

Manheim Township Zoning Hearing Board Minutes
Tuesday, January 3, 2017
6:30 P.M.

Attendance:

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

Acting Chairman James Stephens called the regular meeting to order, requested a roll call, and explained the meeting process.

Mr. Stephens explained that reorganization of the Zoning Hearing Board is required in January and then requested a nomination for Chairman and Vice Chairman. Greg Strausser nominated David Wood for Chairman and David Beyer for Vice Chairman. The Board unanimously approved the nominations.

Rich and Claudia Ruoff
891 Parkside Lane, R-3 Residential and T-4 Transition Overlay

PLZHB17001

Rich Rouff and Claudia Ruoff were sworn in for testimony. Mr. Ruoff explained his request to construct a 2 story addition on the existing dwelling for a first floor garage and workshop and a second floor bedroom and bathroom encroaching into the side yard building setback to a distance of 3 feet 4 inches from the side property line.

Mr. Rouff described this property and the neighborhood properties stating that some of his neighbor's dwellings do not comply with the side yard building setbacks. Mr. Rouff stated that he spoke with the neighbors and they are in favor of the project.

Mr. Rouff stated that the garage could be designed 3 feet narrower to stay farther away from the property line. The architect did not take his suggestion to reduce the width of the addition.

There was a discussion between the Board and Mr. Rouff regarding what would be an acceptable setback for the proposed addition.

Mr. Strausser moved to approve a variance of Section 905.2.B.3.d.ii. to permit the construction of an addition within the side yard building setback, such that the encroachment into the side yard building setback does not exceed 4 feet. There was no second to the motion.

Ms. Luciani moved to deny a variance of Section 905.2.B.3.d.ii. to permit the construction of an addition within the side yard building setback of 3 feet 4 inches. The motion was seconded by Mr. Trimble. The motion was approved 4-0.

Mr. Trimble explained to Mr. Rouff the reasons for the denial.

**Frank Nolt
1015 Fruitville Pike, R-1 Residential**

PLZHB17002

Frank Nolt was sworn in for testimony.

Greg Strausser recused himself from the case and left the room because of his business association with Frank Nolt.

Mr. Nolt explained that the Zoning Hearing Board approved the request last year to use a shared private driveway instead of a private street to access the proposed new lot to the rear of this property.

Mr. Nolt then explained that he is requesting a 12 month time extension from that approval to pull permits and an additional 12 months to complete construction.

Mr. Trimble moved to approve a variance of Section 2808 to permit an extension of time for the approval of case PLZHB16012 to allow a shared private driveway instead of the required permanently maintained private street to access a newly created lot, providing an extension of 12 months to pull permits and 24 months from today for the completion of construction. Ms. Luciani seconded the motion. The motion was approved 3.0.

**Emerald Foundation
2120 Oregon Pike, R-2 Residential**

PLZHB17003

Bryan Byler, Laurie Cubell, Martha Kettler Besecker, David Fales, Kevin Cybularz, Cheryl Heister, Dr. Robert Matlin and Christopher Dye were sworn in for testimony.

Mr. Byler began testimony by explaining the background of the Emerald Foundation. The foundation was founded in 2008 and this property was purchase on September 2016 by the Emerald Foundation.

Referencing the floor plans, Ms. Besecker described the existing floor plan and proposed floor plan within the building. Ms. Besecker stated that the same uses and purpose will be maintained for the property. One room on the first floor will be subdivided for offices and one classroom on the second floor will subdivided into two classrooms.

Ms. Cabell, Executive Director of the Emerald Foundation, explained the proposed uses for the building and property. The Foundation will offer community events, artist series, speaker series, shared space for non-profit organizations, and summer camp for children.

Mr. Matlin, a member of the Jewish Community Center, described the uses that the Jewish Community Center offered when they owned the building. The Jewish Community Center operated a school of 15-90 students from Kindergarten to 5th grade on the second floor, which closed in 2001. Operated a nursery school, and had summer camps for 120 children

Zoning Hearing Board Minutes
Tuesday, January 3, 2017, 2016
Page 3

Mr. Fales, executive director of administration for the education and autism division of the NHS school, explained that he hopes to open his school in this building. We offer education and support to the 5 to 21 year old age group. We operate 18 freestanding schools for people with autism and other special needs across the State of Pennsylvania.

Mr. Fales explained the operation of the proposed school. The hours of the school day will be 8:45 AM to 2:45 PM Monday through Friday. Transportation will be provided for the students. There will be 15-20 employees and teachers and 4-5 additional administrative staff.

There was a discussion regarding the traffic pattern of the parking lot.

Ms. Besecker explained that there are 145 existing parking spaces on the property and she calculated that 75 parking spaces are required for the proposed uses. She stated that they have room to expand the parking spaces in the rear of the property, if needed.

Mr. Byler explained that a special exception is being requested for the proposed educational use, a special exception to recognize that there is a lot of office space in the building and that would be used by the Foundation and other groups, and a special exception recognizing the community campus use of the balance of the property.

Ms. Douglas stated that there is a lack of documentation from the Jewish Community Center for the community club use that is the reason they were told to go to the Zoning Hearing Board.

Mr. Byer explained the requested variances regarding the proposed sign. There was a discussion regarding the prior sign and proposed sign.

There was a discussion of the proposed uses and the number of parking spaces required for those uses.

There was an executive session.

Mr. Trimble move to approve the following: a special exception in accordance with Sections 803.8., 2530.3.B.1. and 2530.3.B.3. to allow the conversion of a large non-residential building for professional offices, and Conference /Event Center activities; a special exception in accordance with Section 803.2. to permit the conversion of a portion of the building to be used as a school for autistic children; a variance of Section 2530.6. to install a new property identification sign in the R-2 zoning district larger than the existing identification sign and larger than what is permitted in Section 1805-Table 2 Part A. with the qualification that the height of the sign be no higher than 12 feet and the total square footage of the sign be no more than 60 square feet; a variance of Section 1805.1. Table 1 Part A to permit an electronic variable messaging sign to be included on the new property identification sign within the R-2 zoning district as per the testimony presented here this evening. Ms. Luciani seconded the motion. The motion was approved 4-0.

**SKL Properties
2061-2091 Grand Street, B-3 Business and D-R Retrofit Overlay**

PLZHB17004

Kevin Lapp, William Swiernik and Mark Stanley were sworn in for testimony.

Referencing the Phase 2 proposed plan Mr. Stanley explained the proposed Phase 2 project and the requested variances. Parking spaces will be placed in front of the proposed retail and residential buildings. Street edge treatments instead of buildings, will be placed along the build to line consistent with zoning ordinance requirements.

Mr. Stanley explained the history of Phase 1 and stated that because of the success of Phase 1 additional parking is needed. Asking for variances are based upon the Phase 1 success and industry standards.

Mr. Stanley stated since buildings N and K are proposed at the rear of the property. These buildings are proposed to be residential uses instead of retail because this location does not allow for a successful business.

Referencing the Phase 2 subdivision plans, Mr. Swiernik described the proposed layout regarding the location of the proposed buildings, landscaping, and parking and sidewalk locations and then explained that there is not enough parking for the development. Mr. Swiernik then explained the proposed building setbacks and building uses.

Mr. Strausser moved to approve the following: a variance of Section 2408.2.B.1. and Section 2408.3.A. Design Standard 4.3. to permit development that does not comply with the build to line standards for buildings F, J, L and N; as indicated on the application a variance of Section 2408.3.A. to permit development that does not comply with Design Standards 13.4. and 13.5. in that it provides parking in front of buildings F, J and L along Grand Street and building N along Town Boulevard; a variance of Section 2408.3.A. to permit development that does not comply with design standard 14.3. in that it provides sidewalks not adjacent to the proposed buildings to be minimum of 5 feet in width; a variance of Section 1302.18. to permit multiple-family dwelling use of building K and N in the B-3 zoning district; a variance of Section 1304.2.K.5.c. to permit the reduction of the 75 foot setback from a residential district with a minimum setback of 50 feet for building K and minimum setback of 25 feet for building N; a variance of Section 2808 to allow an additional year from the date of the approval of the variances to obtain permits and an additional year to complete construction of improvements authorized by the Zoning Hearing Board's decision. Mr. Trimble seconded the motion. The motion was approved 4-0.

The meeting was adjourned at 9:00 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Monday, February 6, 2017.