

Manheim Township Zoning Hearing Board Minutes
Wednesday, November 9, 2022
6:30 P.M.

Attendance:

David Wood	Absent
Greg Strausser	Present
David Beyer	Present
Jane Macedonia	Absent
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. Beyer 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. Beyer stated that there is a quorum.

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

This meeting was stenographically recorded.

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

Pine Hill at Lancaster, LLC
601 Stonehenge Drive, R-1 Residential District

PLZHB22381

Rachel Rowe, Esq. was sworn in for testimony.

Ms. Rowe explained the size, layout and location of the current structure at 601 Stonehenge Drive. Ms. Rowe explained that the house was constructed and while staking out the foundation for the structure on the west side of 601 Stonehenge Drive, it was found to be located partially in the building side yard setback.

Mr. Beyer asked for an explanation for how this situation occurred with the construction of a new structure. Michael Garmin was sworn in for testimony. Mr. Garmin explained the layout of the lot in relation to Fruitville Pike and the development entrance. Mr. Garmin explained that the house was staked out and was slid over two feet by the excavator. Mr. Garmin stated that the error was discovered when constructing the next house. Mr. Garmin stated that the structure corner is located 1 foot and 8 inches into the side yard setback.

Mr. Beyer questioned the application was not consistent with testimony and Mr. Garmin determined that the variance distance being requested is 1 foot and 8 inches into the side yard setback.

Mr. Trimble made a motion to approve the applicants request for a variance from Section 705.2.B.(4)[d][ii] for a building to encroach one (1) foot and eight (8) inches in the minimum

required side yard setback as per the testimony presented. Mr. Strausser seconded the motion. The motion was approved 4-0.

Henry Glick
1153 Creek Road, A Agricultural District

PLZHB22382

Dan King was sworn in for testimony.

Mr. King explained that the plan is to construct an addition along the side and front of the existing structure along Creek Road. Mr. King explained the plan for the structure to be a porch constructed on the side of the house. Mr. Beyer and Mr. Albert discussed with Mr. King the distances from the roadway and the location of the addition in relation to the roadway.

Mr. Strausser questioned Mr. King why the addition is proposed along the front of the house and not further back along the side towards the rear. Mr. King explained that the location of the doorway is within the proposed location and if it were to be shifted back, it would cover the kitchen area of the existing structure.

Mr. Strausser made a motion to approve the applicants request for a variance from Section 605.3.I.(5)[A] for a building addition in the thirty-five (35) foot front yard setback. Mr. Trimble seconded the motion. The motion was approved 4-0.

Juan Valverde
149 Warren Way, R-3 Residential District

PLZHB22383

Dan King explained the case for his client Juan Valverde.

Mr. King explained that Mr. Valverde has wanted a garage for the past two years. Mr. King stated that he first visited the property and noticed that the garage would be located in the setback and after persistence from Juan Valverde, decided to move forward. Mr. King explained the location and the distances to the property line as referenced in the survey provided.

Mr. Strausser asked about the current house structure that appears to include a garage that was converted into living space, Mr. King stated that was not a garage and the property owner agreed. Mr. King stated that the corner lot is laid out with property lines that do not have room for a garage without encroaching into the setback. Mr. Strausser asked about other garages that Mr. King has constructed in the neighborhood and Mr. King stated that he has built two and they did not encroach into the setbacks. Mr. King could not provide a count for how many other houses in the neighborhood had a garage.

Mr. Trimble questioned if they could shift the garage forward and Mr. King stated that it has been shifted forward. Mr. Trimble asked if the garage could be shortened, and Mr. King

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discussed shortening the garage along the length. Mr. Trimble asked about the survey and the accuracy of the survey and the plans.

Mike Tomlinson was sworn in for testimony.

Mr. Tomlinson asked if this variance would impact his ability to get a variance if he needed one in the future and the board explained that they would review the merits of his case if he were to submit one based upon the request of his variance. There was a discussion about the size and location of the lots. Mr. Tomlinson stated that the house did not include a converted garage. Mr. Tomlinson did not have additional concerns.

Mr. Strausser requested considering a 12' X 20' garage to limit the depth of the garage addition into the setback. Mr. King and Mr. Valverde were open to the reduced size. Mr. Albert suggested that the motion note that the reduced size should be taken from the rear of the proposed addition.

Mr. Beyer asked a few questions about garage access in the existing lot.

Mr. Trimble made a motion to approve the applicants request for a variance from Section 1919.1.D.(2) for a garage addition to encroach on the side yard setback with the stipulation that the garage not exceed 12' by 20' and the front of the garage be located on the front yard setback line so that the 4 feet that is being removed, is taken from the back of the garage per the testimony. Mr. Strausser seconded the motion. The motion was approved 4-0.

This meeting was adjourned at 6:58 PM. The next regularly scheduled Zoning Hearing Board meeting is on Monday, December 5th, 2022, at the Manheim Township Municipal Office at 6:30PM.

<https://manheimtpw.sharepoint.com/sites/Planning/Shared Documents/General/Zoning Hearing Board/MINUTES/2022/11092022 ZHB minutes.doc>