

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

Attendance:

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

Chairperson David Wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda.

Travis L. Martin
B-2, 2585 Lititz Pike

Case 10-54

Travis L. Martin and David White were sworn in for testimony

Mr. Winters recused himself from participating in this case. Mr. Trimble chose not to participate in this case because he was absent in November when this case was heard.

Mr. Martin explained his request. Mr. Martin and Mr. White met and agreed to a revision of the plan to place the dwelling unit in combination with offices. Mr. Martin will construct an addition for the office behind the dwelling and moved the handicap parking space to behind the proposed office addition. The twelve foot green space along the left side of the dwelling will remain grass.

Mr. Yoder, Mr. White's attorney, submitted a letter which outlined the agreement between Mr. White and Mr. Martin and stated some conditions that Mr. Yoder wanted the Zoning Hearing Board to place in their approval. The Board gave the letter to Mr. Martin to read. Mr. Martin agreed to the contents of the letter except the condition regarding the number of employees that Mr. Martin would be allowed to employ.

Mr. Byram moved to approve the following: a special exception in accordance with section 1103.7. to permit dwelling units in combination with business and professional offices in the same principle structure for the use as a business and apartment for the owners; a variance of section 1105.2.G.5.d. and section 1704.4. to permit the proposed parking spaces and a building addition to encroach within the required 20 foot improvement area; a variance of section 1105.2.G.5.a. to permit the building to encroach within the required front yard building setback of 50 feet; a variance of section 1105.2.G.5.b. to permit the building to encroach the required side yard building setback of 25 feet. In addition, the board attaches the following conditions: 1) The site layout being accepted in accordance with exhibit one submitted to the Board, 2) The applicant's business shall be limited to the office/showroom as depicted on the site plan and

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applicant shall not use any part of the house or garage for his business, 3) Applicant shall comply with the Township's stormwater management plan ordinance and requirements, 4) Applicant shall at all times be bound by the testimony, evidence and site plan presented to the Zoning Hearing Board and any changes thereto will require additional approval from the Zoning Hearing Board. Mr. Hoover seconded the motion. The motion was approved 3-0.

Neffsville Fire Company
R-2, 246 East Oregon Road

Case 10-57

Rick Kane and Donald Mellott were sworn in for testimony.

Mr. Kane, Manheim Township Fire Chief, explained the request and stated the following. A variance is requested to have 4 unrelated persons to occupy a single family detached dwelling in the R-2 zoning district for the purpose of establishing a volunteer live in program at the Neffsville Fire Station. Neffsville is one of the three all volunteer stations that we have in Manheim Township. Manheim Township's Eden and Southern Manheim Township Fire Stations have live in programs where dormitories were built onto the fire station buildings. The programs are very successful. "Essentially the live in programs are allowing us to put available qualified firefighters in the fire station so that we can make a faster response to any type of fire rescue call." Manheim Township purchased this dwelling to have four firefighters move into the dwelling instead of expanding the Neffsville fire house for living quarters. Purchasing this house is more cost effective than expanding the Neffsville Fire Station. The live in program is overseen by the fire council.

Chief Kane reviewed the rules and standard operating guidelines for the firefighters that will be living in this dwelling. The policy would be enforced by the Chief and the residents living in the dwelling.

Mr. Mellot explained that two persons would park in the garage and two persons would park in the rear on the driveway. Mr. Mellott stated that parking would not be a problem.

Chief Kane stated that he spoke to two neighbors about this case and when he explained the live in program policy to the neighbors, they supported the program.

Neighbors voiced their concern with the placing two people per bedroom in the house. Chief Kane stated that that is not permitted.

Mr. Winters moved to approve a variance from the definition of a family on Article 5 of the Manheim Township Zoning Ordinance, hereby allowing no more than four (4) non-related persons to reside in a single family detached dwelling located in the R-2 zoning district for the purpose of a volunteer fire rescue station live-in program with the conditions as follows: 1) No alcohol be permitted on the property, 2) No persons be permitted on site if they have consumed alcohol within the previous eight (8) hours, 3) No weapons be permitted on site. Mr. Hoover seconded the motion. The motion was approved 5-0.

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Dave Laughner

R-2, 417 Wagonwheel Road

Case 10-58

David Laughner and Steve Yinger were sworn in for testimony.

Mr. Yinger explained the request and stated the following: A special exception is being requested to construct an accessory dwelling unit by converting the existing garage into a dwelling unit, construct an addition for his mother and father in-law and also constructing a new garage. Mr. Yinger stated that the request complies with the setback requirement and the extra parking space requirement. A sketch of the addition was displayed.

A restoration plan was submitted with the application as a late submission and therefore the variance is not needed.

Mr. Winters moved to approve a special exception in accordance with Section 2315 to create an accessory dwelling unit within an existing attached two car garage consistent with the exhibits and testimony presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Huy Chu

B-2, 2585 Lititz Pike

Case 10-59

Adam E. Kosowsky, Huy Chu, David Nguyen and Lesley Agnew were sworn in for testimony.

Mr. Kosowsky explained the request and stated the following: The request is for a change in one non-conforming use to another non-conforming use to permit a Vietnamese restaurant with three pool tables for the patrons to enjoy. Mr. Chu is a Vietnamese immigrant and would like to operate a Vietnamese restaurant at this location. Mr. Nguyen will be translating to Mr. Chu during the hearing. Only coffee will be made at this location. The food will be precooked when delivered to the building and will re-heat the food when served using a microwave and hot plates. Plastic plates and utensils would be used. Mr. Kosowsky stated that there would be 10 to 15 seats in the restaurant.

A site plan was displayed and there was a discussion regarding the number of seats proposed for the restaurant. There will be 16 parking spaces surrounding the building.

This building is where a Pizza Hut carry-out was operating and is one of four buildings on the property which includes McDonald's, Yorkey's, and an office building. The buildings share the parking lot on the property. This building has been vacant the past four years.

The Board asked where the parking criterion was for the whole property. Sam Maurer stated that he requested the parking criteria but it was not submitted. Mr. Maurer stated that the 16 space around the building would meet the parking requirements for this building.

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There was a discussion regarding the number of seats proposed and the number of parking spaces needed. Mr. Kosowsky changed his mind regarding the seating and stated that there would be 32 seats in the restaurant and therefore 16 parking spaces would be needed. There would be additional parking spaces placed in the parking lot if required. If the additional parking spaces would not be needed for the restaurant, than the variance for the isle width would not be needed.

Neighbors voiced concerns regarding the clientele of this restaurant, if alcohol is permitted and how the pool tables would be used.

Mr. Chu stated that there will be no alcohol allowed in the restaurant. There will be three employees. The pool tables would be rented by the hour.

Mr. Winters moved to approve a special exception in accordance with section 301.4.F. to permit the change of one non-conforming use to another non-conforming use for the purpose of a 32 seat Vietnamese coffee shop with pool tables for the patrons to enjoy under the following conditions: 1) No alcohol be permitted on the premises and the premises be posted as such, 2) No smoking be permitted on the premises and the premises be posted as such, 3) The hours of operation shall be 8:00AM – 10:00PM Sunday through Thursday, 8:00AM to Midnight on Friday and Saturday, 4) Maximum of 3 pool tables, consistent with the exhibits and testimony presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 4-1 with Mr. Trimble dissenting.

Tony J. Papadimitriou

R-2, 95 West Roseville Road

Case 10-60

Tony J. Papadimitriou, Karen Cronauer, Gary Slater, Andrelle Bish, Mike Bish, Ray Gerhart were sworn in for testimony.

Mr. Papadimitriou apologized to the Board for not attending the last Zoning Hearing Board meeting for his case. Mr. Papadimitriou explained that he is requesting a variance for the lot size and the rear yard building setback to place living quarters above the existing three car garage, creating a single family detached dwelling. The dwelling would be rented to a tenant. This would be the second single family detached dwelling on the property.

The property is 29,913 square feet. Thirty thousand square feet is required to have two single family detached dwellings on one property at 15,000 square feet per dwelling.

Mr. Papadimitriou stated that he has lived in the existing dwelling for 13 years.

Some Board members were concerned with this request and stated that this is not the intention of the zoning ordinance and do not want to set a precedent.

In public comment the neighbors voiced opposition to this request and voiced the following concerns: concerned with the motive of the owner, privacy issues do not want renters on the property, surprised that this can happen.

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There was an executive session.

Mr. Winters stated that had Mr. Papadimitriou, to my understanding, placed this particular building within the setback lines and the lot was 30,000 square feet or more, meaning he would have 15,000 square feet per building on his property, as long as these buildings were within those setback lines, he could have two single family detached dwellings on his property. The ordinance allows for that.

In addition, Mr. Winters stated that in his opinion, Mr. Papadimitriou did not meet the five elements required for somebody who is requesting a variance. Mr. Winters moved to deny the applicant's request for all variances related to that particular matter. Mr. Hoover seconded the motion the motion was approved 4-1 with Mr. Wood dissenting.

The meeting adjourned at 9:02PM. The next regularly scheduled meeting will be held on Monday, January 3, 2011 at 6:30 P.M.

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