

**Manheim Township Zoning Hearing Board Minutes**  
**Wednesday, November 4, 2020**  
**6:30 P.M.**

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Attendance:

|   |         |
|---|---------|
| David Wood (zoom computer conference)     | Present |
| Greg Strausser (zoom computer conference) | Present |
| David Beyer (zoom computer conference)    | Present |
| James Stephens (zoom computer conference) | Present |
| Jane Macedonia                            | Absent  |

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.

The Zoning Hearing Board meeting was held remotely because of the COVID-19 and the Zoning Hearing Board members participated remotely through Zoom. Applicants participated both remotely through the Zoom App and in person.

David Wood called the regular meeting to order and requested a roll call. All Zoning Hearing Board members were remotely in attendance present through Zoom.

The entirety of each public hearing was stenographically recorded.

**Nicholas Luciano** **PLZHB20419**  
**48 Hess Boulevard, R-2 Residential,**

The applicant Nicholas and Whitney Luciano were sworn in for testimony in person.

Mr. Luciano stated that the existing patio is bad, and they want to replace the patio with a new one. Only one corner of the new patio would encroach within the side yard building setback. Mr. Luciano continued by stating the following: The old patio also encroached within the side yard setback, there are no complaints from the neighbors about this project and the rear of the property greatly drops off.

There was a discussion regarding the zoning ordinance hardship criteria.

Mr. Beyer moved to approve the request for a variance of Section 805.2. B.3.d. ii. to permit the proposed patio to encroach within the 15-foot side yard building setback. Mr. Strausser seconded the motion. The motion was approved 3-1 with Mr. Stephens dissenting.

**Timothy and Pamela A. Kiely** **PLZHB20420**  
**1115 New Holland Avenue; R-3 Residential and T-4 Urban Neighborhood**

Kenneth Rice, Pamela Kiely, and Timothy Kiely were sworn in for testimony in person.

Mr. Rice explained that a variance is being requested to allow the expansion of the screened porch for a bedroom and bathroom encroaching further into the side yard building setback and to move the outdoor air conditioning unit to encroach within the 5 foot side yard building setback.

Mr. Rice stated that Mr. Kiely has ALS and requires the larger bedroom and bathroom for his wheelchair. This project will allow him to remain in his home.

Mr. Rice reviewed the variance criteria with a hardship of the unique physical circumstances of the property, no unnecessary hardship, and does not substantially alter the character of the neighborhood.

There was a discussion of the existing 7-foot setback of the screened porch, the proposed 5-foot 8-inch setback of the proposed bedroom and bathroom addition, and the proposed 4-foot 7-inch setback of the air conditioning unit.

Mr. Stephens moved to approve the following: a variance of Section 905.2. C.5.b. ii. to permit the proposed addition to encroach within the side yard building setback: a variance of Section 2103.2. to permit an air conditioning outdoor condensing unit to encroach within the 5-foot setback requirement from the side property line. The motion was seconded by Mr. Strausser. The motion was approved 4-0.

**Highview Commercial LLC**  
**1450 Manheim Pike, B-4 Business and D-R Retrofit Overlay**

**PLZHB20421**

Michael Davis Esq., Justin Auciello, Kasey Deller, and David Guina were sworn in for testimony.

Mr. Davis explained that he is seeking relief of four variances for a 7-Eleven convenience store to locate at 1450 Manheim Pike. The convenience store is a use by right.

Mr. Davis explained the variances regarding: encroaching within the 20-foot perimeter buffer, encroaching within the 10-foot planting strip, allow 20 less required parking spaces on the property, and to allow 17.6-foot-tall gas island canopies. Mr. Davis stated that the narrow shape of the property created a challenge for the building, parking and the gas islands.

Mr. Auciello explained the 7-Eleven parking criteria for their model of convenience store, stating that only 29 parking spaces are needed for their convenience store instead of the required 62 parking spaces.

Mr. Qunia stated that this is a grab and go footprint, with a 2 to 3-minute stay per customer, and there will be no indoor or outdoor dining.

Mr. Deller explained the traffic pattern for the convenience store and stated there will be street improvements constructed with turning lanes on Plaza Blvd.

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Mr. Davis compared proposed parking of this proposed 7-Eleven convenience store with other Turkey Hill and Sheetz convenience stores within Manheim Township.

Mr. Strausser moved to approve the following: a variance of Section 1405.2.J.5.e. to permit encroachment within the 20-foot perimeter buffer along the southern boundary of the property; a variance of Section 2512.2.A. to permit the encroachment within the 10 foot planting strip along the southern boundary of the property; a variance of 20 off-street parking spaces from the parking requirements of Section 2002.9. and a variance of Section 2103.1.to permit the canopy over the gas pumps to exceed 10 feet in height. Mr. Beyer seconded the motion. The motion was approved 4-0.

Proceedings adjourned at 7:44 PM.

The next Zoning Hearing Board meeting will be held on Monday, December 7, 2020 beginning at 6:30 p.m.

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