

Manheim Township Zoning Hearing Board Minutes
Monday, October 3, 2022
6:30 P.M.

Attendance:

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

The Zoning Hearing Board, Zoning Hearing Board Solicitor Neil Albert, Zoning Officer Lisa Douglas and Assistant Zoning Officer David Bednar were in person in the Public Meeting Room at Manheim Township Municipal Building.

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 Municipal Building. Mr. Wood stated that there is a quorum.

Neil Albert confirmed with David Bednar that this zoning hearing board meeting was correctly advertised and posted on the website and the Manheim Township Municipal Building 24 hours ahead of time. 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.

**Lancaster Catholic High School
650 Juliette Avenue**

PLZHB21426

Mr. Wood noted there was an extension request submitted by Lancaster Catholic High School asking for an additional three years to secure building permits and four years to complete construction. The original approval was issued on December 6th, 2021. Mr. Wood mentioned that the board has already discussed the extension request. Mr. Trimble made a motion to approve the extension request with an additional three years to secure permits and four years to complete construction. Ms. Macedonia seconded the motion. The motion was approved 3-0.

Joshua & Stacy Bashore-Steury **PLZHB22336**
1501 Sunset Avenue, R-3 Residential/T-4 Urban Neighborhood Overlay Area

Joshua Bashore-Steury and Calvin Flury, Jr. were sworn in for testimony.

Mr. Bashore-Steury explained the plans to expand their galley kitchen into their existing one-car garage. Mr. Bashore-Steury stated that the previous owner (Lancaster Church of the Brethren) had constructed a bathroom in the garage at some time in the past and made the

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existing garage unusable to park a car in. Mr. Bashore-Steury stated that they have always parked their cars outside in their driveway that fits two vehicles. The pictures that were included with the application of the current condition of the house were reviewed and discussed.

Mr. Bashore-Steury explained that they did not want to put the parking space in the backyard where their children play and that they are worried about the cinder block wall around the existing basement access being compromised from vehicle traffic.

Mr. Wood asked and clarified that the reasons given to needing to park where identified in the plans is after considering all other options in parking spot placement and needing the variance to continue to park in the location currently utilized.

Mr. Bashore-Steury presented a letter signed by multiple neighbors in support of the variance request. Mr. Wood closed testimony.

Ms. Macedonia moved to approve the applicants request for a variance from Section 2005.4 to permit off-street parking spaces within the required front yard setback. A variance from Section 2008.1 to reduce the required minimum depth of a parking space from 18 feet to 15 feet 3 inches. Mr. Trimble seconded the motion. The motion was approved 3-0.

**Giuseppe Pugliese: La Famiglia Pugliese, LLC
1750 Oregon Pike, B-2 Business District/D-C Corridor Overlay Area**

PLZHB22337

William Swiernik and Giuseppe Pugliese were sworn in for testimony.

Mr. Swiernik of David Miller/ Associates as a representative of the applicant discussed the prior history of the property. Mr. Swiernik explained that a previous Zoning Hearing Board Special Exception was granted for the gas station to be changed to a restaurant and variances to permit expansion and parking space reductions.

Mr. Swiernik explained that the current owner is seeking to expand the rear of the structure by approximately 584 Square Feet even though the structure had previously been expanded by 320 Square Feet and utilizing the entire 25% increase permitted by the ordinance.

Mr. Swiernik explained the current rear area of the building contains a walk in freezer and the building expansion would be for additional area for storage for the restaurant. The walk in refrigerator would also be able to be accessed from the interior of the building through the building addition. It was stated that there is no need for additional parking.

Mr. Pugliese has reached out to the property to the rear that houses an eye doctor and they had no issue with the expansion. The expansion would increase the 25% increase of the nonconforming structure to 45%.

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Mr. Wood discussed with Mr. Pugliese and Mr. Swiernik about the expansion not increasing traffic and that it simply related to extra storage for the business. Mr. Pugliese stated that the existing shed on the property will be removed as part of the proposed project and the refrigerator will be doubled in size.

Mr. Trimble moved to approve a variance from Section 301.4.B(1) to allow the expansion of existing non-conforming building from 25% to 45% expansion based on the floor area of the building as it existed on the date of which the use first became nonconforming. A special exception from section 301.4.B to allow the expansion of existing non-conforming use. Ms. Macedonia seconded the motion. The motion was approved 3-0.

Dereck Hench, Beth Andrew & Lisa Wood

PLZHB22338

67 Keller Avenue, R-3 Residential District/T-4 Urban Neighborhood Overlay Area

Mr. Wood recused himself and the Board could not hold a quorum. Mr. Albert continued the case to Wednesday October 12th, 2022 at 7:00PM in the Municipal Public Meeting Room.

Ms. Macedonia moved to approve the continuance. Mr. Trimble seconded the motion. The motion was approved 2-0.

Raymond Courtney Milne

PLZHB22339

1743 New Holland Pike, R-3 Residential District

Raymond Milne was sworn in for testimony.

Mr. Milne explained the proposed project consisting of an addition for additional garage space with bedroom above. Mr. Milne explained all of the proposed areas to place the garage with bedrooms and that other locations around the existing driveway were not feasible. Mr. Milne explained that he had discussion with his neighbors about the garage and no one had an objection. Mr. Milne stated that he owns 1726 Zarker Road to the rear of the subject property.

Mr. Wood had a discussion with Mr. Milne about the location and the encroachment of the structure to be 3 feet into the setback.

Ms. Macedonia made a motion to approve a variance from Section 905.2.B.(3)[d] [iii] to permit an encroachment into the 35-foot rear yard setback for construction of a garage. Mr. Trimble seconded the motion. The motion was approved 3-0.

Moove In Partners 741

PLZHB22340

1250 Shreiner Station Road, I-2 Industrial District/D-R Retrofit Overlay

David Bitner and Glen Williams were sworn in for testimony.

Mr. Bitner explained that he is with RGS associates on behalf of Glen Williams and Moove In Partners. Mr. Bitner explained the 2 completed phases on the subject property and that they are

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working on a phase 3 for constructing additional storage units. Mr. Bitner explained that the proposed siting of the storage structures and the required aisle widths for emergency access, the fencing becomes pushed into the front yard setback. The goal is to install a 6 foot tall fence to match the rest of the fencing on the property and the variance is for allowing the maximum height of 42 inches in the front yard setback to be exceeded.

Mr. Trimble asked if the fence would be 6 feet tall and Mr. Bitner said that it would be and that it would be chain link style. Mr. Wood asked if there would be additional security wire on top of the fence and Mr. Williams stated that it would not have any security wire on top. Mr. Wood asked if the other fences were installed with a variance and Mr. Bitner stated they were not.

Mr. Trimble made a motion to approve a variance from Section 2108.2 to exceed the 42-inch height limit for a fence in the required front yard setback to install a 6-foot fence in the front yard. Ms. Macedonia seconded the motion. The motion was approved 3-0.

CGA Architects, Inc.

PLZHB22341

222 Eden Road, B-4 Business District/D-R Retrofit Overlay

Keith Good was sworn in for testimony.

Mr. Good gave a rundown of the history of variance requested for the 222 Eden Road property. Mr. Good explained the changes from the current approve design which is proposed to expand the pool building and construct two cabanas. Mr. Good modified the requests from the submitted variances which result in a change from 18 feet from the right of way for a cabana to 22 feet and the pool building being 7 feet closer to the right of way than presented in the application.

Mr. Wood and Mr. Good discussed the fencing and visual barriers in place and proposed to block the pool view from the roadway to block view and noise for guests. Discussion was made with how to set the motion to cover multiple cabanas that were not identified in the application. Mr. Trimble made a motion to approve a variance from Section 2103.3 to allow a 496 Square Foot pool equipment building increased from 402 Square Feet to be located 61 feet from the Right-of-Way. A variance from Section 1405.2.B(5)[a] to allow two (2) cabanas to be installed within installed within 22 feet and 94 feet of the Right-of-Way. Ms. Macedonia seconded the motion. The motion was approved 3-0.

High Properties, LP

PLZHB22342

1430 Harrisburg Pike, I-1 Industrial District/D-R Retrofit Overlay

Claudia Shank Esq. and Ken Hornbeck were identified to present testimony.

Ms. Shank gave a history of the 1430 Harrisburg Pike property that has been to the Zoning Hearing Board recently for variances. Ms. Shank identified the lot adjacent to the proposed sign area as the stormwater management structure. Mr. Trimble asked why the lots were setup as they are on the property and Mr. Hornbeck stated that it is due to the plans at the site. Mr. Hornbeck was sworn in for testimony. Ms. Shank identified the signs that already are in place on the

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property. Ms. Shank presented multiple options for the sign that were used in the planning stage. Ms. Shank stated that previous discussions with Zoning presented the classification as a billboard in this situation. Ms. Shank identified the two variances up for application. Ms. Shank asked Mr. Hornbeck many questions related to the history and current status of the development and site. Mr. Hornbeck provided a summary of the future plans that still are in the works for the area including regrading and sidewalk installation.

Ms. Shank and Mr. Hornbeck discussed the planned extension of the existing retaining wall. Mr. Hornbeck discussed the overall plans for upgrading the intersection of Farmingdale and Harrisburg Pike. Ms. Shank discussed with Mr. Hornbeck how the decision to make the sign 72 Square Feet was made. Mr. Hornbeck gave a summary of how the Crossing Development is laid out and why the sign needs to be there.

Ms. Macedonia made a motion to approve a variance from Section 1806.1 to permit a billboard with an area of 120 square feet on the property without adhering to the setback requirements for billboards. A variance from Section 1805.2 Table 2 (Permitted Number, Area, Height and Setback for Signs): to permit an additional freestanding sign on the property. Mr. Trimble seconded the motion. The motion was approved 3-0.

This meeting was adjourned at 7:50 PM. The next regularly scheduled Zoning Hearing Board meeting is on Wednesday, November 9th, 2022, at the Manheim Township Municipal Office at 6:30PM.

<https://manheimtwp.sharepoint.com/sites/Planning/Shared%20Documents/General/Zoning%20Hearing%20Board/MINUTES/2022/10032022%20ZHB%20minutes.doc>