

Manheim Township Zoning Hearing Board Minutes
Tuesday, January 4, 2022
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Present
James Stephens	Present
Jane Macedonia	Present

The Zoning Hearing Board, Zoning Hearing Board Solicitor, Neil Albert, and Assistant Zoning Officer Samuel Maurer were in person in the Morgan Center located at Manheim Township Library.

Mr. Wood called the regular meeting to order and requested a roll call and announced the agenda. Zoning Hearing Board members were in attendance in person at the Manheim Township Library building. Mr. Wood stated that there is a quorum.

Mr. Albert confirmed with Samuel Maurer that this zoning hearing board meeting was correctly advertised and posted at the library and Manheim Township municipal office building. Mr. Maurer stated yes.

Mr. Wood opened the reorganization meeting of the Zoning Hearing Board by calling for a motion for Manheim Township Zoning Hearing Board chairman. Mr. Strausser moved to elect David Wood as chairman. Mr. Stephens seconded the motion. The motion was approved unanimously by voice vote.

Chairman Wood called for a motion for vice chairman. David Wood moved to elect James Stephens as vice-chairman. Mr. Strausser seconded the motion. The motion was approved unanimously.

This meeting was stenographically recorded.

Mr. Wood explained the process of the zoning hearing board and announced the agenda.

Sonshine Holding LP
R-2 Residential, 1051 Eden Road (aka 1235 Stoner Lane)

PLZHB21472

Todd Kurl, Mr. Briegel, and Jeff Rutt were sworn in for testimony.

Mr. Kurl distributed exhibit 1 which is a revised Stoner Farm subdivision plan showing the location of the proposed fence.

Refencing the exhibit 1 plan Mr. Kurl described the property and explained that 3,100 linear foot of agricultural fence is proposed to be placed at the marked locations on the exhibit 1 plan. The fence would surround the farmette lot, wetlands, and floodplain and will be

Zoning Hearing Board Minutes

Tuesday, January 4, 2022

Page 2

placed on the rear of the lots which would cross the side lot lines and rear lot lines of 14 lots along the rear of the proposed subdivision lots.

Mr. Kurl explained that this fence is proposed because of concerns that residents may enter the wetlands and this fence would give them a visual buffer to keep them out of that area. The homeowner association will maintain the fence.

There was a discussion by the Board regarding the location of the fence and why the fence is necessary and why not stop the fence at each lot line. There is no hardship here.

Mr. Briegel stated they are trying to keep the lot owners from enlarging their lots and want to remain good esthetics with a one continuous fence.

Mr. Stephens moved to deny a variance of Section 2108.5. to permit fences to coincide and cross certain property lines as shown on the submitted site plan exhibit 1. Ms. Macedonia seconded the motion. The motion was approved 5-0.

Pet Emergency Treatment Services

PLZHB21473

930 North Queen Street, B-4 Business and T-6 Urban Transition Overlay

Joyce Gerhart was sworn in for testimony.

Ms. Gerhart explained the location of the property and stated that the request is to construct a 1,500 square foot addition on the rear of the existing 7,000 square foot building along North Market Street. The addition will be for office and storage use.

Ms. Gerhart explained that they are requesting a special exception to expand a veterinary hospital with an addition. Ms. Gerhart explained the following variances requests regarding: A 6-foot-tall fence along North Market Street to keep the dogs from jumping the fence, encroach within the 50-foot front yard setback along Market Street, encroaching within the side yard building setback and perimeter buffer, and increasing the open area of the lot from 17% to 18% which is less than the 20% zoning ordinance requirement.

Ms. Gerhart shown the location of the variance requests on the submitted site plan.

Mr. Strausser moved to approve the following: a special exception in accordance with Section 1403.6. to permit a building addition to the existing PETS facility; a variance of Section 1406.2.F.5.a. to permit the building addition to encroach within the minimum front yard building setback from the North Market Street right of way; a variance of Section 1406.2.F.5.b. to permit the building addition to encroach within the minimum 25 foot side yard building setback from the northern property line; a variance of Section 1406.2.F.5.d. not to require a 20 foot wide perimeter buffer from the northern property line; a variance of Section 1406.2.F.6. to permit 18 percent of open area on the lot; a variance of Section

Zoning Hearing Board Minutes

Tuesday, January 4, 2022

Page 3

2108.2. to permit the proposed fence to be taller than 42 inches at the rear of the building addition. Mr. Beyer seconded the motion. The motion was approved 5-0.

Chick-fil-A

PLZHB21474

100 West Airport Road, I-1 Industrial and D-A Airport Overlay

Seth Hiller, Justin Thornton, Sandy Lose, James Brown, Brent Edmiston, Anthony Dastra, Sandy Koza were sworn in for testimony

Tyler Prime Esq. representing Chick-fil-A, explained that this presentation is to request several zoning variances for a state-of-the-art Chick-fil-A restaurant with dualling lanes surrounding the restaurant building.

Mr. Thornton explained the property and stated that the Hoss's building will be removed to construct the new restaurant. The site was chosen because of the problems at the Belmont Chick-fil-A restaurant. They are trying to learn as they go.

Mr. Thornton explained that this lot is twice the size of the Belmont site, and he then described the proposed construction on the lot, location of the 4,991 square foot 58 indoor seat building, location of the 3 drive through lanes, 85 space parking lot, and explained the interior of the building. There is room for 47 cars in two lanes and 75 cars in three lanes. Belmont has 22-car drive through lanes.

Ms. Koza explained her observations of the Belmont Chick-fil-A drive though lanes car stacking.

Mr. Thornton stated that variances are needed for the restaurant and then described the requested variances regarding: to allow a drive though lane in I-1 Industrial and D-A overlay, not to provide a planting strip, parking lot screening, encroaching within the perimeter buffer because of the drive through, Max height of an accessory structure canopy, canopy accessory structures in the front yard, not placing landscape islands in parking lot, 5 foot wide sidewalk and not to install a street scape wall.

The Board explained that the restaurant is okay, but the zoning ordinance does not allow drive through facilities within I-1 Industrial district, because the commissioners did not want it. In addition, the Board suggested that Chick-fil-A should request a change in the zoning ordinance, because there is not hardship with this request.

Brent Edmiston explained the operation of Chick-fil-A. Mr. Edmiston stated that they want more market share, this is the largest site in Pennsylvania, and this will be an isolated drive through, and the parking lot is isolated from the drive through

Zoning Hearing Board Minutes

Tuesday, January 4, 2022

Page 4

There were several persons with public comments voiced their concerns with increased traffic and the clogging of the roads if Chick-fil-A was approved for this lot.

Seth Hiller, Ephrata National Bank attorney, voiced concerns with the shared driveway this property has with Ephrata National Bank property and stated that drive through restaurants produce more traffic and that is why he believes they are not allowed in the zoning district.

Mr. Brown of Ephrata National Bank voiced concerns with Ephrata National Bank employees and customers who access the bank from the rear. They would have difficulties accessing the bank from Lititz Pike.

Mr. Beyer moved to approve a special exception regarding Section 1503.6 and Section 2409.2.C.9. for a restaurant provided there are no drive-thru facilities, and all remaining variances are denied. Mr. Strausser seconded the motion. The motion was approved 3-2 with James Stephens and Jane Macedonia dissenting.

**CHI St. Joseph Children's Health
1834 Lititz Pike, R-2 Residential and T-1 Overlay**

PLZHB21475

Phil Goropoulos, John Hershey, John Schick, Katheryn Gerhart, Marilyn Berger, Marie Dennis, Benjamin Gasper, Lester Lynn Ramsey, Julie Slabinski, Shanika Churchville, Phil Liller, Mary Jean Liller, Anne Hohenwarter, Stephanie Horst, Ron Toplitz, Fred Tugend, Dale Weaver, Eric Rothermel, George Essis Jr. were sworn in for testimony.

Mathew Crème Esq. representing St. Joseph Children's Health distributed an exhibit package with 8 exhibits and explained the project, the use, and the requested variances. A kindergarten to 12 private school is planned to occupy the monastery building and the church will be used for worship on weekends. There will be interior alterations, but the exterior of the buildings will remain the same.

Mr. Crème explained the requests regarding, a special exception for a school and church use, and variances regarding the preexisting parking within the front yard, building encroachment within setbacks, and minimum lot size for the church and school.

Mr. Goropoulos President of St. Joseph Children's Health school explained that the hospital created a school to help children in 2020. There will be between 280 and 298 children in grades K through 12. The church will be used on weekends which approved by the catholic bishop. The interior of the monastery building will be renovated for the school and all the fencing on the property will remain. The rear entrance to the property will remain a service entrance.

Mr. Goropoulos explained the operation of the school and church.

Zoning Hearing Board Minutes

Tuesday, January 4, 2022

Page 5

The school will have 23 teachers by 2023 and 133 staff members with no interscholastic sports play and no ball field on the property. The school will have a curriculum like Waldorf school in Marietta. There will be 2 busses accessing the site in the morning and 3 busses in the evening to deliver and take away students. Passenger cars will access the site from Lititz Pike

Referencing the site plan Mr. Hershey explained the proposed layout of the property. There will be driveway access to Hess Blvd. for busses only. The barn will be turned into a gymnasium. Explained the traffic on site. Will have two accesses off of Lititz Pike. There will be 66 parking spaces, 42 spaces for the school and 38 spaces for the church on the property.

Mr. Schick explained that a traffic study was performed and explained the traffic study. Mr. Schick stated that 6:00AM to 9:00AM were the traffic peaks on Lititz Pike and he compared those hours with the school operational hours.

Mr. Crème explained that the requested variances are not for the use but of dimensional uses and explained the criteria for dimensional variances. The school use and church use will not operate at the same time.

There were several public comments from the neighbors with the following concerns: Noise of the use, increased traffic, traffic accidents, number of busses accessing the site, access from Hess Blvd to the site, removing and harming the sycamore trees, student and employee parking on residential streets, traffic backups on Lititz Pike, water damage, reduced property values, traffic backups, traffic volumes, using Nanticoke Road for access for school.

All persons that requested party status for this case were approved by the Board.

Mr. Creme explained the existing conditions of Hess Blvd. The variances requested are de minimis with minimum impact to the public.

Mr. Strausser moved to approve a special exception under Section 803.1 for a House of Worship use; a Special Exception under Section 803.2. for an Elementary/Secondary School; a variance of Section 806.2.A.2. for minimum lot area for church use; a variance of Section 806.2.B.2. for minimum lot area for school use; a variance of Section 806.2.A.5.b. for encroachment by existing church use building in the side yard building setback; a variance of Section 806.2.B.5.b. for encroachment by existing school use building in the side yard setback; a variance of Section 2005.4. for parking in front yard setback in the residential zoning district; a variance of Section 2002.2. and Section 2002.10 for required number of parking spaces. Mr. Stephens seconded the motion.

The motion was approved 5-0.

Zoning Hearing Board Minutes

Tuesday, January 4, 2022

Page 6

Jeff & Jill Stoltzfoos

1544 new Holland Pike, R-1 Residential

PLZHB21476

Steven Gergely was sworn in for testimony.

Mr. Gergely stated that there was a previous variance approval for this property regarding side yard setbacks for a master bedroom and garage.

Mr. Gergely explained that this request is to place a 15 feet high garden pavilion in the rear yard next the swimming pool. The pool utilities will be stored in the bottom of the garden pavilion. The pavilion will be in the rear yard where the grade drops off. The height level from the street will be less than 9 feet. The average grade drops lower to the rear. The impact on the street is minimum. A remedy for the proposed height would be to try to grade around the proposed pavilion which will not fit very well.

Mr. Stephens moved to approve a variance of Section 2103.1. to permit the proposed garden pavilion outbuilding height to exceed 10 feet. Mr. Beyer seconded this motion. The motion was approved 5-0.

Nelson Rohrer

1170 Hunsicker Road, Agricultural

PLZHB21477

Nelson Rohrer was sworn in for testimony.

Mr. Rohrer displayed a computer photo of his farm property to the zoning hearing board which shows the relationship of this property to his property and chicken house. Mr. Rohrer stated that the property is preserved.

Mr. Rohrer explained that he is replacing an existing chicken house with an agricultural pole building for farm uses and to store agricultural equipment. The new building will be shortened to make it further from the property lines.

Mr. Rohrer is requesting a variance to have the new building encroach within the 75-foot setbacks for agricultural buildings. Mr. Rohrer stated that the setbacks of the new building versus the existing chicken house is improving by 35 feet.

Mr. Strausser moved to approve a variance of Section 605.2.A.4.a.iii. to permit the encroachment of an agriculture storage pole building within the rear yard and side yard building setbacks; and a variance of Section 605.5. to permit less than 75 percent of open area on the lot. Mr. Stephens seconded the motion. The motion was approved 5-0.

Zoning Hearing Board Minutes

Tuesday, January 4, 2022

Page 7

**Oaktree Outdoor Advertising LP
101 West Airport Road**

PLZHB21478

Devon Wagner was sworn in for testimony.

Mr. Wagner explained that he is requesting a variance to permit a proposed billboard sign with an Electronic Variable Messaging Sign (EVMS) to be 100 percent of the total sign area which would exceed the 60% of the total sign area zoning ordinance requirement for an EVMS.

Mr. Wagner stated that the billboard sign will be 72 square feet which complies with the zoning ordinance, but the zoning ordinance only allows an Electronic Variable Messaging Sign (EVMS) to be 60% of the 72 square foot sign area. The hardship is that billboards are only allowed to be 72 square feet in Manheim Township, which does not meet the sign industry standards for billboards.

The Board discussed this request and told Mr. Wagner to go to the Manheim Township Commissioners to change the zoning ordinance. There was a discussion whether this request should be approved.

Mr. Wagner stated if the variance is not granted, the sign will not be built.

Mr. Strausser moved to deny a variance of Section 1806.4.A. to permit the area of an Electronic Variable Messaging Sign (EVMS) to exceed 60 percent of the total freestanding sign. Ms. Macedonia seconded the motion. The motion was not approved and failed 3-2, with Greg Strausser and Jane Macedonia approving the motion.

Mr. Stephens moved to approve a variance of Section 1806.4.A. to permit the area of an Electronic Variable Messaging Sign (EVMS) to exceed 60 percent of the total freestanding sign. The motion was seconded by Mr. Beyer. The motion was approved 4-1 with Ms. Macedonia dissenting.

This meeting was adjourned at 12:20 AM, January 5, 2022. The next regularly scheduled Zoning Hearing Board meeting will be held on Monday, February 7, 2022, at the Manheim Township Public Library, 595 Granite Run Drive, Lancaster, Pa. 17601