

Manheim Township Zoning Hearing Board Minutes
Tuesday, January 3, 2023
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Absent
Patrick Trimble	Present
Gary Gaisert	Present

The Zoning Hearing Board, Zoning Hearing Board Solicitor Neil Albert, Zoning Officer Lisa Douglas and 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.

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.

Restructuring of the Board for 2023 took place with votes taken for Zoning Hearing Board Chair and Vice- Chair. Gregory Strausser made a motion to approve David Wood as the Board Chair and Patrick Trimble seconded. Approved 3-0.

Gregory Strausser made a motion to approve David Beyer as the Vice- Chair and Patrick Trimble seconded. Approved 4-0.

Posh Hospitality No. 4, Flory Mill LLC **PLZHB22432**
789 Flory Mill Road, I-2 Industrial District & D-R Retrofit Overlay

Michael Jeitner and Jason Posh were sworn in for testimony. Claudia Shank is client's counsel.

Ms. Shank presented a recap for the property after presenting the property to the board previously. Ms. Shank explained how they uncovered the issue with the previously identified waterline identified in their site planning. The result is the City of Lancaster who owns and operates the water system recommending an on-lot water system including a well. Ms. Shank explained the variance being requested to permit an on-lot water system instead of the required public water connection.

Mr. Jeitner provided testimony about his expertise and the background of site planning for the subject address. Mr. Jeitner identified a connection for public sewer and that only the public water is the issue. Mr. Jeitner explained that the water line previously identified is a

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transmission line and the site will not be able to connect to it. Counsel presented a map of the City of Lancaster water lines in the area, and it was explained that the closest connection is about a half mile south of the site across two stream crossings and a section of rail line. Counsel presented a site plan that shows the proposed well locations on the property and discussion took place as to how the exploratory drilling would continue on site to determine available water. Mr. Jeitner identified the need for water for the facility and fire suppression system.

Mr. Wood and Mr. Trimble discussed with Mr. Jeitner other locations that could be connected to the City of Lancaster water system and what would need to be completed to run the line to the Flory Mill Road site. Mr. Wood and Mr. Jeitner discussed the well planning for the site including locations, proposed flows and required permitting. Mr. Strausser discussed with Mr. Jeitner the environmental impact to the ground water and questioned how they will determine if they do not impact neighboring wells.

Mr. Wood expressed concern about approving a variance without having data that provides the methods being requested. Discussions included adding a condition to the approval for requiring all permits be approved for the wells. Further discussion included whether any other hotels in the township are on private water systems and site water usage amounts.

Mr. Strausser made a motion to approve the variance from Section 1604.2.F.(1) to authorize an on-lot water system on the subject property contingent on receiving all of the required regulatory approvals for use of on lot water. Mr. Trimble seconded the motion. The motion was approved 3-1.

Doug Martin

PLZHB22433

426 Butler Avenue, R-3 Residential District & T-4 Urban Neighborhoods Overlay

Doug Martin, Kent Nolt, Carol Martin, Josh Peloquin and Kimberly Reynold were sworn in for testimony.

Mr. Martin explained the current property conditions and the specifics of the variance being requested. Mr. Wood, Mr. Martin and Mr. Nolt discussed the proposed addition location, the additional driveway and the look of the additional structure. Mr. Wood discussed with staff the existing site setbacks. Mr. Peloquin presented concerns with the encroachment towards his property line. Further discussions took place about the location within the neighborhood and other existing features.

Mr. Peloquin discussed with Mr. Strausser and Mr. Trimble the concerns with the structure being so close to his rear yard and the long-term impact to his property. Further discussion with Mr. Peloquin and Mr. Martin resulted in agreement to include screening along the property line between the two properties.

Mr. Strausser made a motion to approve a variance from Section 905.2.B.(3)[d][iii] for a building addition to encroach eighteen (18) feet and nine (9) inches into the thirty-five (35) foot

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rear yard setback on the condition that a fence that meets the requirements of the zoning ordinance or vegetative plantings, be established along the common boundary line with the property to the west. Mr. Gaisser seconded the motion. The motion was approved 4-0.

Airport Road Group LLC

PLZHB22434

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

William Swiernik, Jodie Thompson and Joe Deerin were sworn in for testimony with Claudia Shank as counsel.

Ms. Shank and Mr. Swiernik presented the case along with all pertinent site information about the existing property and history. Requested variance were given an overview for the proposed use of the property. Mr. Albert asked Ms. Shank to clarify that the items being requested is for the proposed use of a daycare and does not include any intended uses of the existing building at this time.

Mr. Swiernik presented the plans for the site including redevelopment of the lot for a daycare with an outdoor play area, required parking, utilities, stormwater and site access utilizing existing roadways. Mr. Swiernik at the guidance of Ms. Shank presented information about the Special Exception request for the daycare and how they will comply with the requirements of the Special Exception under the ordinance.

Ms. Shank presented the remaining variances being requested and explained how the current configuration of the site makes meeting the ordinance requirements for the items identified unfeasible. Mr. Swiernik explained the existing site conditions why the items being requested for relief are not feasible to provide on the currently developed lot.

Ms. Shank discussed with Mr. Swiernik the plans for a second sign on the property. Mr. Swiernik explained the parking and traffic flow proposed for the facility utilizing portions of the existing parking lot. Ms. Shank questioned Mr. Swiernik as to multiple site specific items in a line of questioning. Mr. Strausser, Mr. Deerin and Mr. Swiernik discussed the visual component of the building and how it would be laid out and viewed from Lititz Pike.

Ms. Thompson provided an explanation of how the daycare business would be intended to operate at the location. The Ducklings would provide daycare for working families with time frames for drop off and pick up that coincide with business hours. Ms. Thompson explained the procedures put in place for child safety at their facility and would be put in place at the intended Airport Road location.

A discussion took place with concerns from the ZHB about the parking being provided and whether there would be enough for redevelopment of the existing structure when the plan becomes available for what will be done with the space.

An executive session took place prior to a motion being made. Mr. Strausser made a motion to approve a special exception pursuant to Section 1503(5) to operate a commercial day-care center

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on the property to be operated in conformance within the testimony presented.

A variance from Section 2409.3.E.(3)[d](iv) regarding the width of the perimeter buffer to allow for sidewalks within the Twenty (20) foot perimeter buffer.

A variance from Section 2512.3.A to reduce the required planting strip from 10' wide to 3'- 4' wide along West Airport Road and Lititz Pike.

A variance from Appendix A, Design Standards, Section 13.4 to authorize parking between buildings and Lititz Pike.

A variance from Appendix A, Design Standards, 14.3 to allow existing sidewalk to remain at 5' in width along West Airport Road and Lititz Pike.

A variance from Section 2409(3)(C)(3) and from Appendix A, Design Standards, 16.4 requiring application to install a street wall/street edge treatment along the Lititz Pike road frontage.

A variance from Signage Table 2; Permitted Number, Area, Height and Setback for Signs, Part A to allow a total of two freestanding signs; one for each use.

A variance from Section 2005.4 to allow parking in front of the Existing Building and Proposed Day-Care Center along Lititz Pike.

Mr. Trimble seconded the motion. The motion was approved 4-0.

**Tippetts/ Weaver Architects
1703 New Holland Pike, B-3 Business District**

PLZHB22435

Gary Weaver, Chris Romel, James Romel, Devon Learn and Don Rimert were sworn in for testimony.

Mr. Weaver provided an update on the history of the property, what was found throughout their site investigation and the planned work to upgrade the property with their proposed business use. Mr. Weaver explained the variances being requested and referenced site exhibits showing proposed site plans.

The need for parking variances was explained by Mr. Weaver, Mr. Chris Romel, Mr. Albert and Mr. Wood. The discussion about the planned modifications to the building for the proposed use continued.

Mr. Rimert made statement as a neighbor of the property expressing noise concerns after previous noise issues with the music coming from the nightclub that existed at the property. There was continued discussion across various individuals about the proposed time schedule, improvements to the landscaping and the outdoor beer garden area.

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Mr. Trimble made a motion to approve a variance from Section 2005.1 to allow required parking to be located on another lot other than the same lot as the use they serve.

A variance from Section 2005.2 to allow parking to be located in a different Zoning District than the District that the primary use is located in.

A variance from Section 2005.3 to allow access to parking located in a different Zoning District than the District that the primary use and existing parking lot is located in as per the testimony.

Mr. Gaissert seconded the motion. The motion was approved 4-0.

Village of Olde Hickory Phase 3

PLZHB21427

600 Olde Hickory Road, R-3 Residential District & D-C Corridor Overlay

One year extension request was reviewed by the board to permit one additional year to obtain permits and two years to complete construction. The extension was approved 4-0.

This meeting was adjourned at 9:14 PM. The next regularly scheduled Zoning Hearing Board meeting is on Monday, February 6th, 2023, at the Manheim Township Municipal Office at 6:30PM.

<https://manheimtwp.sharepoint.com/sites/Planning/Shared%20Documents/General/Zoning%20Hearing%20Board/MINUTES/2023/01032023%20ZHB%20minutes.doc>