

Manheim Township Zoning Hearing Board Minutes
Monday, March 6, 2023
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Present
Patrick Trimble	Absent
Gary Gaissert	Present
Mike Callahan	Present

The Zoning Hearing Board, Zoning Hearing Board Solicitor Alternate Brad Harris, 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.

CHI St. Joseph Children's Health

R-2 Residential District, 1834 Lititz Pike

PLZHB21475

Mr. Beyer made a motion to approve a time-extension until April 14, 2024 to secure all necessary permits required and commence construction pursuant to Section 2808(i) of the Zoning Ordinance. Mr. Strausser seconded the motion. The motion was approved 5-0.

Christopher & Tracy Savitz

1071 Bluegrass Road, R-2 Residential District

PLZHB23030

Christopher and Tracy Savitz sworn in for testimony.

Mr. Savitz presented the variance being requested. Mr. Wood asked if the neighbors were contacted about the project and Mr. Savitz responded that the other houses have not been constructed yet except for the house on the left. Mr. Savitz mentioned that the only neighbor did not express any opposition.

Mr. Savitz noted that approval was already given by the HOA. Mr. Strausser questioned what was to the rear of the property. Mr. Savitz explained that it was a drainage easement with a stormwater structure.

Mr. Strausser made a motion to approve a variance from Section 805.2.B(4)[d][iii] to encroach nine and a half (9.5) feet into the twenty-five (25) foot rear yard setback. Mr. Gaissert seconded the motion. The motion was approved 5-0.

G Investments, LP
645 East Oregon Road, I-3 Industrial District/D-A Airport Overlay

PLZHB23031

Jay Garber and Brent Detter were sworn in for testimony. Aaron Marines represented as counsel.

Mr. Marines entered exhibits to be marked as evidence.

Mr. Marines requested amending the language in the narrative to identify one of the variance requests to a five-foot width for sidewalks to match the rest of the application. Mr. Wood acknowledged the request.

Mr. Marines questioned Mr. Detter to provide a history of the property and overall completed and planned projects. Mr. Marines presented the following Special Exceptions and Variances through questioning of Mr. Detter. Mr. Marines presented the plan for the restaurant and the plan for a chapel, a gazebo and drop off structure to be an expansion of the Conference/Event Center.

Mr. Marines presented the variances requested with Mr. Detter. Mr. Wood, Mr. Strausser and Mr. Marines discussed the variance in height of the storage building and the Transferrable Development Rights (TDRs) that are relief is being requested from. Mr. Strausser questioned the plan for lighting at night. Mr. Garber explained his plan to only light the cupolas at night when the space is not being used for events. Mr. Strausser discussed with Mr. Garber the plan for the variance for the sidewalk and how currently people access the site to roam the wildflower gardens on the property.

Mr. Garber discussed in detail the plans for the landscaping on the property along with the placement of the gazebo in the wildflower area of the property. Mr. Wood expressed concerns about setting a precedent for allowing variances for sidewalk installation on the basis of being located along a state roadway.

Discussions with all involved continued about the sidewalks on the property. Confirmation was given that the airport is aware of the site development and proposed heights of the buildings and has not expressed any concerns. It was confirmed that Mr. Detter has already started the process to have the FAA review the proposed structures and heights on the property.

Mr. Strausser made a motion to approve a Special Exception to build a Restaurant in the I-3/D-A Zoning District per Section 2409.2.C.9 and Section 1703.9 of the Zoning Ordinance.

A Special Exception to build accessory buildings incidental to the existing Conference/Event Center, per Section 2409.2.C.14 and Section 1703.10 of the Zoning Ordinance.

A variance from Section 2103.1 to permit accessory structures with a height in excess of 10 Feet.

A variance from Section 14.3 of Appendix A: Form Based Code to permit walkways less than 10 feet in width in a non-residential area,

A variance from Section 14.4 of Appendix A: Form Based Code to not extend the walkway the entire frontage of East Oregon Road.

A variance from Section 2409.3.B to permit a Self-Storage Building with a height in excess of 35 feet without the purchase of Transferrable Development Rights (TDR). As per Solicitor Harris recommendation to include an FAA approval be in place. Mr. Beyer seconded the motion. The motion was approved 3-2.

Westminster Presbyterian Church **PLZHB23032**
2151, 2159 Oregon Pike, R-2 Residential District/B-1 Business District/D-C Corridor
Overlay

Joyce Gerhart and Michael Ploutz were sworn in for testimony.

Ms. Gerhart presented the plan to expand the existing building by constructing a separate fellowship hall to avoid using the gymnasium for both uses as currently occurs. A plan to expand the roofed drop off area was presented as well. The plan being to expand from fitting one vehicle at a time under the roof to four vehicles. The last item presented was the plan for a sidewalk to cross between 2151 and 2159 Oregon Pike to serve the newly acquired building.

Mr. Wood and Ms. Gerhart discussed the plan for the building addition as well as the plan for additional parking. Mr. Strausser and Mr. Ploutz discussed the plan for the building addition to have a kitchen and serve as a dining space for events and services at the church.

Mr. Beyer made a motion to approve a Special Exception for expansion of Houses of Worship for a building addition and new parking spaces to serve additional fellowship hall space per Section 803.1.

A variance from Section 2206.2.A to permit a walkway with less than five (5) feet of separation from the property line where the walkway crosses the property line. Mr. Callahan seconded the motion. The motion was approved 5-0.

1610 Manheim Pike, LLC **PLZHB23033**
1610 Manheim Pike, B-4 Business District/D-R Retrofit Overlay

Alex Piehl and Ryan Miller were sworn in for testimony.

Mr. Piehl presented a quick history of recent development done at the property and the variance being requested for the next plan to develop a portion of the site. Mr. Piehl explained the variance request to only install sidewalk on the portion of the site to be developed with this project and the other side deferred until a connection can be made.

Mr. Strausser asked about all of the other roadways with/without sidewalks in the area. Discussions about the existing curbing and plans to restrict the sidewalk width to 5 feet wide to match all of the existing sidewalks around the area.

Mr. Beyer made a motion to approve a variance from Section 2808.1 to permit two (2) years for the necessary permits to be secured and to begin construction of the project.

A variance from Appendix A Form Based Code Design Standard 14.3 to permit a sidewalk width of five (5) feet instead of the minimum ten (10) feet for non-residential areas.

A variance from Appendix A Form Based Code Design Standard 14.4 to permit the installation of a portion of sidewalk along the Manheim Pike ROW to be deferred until adjacent connections exist. Mr. Gaissert seconded the motion. The motion was approved 4-1.

Randall S. Leaman & Cheryl L. Leaman
44 Pintail Turn, R-1 Residential District/Cluster Overlay

PLZHB23034

Randall Leaman, Cheryl Leaman and Anne Lusk were sworn in for testimony.

Mr. Leaman presented the case for Special Exception and provided information about who will be using it, why it is needed and how it will comply with the ordinance. Mr. Wood discussed the requirement for the restoration plan and how it will need to comply once the space is not being used for an ADU.

A discussion between the Mr. Strausser, Mr. Wood, Mr. Leaman and Ms. Lusk about how the second kitchen was found to be part of the property and how it will need to be remediated to be in compliance with the ordinance.

Mr. Strausser made a motion to approve a Special Exception to permit an Accessory Dwelling Unit in the existing dwelling for 2 relatives in accordance with Section 2515: Accessory Dwelling Units. Mr. Beyer seconded the motion. The motion was approved 5-0.

Joseph K. Hemler Jr.
920 Martha Avenue, R-3 Residential District/T-4 Urban Neighborhoods Overlay

PLZHB23035

Joseph K. Hemler Jr. was sworn in for testimony.

Mr. Hemler presented to the board the information about the property at 920 Martha Avenue and referred to a survey completed and submitted with the application. Mr. Hemler provided photos

of neighboring properties with garages to reference the distances to the property lines in relation to his proposed project.

Mr. Wood and Mr. Hemler discussed the functionality of the plan and if it could be shifted to provide a larger setback. Mr. Hemler noted that he needs the garage because they previously resided in a large house and since moving here, does not have the same space as before.

Mr. Hemler noted he spoke with neighbors who did not reject the plan but would also not sign a letter of support.

Mr. Shellenberger identified himself at the meeting and spoke about his concerns as being the neighbor that this variance would directly impact.

Pete Shellenberger was sworn in for testimony. Mr. Shellenberger explained his concerns with the neighborhood being an older neighborhood dating back almost 100 years. Mr. Shellenberger noted the same thing that most of the properties also have garages. Mr. Wood and Mr. Shellenberger discussed the current layout of his property and the existing vegetation. The existing vegetation is situated in a way that would provide to a buffer.

Mr. Hemler described the existing vegetation on his property with Mr. Strausser. Discussions continued about the construction and location of the proposed garage. Executive session was conducted from 8:13PM to 8:22PM.

Mr. Strausser made a motion to approve a variance to Section 905.2.B(3)[d][ii] to permit an encroachment of seven (7) feet into the ten (10) foot required side yard setback. Mr. Callahan seconded the motion. The motion was approved 5-0.

This meeting was adjourned at 8:24 PM. The next regularly scheduled Zoning Hearing Board meeting is on Monday, April 3rd, 2023, at the Manheim Township Municipal Office at 6:30PM.

<https://manheimtpw.sharepoint.com/sites/Planning/Shared Documents/General/Zoning Hearing Board/MINUTES/2023/03062023 ZHB minutes.doc>