

Manheim Township Zoning Hearing Board Minutes
Monday, May 4, 2020
6:30 P.M.

Attendance:

David Wood (by Zoom computer conference)	Present
Greg Strausser (by Zoom computer conference)	Present
David Beyer (by Zoom computer conference)	Present
James Stephens (by Zoom computer conference)	Present
Jane Macedonia, Alternate (by Zoom computer conference)	Present

David Wood called the regular meeting to order, requested a roll call.

Zoning Hearing Board Solicitor, Neil Albert, Court Reporter Allen Blank, Zoning Officer Lisa Douglas and Assistant Zoning officer Samuel Maurer were present at the Manheim Township municipal building announced.

Mr. Wood began the meeting by explaining due to the Coronavirus 19, the Zoning Hearing Board members and applicants are participating through the zoom computer program offsite.

There was a roll call and all the Zoning Hearing Board members were present through the zoom computer program.

Neil Albert explained the zoom process and stated that the participant's picture on the screen should be turned off to save bandwidth and the participants microphone should be muted when not speaking. Mr. Albert controlled the zoom program process through his computer.

Ms. Douglas explained the advertising for this meeting and indicated that this meeting was going to be operated remotely and with call in through the telephone. This information could be found in several locations, website and newspaper advertisement.

Mr. Wood announced that Zoning Hearing Board member Mathew Wolf resigned. Mr. Wood then requested a nomination for a Vice Chairman of the Manheim Township Zoning Hearing Board. Mr. Strausser nominated James Stephens as Vice Chairman. Mr. Beyer seconded the motion. The motion was unanimously approved.

Mr. Wood announced the May 4th Zoning Hearing Board agenda.

Mr. Wood then announced that KSL Partners LLC requested a continuance of the May meeting and requested a motion for a continuance. Mr. Strausser made a motion to continue the KSL Partners LLC case to the next regularly scheduled meeting of June 1, 2020. Mr. Beyer second the motion. The motion was approved 5-0.

Mr. Wood announced that he wanted to move the Philip & Annie Glatfelter case from last on the agenda to first because of the large number of cases and requested a motion. Mr. Stephens moved to move the Philip and Annie Glatfelter to first on the agenda. Mr. Beyer seconded the motion the motion was approved 5-0.

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**Philip and Annie Glatfelter
1016 Suffolk Drive, R1 Residential**

PLZHB20099

Philip Glatfelter was sworn in and participated through the zoom computer program.

Mr. Glatfelter stated that he is planning to place a pizza oven and kitchen and enlarging the existing patio in the rear yard. The distance of the enlarged patio would be 16 feet from the rear property line which would encroach within the 25-foot rear yard building setback by 9 feet. The exhibits were a site plan and computer models showing the appearance of the kitchen.

Neighbors of this property spoke in favor of this variance request to allow the expanded patio to encroach 9 feet within the rear yard building setback through the zoom computer program.

Mr. Strausser moved to approve a variance of Section 705.2.B.4.d.iii. to permit a 9-foot encroachment within the 25-foot rear yard building setback for an outdoor kitchen/pizza oven. Mr. Strausser seconded the motion. The motion was approved 5-0.

**Sims Architects
1051 Landis Valley Road, R-2 Residential**

PLZHB20046

Jonathon Frank of Calvary Church, Sophie Wong, and Joel Sims were sworn in for testimony and testified through the zoom program.

Mr. Sims explained that the Calvary Church is planning to construct 3 additions to the church building: a kitchen addition (adding a freezer for bulk purchases), an overlook addition (encroaching within the courtyard allowing better circulation in the church) and a fellowship hall addition (adding a classroom and multipurpose room) and described their location on the building. These are small additions for accessory use and will not impact the number of persons that go to the church. Mr. Sims stated that there will be no new church programs. The new additions will accommodate existing programs.

Mr. Frank stated that Calvary Church plan to have people stay longer at the church which may stagger the traffic of the church.

Mr. Beyer moved to approve a special exemption in accordance with Section 803.1. to construct additions to the church building. Mr. Stephens second the motion. The motion was approved 5-0.

**Manheim Township School District
25 Blue Streak Blvd; R-3 Residential and T-5 Neffsville Village Overlay**

PLZHB20049

Steve Gergely and Thomas Koch were sworn in for testimony and testified through the zoom computer program.

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Mr. Gergely explained that this request is to install an 8-foot tall fence around a new proposed gaga court and 2 basketball courts and playground area at the Landis Run school building. In addition to install an 8-foot fence around the existing observatory at Area Drive. Mr. Gergely stated that the proposed fences are far from the residential properties and will have no impact on them.

Mr. Koch stated that all the play areas are for school purposes and will be utilized during school hours and are not to be used by the public.

Mr. Stephens moved to grant a variance of Section 2108.2. to allow the basketball court and gaga court and observatory perimeter fencing to be 8 foot high. The motion was seconded by Ms. Macedonia. The motion was approved 5-0.

M & G Realty Inc.

PLZHB20045

1850 Oregon Pike/East Roseville Road; B-2 Business and D-C Corridor Overlay

Brandon Harner and Shane Rohrbaugh were sworn in for testimony and testified through the zoom computer program.

There was discussion on how to conduct the hearing with 50 plus persons participating though the zoom computer program. Also discussed how to handle the persons party to this case. Ms. Douglas stated that there are written questions for this case, and she will ask those questions at the public comment stage of this meeting.

Mr. Rohrbaugh stated there is a revised variance application packet which was distributed before the hearing.

Mr. Rohrbaugh reviewed the 4 requested variances and explained the need for them:

- 1) A variance to permit a 7,646 square foot store instead of the permitted 4,000 square feet.
 - a. Mr. Rohrbaugh compared the request to the existing 23,000 square foot Stauffer's building and the 4500 square foot tavern. He stated that this will reduce the buildings square footages on the property by 20,200 square feet down to one convenience store.
 - b. Mr. Harner and Mr. Rohrbaugh compared this request with existing convenience stores in Manheim Township regarding store and property areas square footages.
 - c. Mr. Rohrbaugh reviewed the floor plan regarding the uses in the building and stated that only 4,095 square feet of the building would have access by the public.
 - d. Mr. Rohrbaugh stated that this will not alter the character of the neighborhood.
- 2) A variance allowing accessory fuel canopies at 19 feet in height instead of the required 10-foot height.
 - a. Mr. Rohrbaugh stated that the canopies must be tall to accommodate fire trucks and box trucks to fuel.

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- b. Mr. Rohrbaugh stated that they need the lighting in the canopy for safety. The height will allow more light for the parking area and under the canopies
- c. Mr. Harner compared the requested fuel canopy heights to the existing convenience store's canopy heights, which are similar.

Mr. Rohrbaugh displayed a computer image of the proposed Rutter store and parking area. There was a discussion on the proposed screening of the residential properties: regarding new screening VS proposed screening and the building height.

- 3) A variance to allow the driveway width wider than the required 35 feet.
 - a. Mr. Rohrbaugh stated that the expanded driveway is needed for trucks to access the property.
- 4) Allow the installation of a 5-foot sidewalk instead of the required 10-foot sidewalk.
 - a. Mr. Rohrbaugh stated that other properties in the areas have a 5-foot-wide sidewalk and displayed a photo of the neighboring property.

The Board voiced concerns with the proposed size of the proposed convenience store and there was a discussion with Board with comments of 4,000 square feet is the special size for this zoning district and 10,000 can be in other areas but not in this area. Why double the size?

Mr. Rohrbaugh stated that this floor plan gives you better movement in the building, and the needed storage space which is more than half of the store. Mr. Rohrbaugh stated that the store will have more than one product offerings and a smaller store will have problems with storage. Mr. Rohrbaugh stated that this is more than a convenience store.

Public comment including written questions and comments:

The public voiced the following concerns: Size of building, diesel canopy, the cave on the floor plan, what is the hardship, same explanation as last hearing, financial hardship, do not need another convenience store, music at the pumps, lighting pollution, canopy heights, evergreen screening too small, does not meet the Manheim Township Comprehensive plan, and no traffic studies.

There was a discussion regarding gambling at the proposed store. Mr. Rohrbaugh stated that Manheim Township opted out of gambling, and therefore gambling is not allowed at the store. Mr. Rohrbaugh stated that the cave shown on the floor plan is for beer sales which has customer access.

Mr. Albert tried to have the Board to go to executive session in zoom with no avail.

Mr. Rohrbaugh requested this case be continued to the June 1, 2020 Zoning hearing Board meeting.

There was discussion between the board and Mr. Rohrbaugh regarding which persons can be party to this case.

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Mr. Strasser made a motion to continue this case June 1, 2020 to allow discernment of the party status and the variance requests. Mr. Beyer seconded the motion. The motion was approved 5-0.

Lancaster Bible College**PLZHB20075****901 Eden Road; IN Institutional and R- 2 Residential**

David Madary, Ryan Boulder and Matt Mason were sworn in for testimony and testified through the zoning computer program.

Mr. Madary showed a map of the Lancaster Bible College (LBC) showing the location of the proposed signs and stated the following: The driveway at Eden Road is the gateway to the college. The LBC proposes to provide 2 signs on either side of the driveway signs at Eden Road to direct visitors and students to the campus. The map also shown a future welcome center along the Bible School Drive driveway at Eden Road.

Mr. Madary explained the requested variances:

- 1) One sign is permitted because it is on the campus property on the east side of Bible School Drive driveway. The sign on the west side of the Bible School Lane would be located on a separate lot owned by the college and would be considered an off-premise sign. A variance is requested to allow this off-premise sign. Sign.
- 2) A variance to allow a second freestanding sign at the principal entrance.

There was a discussion regarding the request of two signs at the principal entrance at Bible School Lane when a single double-sided freestanding sign would be permitted. Mr. Madary stated that it is easier to see 2 signs rather than one sign entrance.

Mr. Stephens made a motion to grant a variance of Section 1805, Table 2, Part B Public Use Signs to permit the installation of a freestanding sign on the west side of Bible School Drive, on a separate College-owned parcel, as a second freestanding sign at the principal entrance; a variance of Section 1805, Table 2, Part B Public Use Signs to allow the sign on the west side of Bible School Drive, on a separate College-owned parcel, to be located off-premises. Mr. Beyer seconded the motion. The motion was approved 5-0.

Horst Realty LLC**PLZHB20076****365 Carrera Drive; I 1 industrial and D-R Retrofit Overlay**

Erik Hume and David Madary were sworn in for testimony and testified through the zoom computer program.

Mr. Hume displaying a site plan explained the project regarding the construction of a 5-story office building with a parking lot.

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Mr. Hume explained the requested variances regarding; placing shrubs at the build to line streetscape instead of a required streetscape wall; install a 5 foot wide sidewalk instead of the required 10 feet; allow a 190 foot front yard setback instead of the build to line requirement; not to require perimeter buffer strips along the western property line, and requesting an extension of time to obtain permits and complete construction.

Mr. Madary stated that the Granite Run Corporate Center was planned for buildings to be at the center of the lot. This is the last of the lots in the Granite Run Corporate Center ring and constructing a building at the build to line would not be in keeping with the existing buildings.

Steve Horst stated that several existing buildings on lots in the Granite Run Corporate Center that have large setbacks of 100 feet to 295 feet. He stated that the proposed setbacks of the building are better for walking distances for employees.

Mr. Stephens made a motion to grant a variance of Section 2408.2.A.2. not to require a perimeter buffer strip along the western lot line in order to allow pavement to approach the lot line for current parking and future connections to the neighboring lot; a variance of Section 1504.2.G.5.e. not to require a perimeter buffer strip along the western lot line in order to allow pavement to approach the lot line for current parking and future connections to the neighboring lot; a variance of Section 2512.2. and 2512.3. to allow a green strip of ten feet wide with one row of shrubs that will reach a height of 42 inches at maturity; a variance of Section 2408.2.B.1. to allow the building to be setback further than 25 feet from the street right of way; a variance of Section 2408.3.A. Appendix A Design Standard 14.3 to allow a 5-foot wide sidewalk; a variance of Section 2408.3.A. Appendix A Design Standard 16.4. to exclude the requirement of a "Street Wall" and instead allow a green strip with landscape shrubs that reach a height of 42 inches at maturity; a variance of Section 2808.1. to permit a time extension of one year to obtain permits and an additional year to complete construction. Mr. Strausser seconded the motion. The motion was approved 5-0.

This meeting was adjourned at 11:15 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be held on Monday, June 1, 2020 virtually from the Manheim Township Municipal building at 1840 Municipal Drive, Lancaster, Pa. 17601.