

Manheim Township Zoning Hearing Board Minutes
Monday, August 1, 2022
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Present
James Stephens	Absent
Jane Macedonia	Absent
Patrick Trimble	Present

The Zoning Hearing Board, Zoning Hearing Board Solicitor Alternate Bradley J. Harris, Zoning Officer Lisa Douglas, Assistant Zoning Officer Samuel Maurer and Assistant Zoning Officer David Bednar 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. The Zoning Hearing Board members were in attendance in person at the Manheim Township Library building. Mr. Wood stated that there is a quorum.

Mr. Wood welcomed Patrick Trimble from being an alternate member of the Zoning Hearing Board to a full member following the vote from the Board of Commissioners. Mr. Wood welcomed David Bednar as the new Assistant Zoning Officer and thanked Sam Maurer for his 22 years of service to the township.

Mr. Wood confirmed with David Bednar that this zoning hearing board meeting was correctly advertised and posted at the Manheim Township library, Manheim Township municipal office building, and on the effected properties. Mr. Bednar stated yes.

Mr. Wood explained the sunshine act regarding the Zoning Hearing Board public meeting.

This meeting was stenographically recorded.

Mr. Wood explained the process of the Zoning Hearing Board meeting and announced the agenda.

Mr. Strausser made a motion to extend approve the request for a time extension for an additional year until the September meeting (9/5/2023) for case PLZHB19220. Mr. Beyer seconded the motion. The motion was approved 4-0.

Mr. Beyer made a motion to extend case PLZHB21270 for 12 months to July 3rd, 2023. Mr. Strausser seconded the motion. The motion was approved 4-0.

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Bent Creek Country Club

PLZHB22257

621 Bent Creek Drive, R-1 Residential/COA Cluster Overlay Area

Patrick Trimble recused himself from this case and David Wood approved it.

Mike Huxta of ELA Group, Derrick Musser of ELA Group and Alex Mast of Bent Creek Country Club were sworn in for testimony.

Mr. Huxta stated that the variance being requested is for height of an accessory structure at the Bent Creek Tennis Courts. Mr. Huxta explained the current layout of the tennis facility at Bent Creek that contains a pro shop building, storage shed, walking paths and 6 tennis courts. Tract of land to the north is agricultural and the tract to the east is residential. The proposal includes adding a one-acre portion of the lot to the east to the Bent Creek Tennis Facility to expand to 4 tennis courts and 4 pickle ball courts.

James Song was identified as the property owner bordering the facility to the south.

Mr. Huxta explained the site plan and application materials that were submitted with the proposed dome height of 38 feet. Mr. Wood asked questions about the required lot add on plan and bordering property lines.

Mr. Wood and Mr. Mast discussed the comparison between the same dome structure that is currently in use by Lancaster Country Club and the proposed plan for the dome at Bent Creek including current times of operation that were noted as Monday through Friday 8AM to 9PM, Saturday and Sunday 8AM to 3PM.

Mr. Wood asked Mr. Song if he agreed with the statement that he was supportive of the project and Mr. Song said that he was.

Mr. Wood asked why they need 4 individual pickle ball courts and not modify the tennis courts to support pickle ball. Mr. Mast stated that the plan is for the new courts to meet league requirements for pickle ball. The change in the newly presented plan reflects changes to the trees and screening.

Mr. Wood discussed the machinery and equipment needed to keep the dome structure in operation. Mr. Mast noted that it is all placed on the side facing the agricultural district to direct noise away from the residential area.

Mr. Beyer moved to approve the applicants request from section 2103.1 to allow an accessory structure to exceed 10-foot height limit and to add to the motion, an amended motion, the hours of operation to say that the hours be 6AM to 10PM, 7 days a week. Mr. Strausser seconded the motion. The motion was approved 3-0.

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**Westminster Presbyterian Church of Lancaster
2159 Oregon Pike, B-1 Business District/D-C Corridor Overlay Area**

PLZHB22258

Jeff Bright and Michael Ploutz were sworn in for testimony.

Mr. Bright discussed the history of 2159 Oregon Pike.

Mr. Ploutz explained the uses for 2159 Oregon Pike as additional classroom space for Sunday and Wednesday evening programs with the long-term goal of using it as administrative offices or counseling offices.

Mr. Bright explained that there are no plans to modify the outside of the structure aside from the plans to construct a walkway to the main church parking lot to the rear of the building. Minor interior changes are proposed.

Mr. Bright explained that the variances are needed to be able to use the existing building and property due to multiple size and location restrictions that the parcel is currently under.

Mr. Wood clarified that all the variances being requested are for preexisting conditions and to allow the use of the property as a house of worship. They are requesting the variances as the new ownership of the property.

Mr. Wood and Mr. Ploutz discussed the current parking on both lots and that the plan is for only staff to use the parking lot at 2159 and that members of the church will use the main parking at the church. It was stated that the daycare did not have adequate parking facilities and was not previously granted a variance.

Lisa Douglas discussed a meeting previously with Mr. Ploutz about the proposed use of 2159 Oregon Pike and that it would be accessory to the main church and facilities and that the parking would be available above on the existing campus.

Mr. Wood calculated the needed parking spaces at 23 spaces based off house of worship auditorium use and questioned the other uses that were discussed as possible in the future. Combination of the two lots was discussed, and it was determined that it could not be completed at this time due to the financing structure of the lot purchase.

Mr. Strausser moved to approve a special exception in accordance with Section 1103.1 of the Zoning Ordinance which permits Houses of Worship within the B-1 Business District. Approve a variance from the minimum 5-acre lot size requirement under Article XI Section 1106.2.A.(2) A variance from the minimum lot depth of 200 feet under Article XI Section 1106.2.A.(4) A variance from the minimum off-street parking requirement of one parking space for each 2.5 seats under Article XX Section 2002.2. A variance from the minimum 10' wide planting strip to be located in the perimeter buffers and front yard along all side and rear property lines under Article XXV Section 2512.2.(A) A variance from the minimum 10' wide parking lot screen requirement along street right-of-ways under Article

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XXV Section 2512.3.A. A variance from the requirement to screen parking from adjacent lots where parking is within 100 feet from a rear or side property under Article XXV Section 2513.2. Mr. Trimble seconded the motion. The motion was approved 4-0.

Mike Zimmerman
321 Rhoda Drive, R-2 Residential District

PLZHB22259

Mike Zimmerman and Trisha Cobian were sworn in for testimony.

Mr. Zimmerman stated that he did not know about the 35-foot setback until permits were submitted and reviewed by Sam Maurer. Mr. Zimmerman requested the variance for a 4-foot by 17-foot space of 68 square feet that would be in the rear yard setback.

Mr. Zimmerman referenced a letter sent in support of the project from neighbors Tim and Allison Meekel that are located at 313 Rhoda Drive. Ms. Cobain stated that she lives behind the subject property and does not have any issues with the project.

Mr. Strausser questioned the work that has already been done on the patio. Mr. Zimmerman stated that he started constructing the wall for the patio to place stone as the footings for the deck were being eroded by rain.

David Bednar, Assistant Zoning Officer summarized his meeting with Mr. Zimmerman on Monday July 25th, 2022. Mr. Bednar stated that he called Mr. Zimmerman who returned to the property and was advised to cease and desist which was agreed on by Mr. Zimmerman who stopped the contractor while at the property.

Mr. Trimble wanted clarification of the area to be within the setback which was determined to be 4 feet into the setback.

Mr. Trimble moved to approve the requested variance to section 2106 to construct a patio in the 35-foot rear yard setback with a 4-foot encroachment as per the testimony. Mr. Beyer seconded the motion. The motion was approved 4-0.

McKinley Avenue Partners, LLC

PLZHB22260

1061 Manheim Pike, I-2 Industrial District/ T-6 Urban Transition Overlay

Helen Gemmill, William Swiernik and Joseph Deerin were sworn in for testimony.

Ms. Gemmill presented Exhibit A-1, A-2 and A-3. Ms. Gemmill presented the history of 1061 Manheim Pike as well as the current condition. The property was identified as split by Manheim Township and City of Lancaster.

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Ms. Gemmill summarized the variances requested. Mr. Swiernik discussed the property, and that land development will need to go through the Manheim Township and City of Lancaster review.

Mr. Swiernik explained the proposed Habitat ReStore building that is proposed to be located on the property along with the site design of parking, entrances and exits, building placement and sidewalk locations.

Ms. Gemmill and Mr. Swiernik discussed the variances required to be able to develop the lot as shown in the plans presented. Mr. Swiernik also explained how these variances are needed due to the existing lot conditions and constraints.

Mr. Wood discussed with Mr. Swiernik the functionality of the building including entrances, item drop off locations, traffic flow, and parking locations on the lot. Mr. Swiernik explained the plan to consolidate the lots and that the lot is split by municipalities due to previous historical acquisition of land by City of Lancaster.

Further discussion about the two parcels planning to be consolidated but will be located in two different municipalities and meeting the requirements of both municipalities in regard to land development. The exhibits were entered into evidence.

Mr. Beyer, Mr. Trimble and Mr. Strausser expressed their thoughts about the project.

Mr. Beyer moved to approve the requested variance from Section 2407.5.B.(1)[b] of the Zoning Ordinance to authorize a building setback for the proposed building that does not comply with build-to-line setback requirements along Manheim Pike. A variance from Section 2407.6.A, Appendix A-4.3, A-4.4 and A-4.5 of the Zoning Ordinance to authorize 0% building façade for the proposed building along the required build-to-line along Manheim Pike. A variance from Section 2407.6.A, Appendix A-4.6 of the Zoning Ordinance to eliminate the requirement for a street edge treatment for the portions of the proposed building that do not extend the full length of the property along the required build-to-line. A variance from Section 2407.5.C.(2) of the Zoning Ordinance to authorize the proposed building with a building length of 209 linear feet without a requirement to purchase transferable development rights (TDRs). A variance from Section 2407.5.J.(4) of the Zoning Ordinance to authorize the property with a lot depth of less than 100 feet. A variance from Section 2407.5.J.(5)[c] of the Zoning Ordinance to authorize a 3-foot perimeter buffer along the eastern side of the property. A variance from Section 2005.4 of the Zoning Ordinance to authorize off-street parking spaces within the required perimeter buffer along the eastern side of the property. A variance from Section 2407.6.A, Appendix A-13.4 of the Zoning Ordinance to authorize off-street parking along the side of the proposed building. A variance from Section 2407.6.A, Appendix A-14.3 of the Zoning Ordinance to authorize 5-foot-wide sidewalk along McKinley Avenue and Manheim Pike. A variance from Section 2407.6.A, Appendix 16.4 of the Zoning Ordinance to eliminate the requirement for a street edge treatment along build- to-line. Mr. Strausser seconded the motion. The motion was approved 4-0.

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Mike and Paige Callahan

PLZHB22261

979 Helen Avenue, R-3 Residential/T-4 Urban Neighborhoods Overlay

Michael Callahan and Joanne Weinzierl were sworn in for testimony.

Mr. Callahan explained the variances requested and gave a history of the property that the variances would affect. The plan to construct new patio and deck and install a pergola was discussed by Mr. Callahan.

Mr. Wood asked questions about the current location of structures at 979 Helen Avenue. Mr. Wood and Mr. Callahan discussed the current property line and lot configuration. Mr. Strausser identified that the deck and patio would be in line with the current structure along the property line.

Ms. Wienzierl stated her case in support of the proposed improvements to Mr. Callahan's property.

Mr. Strausser moved to approve the requested variance from section 2103.2 to construct a pergola within the 5-foot structure of any property line. A variance from section 905.2.B.3.dii to construct a patio within the 10-foot side yard setback and a variance from section 905.2.B.3.diii to construct a patio within the 35-foot rear yard setback. Mr. Beyer seconded the motion. The motion was approved 4-0.

This meeting was adjourned at 8:16 PM. The next regularly scheduled Zoning Hearing Board meeting is on Tuesday, September 6th, 2022, at the Manheim Township Municipal Office at 6:30PM.

<https://manheimtwp.sharepoint.com/sites/Planning/Shared%20Documents/General/Zoning%20Hearing%20Board/MINUTES/2022/08012022%20ZHB%20minutes.doc>