**Randall & Sherri Lyn McCarty
1901 New Holland Pike, R-2 Residential**

PLZHB16304

Sandy Kime and Randall McCarty were sworn in for testimony.

Mr. Kime described this property and surrounding area properties. He further explained that there will be a land swap with a proposed subdivision to the south of this property. This property will be included in the proposed Pickering Road subdivision. The existing house encroaches within the 50 foot required front yard setback and is requesting a variance for the encroachment.

Referencing a site plan Mr. Kime explained that all the houses in the neighborhood have the same front yard setback as this house. The house would need to be demolished or moved to comply with the front yard setback requirement.

Mr. Beyer moved to approve a variance of Section 2213 to permit the existing dwelling within the project site to be located within the front yard building setback area. Ms. Luciani seconded the motion. The motion was approved 5-0.

**Mark Bleecker
1249 Shreiner Station Road, I-2 Industrial and D-R Retrofit Overlay**

PLZHB16305

Mark Bleecker was sworn in for testimony.

Mr. Bleecker explained that the owner of a landscaping business purchase this property to locate his office and garage. The existing garage building was found not to be usable and it is planned to be removed. An office and garage will be constructed in its place. The existing house located on this property was torn down to the foundation. Later the house foundation was found to be bad and will be removed. The property is so narrow that the proposed garage cannot comply with the setback requirements. The variance requests are for a rear yard build setback and parking vehicles in the front of the proposed building and parking spaces within the build to line and encroaching within the 10 foot setback from the street right of way, and not to provide public water and sewer.

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Mr. Bleecker further stated this is a dead end road. The landscaping business has 10 employees and 4 vehicles. There will be no fulltime employees at this building. Files will be kept in the proposed office and will store vehicles and equipment for the business in the garage.

There was a discussion regarding the proposed locating of the new sand mound on lot sewage system encroaching within the street right of way. Mr. Bleecker stated that the on lot well will be tested. There is no access to public water and sewer for this property.

Mr. Beyer moved to approve the following requests: a variance of Section 1604.2.F.5.c. to permit the proposed building to encroach within the rear yard building setback; a variance of Section 2408.3.A. Appendix 13.4. to permit parking spaces to be within the build-to-line and in front of the proposed building; a variance of Section 2005.4. to permit some of the required parking to encroach on the 10 foot perimeter buffer and closer than 10 feet from the road right of way; a variance of Section 1604.2.F.1. not to provide public water and public sewer. Mr. Trimble seconded the motion. The motion was approved 5-0.

WJ Strickler Signs

PLZHB16306

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

Drew Anthon of Eden Resort and Ray Wenger of Strickler signs were sworn in for testimony.

Mr. Anthon explained the project to remove the existing non-conforming free standing sign and replacing the two existing signs with new signs with less square footage. One of the signs would be an electronic messaging sign. The new signs will be placed on the same poles at the same height as the existing signs. Mr. Anthon displayed a drawing of the existing signs comparing it to the proposed signs.

Mr. Anthon gave a background of Eden Resort and their business plan to continue renovating the property.

There was a discussion regarding the proposed electronic messaging sign and the zoning ordinance regulations regarding the changing of messages.

Mr. Wenger explained the brightness and message changing features of electronic messaging signs.

Mr. Trimble moved to approve a variance of Section 1808.1. to permit replacing the two existing non-conforming freestanding signs and replacing one of the signs with an electronic variable messaging sign increasing the degree of nonconformity. Ms. Luciani seconded the motion. The motion was approved 4-1 with Mr. Stephens dissenting.

RPM Properties Ltd

PLZHB16307

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1384-1392 Harrisburg Pike, B-3 Business and D-R Retrofit Overlay

Timothy Peters, Angel Paredez, Soranyi Lozano, Tracy Horst and Caroline M. Hoffer were sworn in for testimony.

Referencing site plans, property owner Mr. Peters described the property and the location of the proposed day care center on the property. He stated that there is enough parking spaces for the daycare center. The daycare center would partly be operating when the other business in the office park are closed.

Ms. Hoffer requested the Board to withdraw the variance request for the number of parking spaces required on the property. This center is considered an office park and the existing parking space numbers would comply with the zoning ordinance requirements. The board allowed the request.

Ms. Lozano stated that she and Mr. Paredes operate a daycare center at 250 West King Street in the City of Lancaster overseeing 31 children. Ms. Lozano then explained the operation of this proposed daycare center. They are licensed through the state. They will oversee 85 children with 11 staff employees. The hours of operation will be 6:00AM to 7:00PM and plan to operate 24 hours a day 7 days a week in the future.

Ms. Lozano stated that research shows that factory workers need longer hours for daycare because of the overnight shifts. At night the staff will be overseeing sleeping children.

Ms. Douglas stated that the zoning ordinance does not permit overnight stays for commercial daycare centers. A second shift could be done.

There was a discussion regarding the daycare center hours of operation. Ms. Lozano and Mr. Peters decided to operate the proposed daycare during the hours of 4:00AM to 12:00 AM midnight, 7 days a week.

Ms. Hoffer stated that this property is within the B-3 zoning district and explained that the proposed daycare center is a use by special exception within the B-3 zoning district. She reviewed the special exception criteria and commercial daycare zoning requirements.

Ms. Hoffer stated that the children will play in the rear yard which will have a fence surrounding the play area. There was a discussion regarding the sloped land in the rear yard and the stormwater swale in the rear yard.

Mr. Stephens moved to approve a special exception to permit a day care center pursuant to Section 1303.2 with the hour limitations of 4:00 AM to 12 AM midnight, seven days a week. Ms. Luciani seconded the motion. The motion was approved 5-0.

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500 Airport Road, I-3 Industrial and D-A Airport Overlay

Caroline Hoffer, David Eberly of the Lancaster Airport Authority, Chris Vernarchick of RGS, Brent Brubaker of Sheetz, Mike LaCesa of Sheetz were sworn in for testimony.

Ms. Hoffer explained that Sheetz is planning to construct a convenience store leasing a portion of the Lancaster Airport property at the corner of Airport Road and Lititz Pike. Convenience stores are a use by special exception within the D-A Airport Overlay. Ms. Hoffer explained the variance requests.

Referencing a site plan, Mr. LaCesa described the property and explained the construction of the convenience store and development on the property. The store will be a 24 hours operation.

Referencing an elevation plan Mr. Brubaker explained the building layout, construction and aesthetics and also explained the fuel canopy and freestanding sign and locations.

Mr. Vernarchick explained the site development, stormwater management and zoning requirements. He reviewed the special exception criteria and variance requests. Mr. Venarchick stated that a 6 to 8 foot tall retaining wall is required to be placed on the corner because the site must be raised to direct the stormwater to the existing stormwater basin.

Mr. Venarchick stated that the Lancaster Airport Authority will remove their existing freestanding sign and place Lancaster Airport on the proposed retaining wall to identify the airport. There was a discussion on the size of the Lancaster Airport lettering needed on the retaining wall.

Ms. Hoffer explained the variance request to allow the placement of a second sign on the property which will be on the proposed retaining wall.

Mr. Beyer moved to approve the following requests: a special exception pursuant to Section 2409.2.B.13. to permit a convenience store within the Lancaster Airport property; a variance of Section 2409.3.D.1. not to require a visual break in the building façade; a variance of Section 2103.1, 2103.2. and 2103.3. to permit the proposed retaining wall to encroach within the required five (5) foot setback from the street right of way; a variance of Section 2409.6.1. Appendix A Design Element 14.3 to reduce the required width of the required sidewalk; a variance of Sections 1806.2. Table 2 Part B Center Sign Requirements to install a sign on the proposed retaining wall one foot from the street right of way; a variance of Section 2808.1. to permit a time extension to begin construction within 18 months and 30 months to complete construction, the sign on the retaining wall not to exceed 30 square feet. Mr. Trimble seconded the motion. The motion was approved 5-0.

The meeting was adjourned at 8:58PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday, December 5, 2016.