

Manheim Township Zoning Hearing Board Minutes
Monday, November 3, 2010
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Absent
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
Helen Adams, Alternate	Present

Chairperson David wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda. Alternate member Helen Adams was seated in place of the absent Patrick Trimble.

Tony J. Papadimitriou
R-2, 95 West Roseville Road

Case 10-51

Mr. Wood called for this case numerous times during the meeting. Mr. Papadimitriou never arrived for the meeting for this case. Mr. Hoover moved to dismiss this case for failure of the applicant to show in a reasonable time. Ms. Adams seconded the motion. The motion was approved 4-1 with Mr. Wood dissenting.

Landis Valley Partners
B-3, 2347 Oregon Pike, Suite 107

Case 10-52

Caroline Hoffer and Donna Deerin-Ward were sworn in for testimony.

Ms. Hoffer, attorney for the applicant, explained the requests for cases 10-52 and 10-53. Ms Hoffer stated the following:

This shopping center is under construction at the corner of Landis Valley Road and Oregon Pike.

The applicant is requesting a special exception to place two restaurants in the shopping center. An 80 seat French-Asian restaurant is being proposed at 2359 Oregon Pike Suites 104 and 105 and a 23 seat frozen yogurt restaurant is proposed for 2347 Oregon Pike Suite 107. A variance is requested to the parking regulations for the French Asian restaurant.

The previous restaurant approval for 2359 Oregon Pike for a takeout Chinese restaurant is being withdrawn. That restaurant never materialized. Ms. Hoffer distributed a letter stating the withdrawal.

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A parking layout plan was distributed showing the anticipated parking for the shopping center which includes the proposed restaurant uses. The restaurant use was not originally calculated in the total parking plan of the shopping center. There will be a 24 parking space deficient for the shopping center with the proposed 80 seat French Asian restaurant.

Ms. Hoffer explained that other municipal zoning ordinances view shopping center parking differently than the Manheim Township Zoning Ordinance. Ms. Hoffer distributed parking regulations for shopping centers from the East Hempfield Zoning Ordinance and explained the regulation.

Ms. Hoffer reviewed the special exception criteria and stated the following: There will be no adverse effects and the restaurants would benefit the community and included that this variance is de minimis and would only account for 10 percent of the uses. Even with the 24 parking space deficit, there will be more than adequate parking. The office and nail salon uses would be different than the restaurant uses.

Mr. Winters moved to approve case 10-52 to permit a special exception for a restaurant pursuant to section 1203.4. of the Manheim Township Zoning Ordinance; and a variance pursuant to section 2208 for an extension of time to obtain all necessary permits that being six months from the date of zoning approval and an additional six months after obtaining this permit to complete construction. Mr. Hoover seconded the motion. The motion was approved 5-0.

Landis Valley Partners

B-3, 2359 Oregon Pike, Suite 105 and part of Suite 104

Case 10-53

This case was reviewed together with 10-52. Please refer to case 10-52 for the Zoning Hearing Board review of this case.

Mr. Winters moved to approve case 10-53 to permit a special exception for a restaurant pursuant to section 1203.4. of the Zoning Ordinance; a variance to section 1702.5. of the zoning ordinance to permit less parking spaces than required by the current zoning ordinance for this restaurant; and a variance pursuant to section 2208 for an extension of time to obtain all necessary permits that being six months from the date of zoning approval and an additional six months after obtaining this permit to complete construction. Mr. Hoover seconded the motion. The motion was approved 5-0.

Travis L. Martin

B-2, 2585 Lititz Pike

Case 10-54

Travis L. Martin, J. Dwight Yoder and David White were sworn in for testimony.

Mr. Winters recused himself from participating in this case.

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Mr. Martin explained the request. This property is located in the B-2 zoning district. Mr. Martin will purchase the property on Monday. Mr. Martin is requesting a special exception for dwelling units in combination with an office. Mr. Martin would live in the dwelling unit and have an office and showroom for his cabinetry business in the front part of the first floor of the dwelling, enclosing the front porch. A rear addition which includes a garage is proposed to the rear of the dwelling.

Mr. Martin reviewed the special exception criteria and stated the following: This property is suitable for the use, has adequate lot area, no adverse effects to the Township, and would have low client visitation. This use will provide a service for township residents. The business will sell Amish made cabinets. Four parking spaces are proposed. One handicap space would be on the left side of the dwelling, two in the rear of the property and one within the proposed garage.

Mr. Yoder is representing Mr. White, a neighbor of this property. Mr. Yoder questioned Mr. Martin. Mr. Yoder distributed the deed of this property and stated that there is a public alley along the left property line. No easement agreement was found for a shared driveway. Mr. Yoder stated that he is concerned with the placement of the proposed handicap parking space, which would be beside the alley. The driver would open the car door into a busy alley. In addition, the handicap driveway and ramp would encroach within the required 20 foot improvement area.

Mr. Martin stated that there are no plans for employees. His pickup truck would be parked on property. No deliveries to the property, the office hours would be 12:00PM to 8:00PM Wednesday through Saturday.

Mr. White's voiced his concerns with Mr. Martin's proposed use. Mr. White purchased his property next door in January 2007. The alley is used by the public and gets congested. The proposed business may cause problems with the alley congestion. Mr. White is concerned that Mr. Martin's is concerned that Mr. Martin's customers may park in his cabinet business parking spaces on his property. Mr. White complained that there is a lot of water runoff flowing toward Lititz Pike during a rainstorm and that new impervious coverage would make the water runoff worse. Mr. White stated that more parking spaces would affect the area and should have a business without retail traffic.

In closing, Mr. Yoder explained that the proposed handicap parking space and ramp would encroach within the required 20 foot improvement area. The applicant must show compliance with the zoning ordinance.

There was an executive session.

There was a discussion as to whether Mr. Martin would like to request a continuance of this case.

Mr. Martin requested to continue this case to December Zoning Hearing Board meeting.

Mr. Byram moved to continue this case to the December 2010 Zoning Hearing board meeting. Mr. Hoover seconded the motion. The motion was approved 4-0.

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MM Architects Inc. on behalf of Shaarai Shomayim

R-3, 227 East Liberty Street

Case 10-56

Maryann Marotta was sworn in for testimony.

Ms. Marotta explained she is representing Shaarai Shomayim Congregation and is requesting a special exception to place graves in a vacant part of the cemetery land and a variance to place the graves to encroach within the property setbacks. There will be no buildings close to the property lines. This cemetery is considered a church use and the graves must meet the setbacks required for a church use. These setbacks would not allow the use of the vacant part of the property. The new graves could be 5 to 10 feet from the property lines.

The cemetery was surveyed and a drawing was created to show the proposed graves which would be encroaching within the required setbacks.

This cemetery is the 4th oldest cemetery in the nation. The existing graves in the other portion of the cemetery are placed close to the property line. There are 1,800 graves in the cemetery. Two grave plots were sold and would like to place them in the vacant portion of the cemetery property.

Ms. Marotta stated the hardship is that this portion of the cemetery cannot be used because of the large setback requirements.

Mr. Winters moved to approve a special exception in accordance with 803.1. to permit the placement and the digging of burial plots in the vacant portion of the property within Manheim Township as an accessory use by a church; and a variance to section 807.2.A.5.b. to permit the encroachment of the burial plots within the minimum side yard building setback; and a variance to section 807.2.A.5.c. to permit the burial plots to encroach within the minimum rear yard building setbacks consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 8:32 PM. The next regularly scheduled meeting will be held on Monday, December 6, 2010 at 6:30 P.M.