

Manheim Township Zoning Hearing Board Minutes
Monday, March 1, 2010
6:30 P.M.

Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
Helen Adams, Alternate	Present

Chairperson David Wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda.

Estate of Joseph Clark c/o Mary Kolmeier
R-2, 1617 and 1629 New Holland Pike

Case 10-11

Greg Strausser, Carol and Bill Powell, Michael Flanagan, David and Tracy Brackston, Jeff Kreider, Robert and Helen Buck, and Todd Gingrich were sworn in for testimony.

Mr. Strausser explained the request and stated the following. There are two existing dwellings located on a 5.5 acre tract of land. The applicant is planning to subdivide this property into 3 lots. A number of variances are being requested because of the existing non-conformities that exist on the property regarding front yard building setbacks of the existing dwellings and the side yard building setback of the existing garage. This request does not involve any construction of structures only the subdivision of the property into 3 lots. This plan does not create any non-conformity.

Neighbors voiced their concerns with the fear of apartment buildings being constructed on the large property, water runoff and traffic concerns.

The Board explained that this request does not pertain to any future possible development of the land on the subdivision of the property.

Mr. Strausser stated that the variance section numbers were not advertised correctly. Mr. Strausser then requested an amendment to the application to specifically quote a variance to section 1902.5 which is regarding the garage in the side yard of the prevailing zone and amend the application to refer to section 706.2.B.3.d.ii. as being the variance in the side yard setback for the existing dwelling to sit in the side yard setback of the prevailing zone; this section number that was not in the advertisement for the variance. Mr. Hoover made the motion for the amendment. The motion was seconded by Mr. Byram. The motion was approved 5-0.

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Mr. Winters moved to approve the following: a variance of section 2011.2 to permit the driveway on lot 2 to be closer than 3 feet from the existing property line; a variance to section 1902.5 allowing the garage at 1619 New Holland Pike to exist in its current location; a variance to section 706.2.B.3.d.ii. to permit the existing dwelling on lot 2 to encroach within the minimum side yard building setback; a variance of section 2013 to permit the existing dwellings located on lot 1 and lot 2 to encroach within the minimum front yard building setback for the purposes of subdividing the property consistent with the testimony and exhibits presented to the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Rick Wingenroth / 3 D Painting

R-3, 2790 Lititz Pike

Case 10-12

Sharon Wingenroth and Rick Wingenroth were sworn in for testimony.

Rick Wingenroth explained the request and stated the following. a painting contractor office minor home occupation has been operating on this property since 1995. Mr. Wingenroth is requesting a special exception to permit a non-resident employee to work in the home occupation on this property as a bookkeeper / secretary. Mr. Wingenroth stated that the same amount of employees will work in the field. Painting material except paint is stored on the property. The office is in the basement. No customers or clients visit the property.

Two variances were requested regarding the non-conforming building setbacks of the dwelling and garage.

Mr. Winters moved that the Board approve the following: a special exception in accordance with section 1910.4.A. to permit a major home occupation with one non-resident employee; a variance to permit section 2013 to permit the dwelling to encroach within the 50 foot minimum front yard building setback; a variance to section 1902.5. to permit the existing detached garage to encroach within the minimum side yard building setback, consistent with the testimony and exhibits presented to the Board this evening. Mr. Hoover seconded the motion. Motion was approved 5-0.

Housing Development Corp. on Behalf of**Bloomfield Apartment Association**

R-3, 201 Starflower View

Case 10-13

Richard Ross, Rhonda Hamilton and Todd Smeigh were sworn in for testimony.

Mr. Ross explained the request and stated the following: the Bloomfield Apartment Association is planning to construct a 233 square foot addition to the existing community building in Wildflower Commons. The addition would consist of an office and storage room. The proposed office would be used for after school programs for the children. Wildflower Commons is a townhouse and apartment community located in the R-3 zoning district.

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Mr. Ross explained that the proposed addition would encroach within the front yard building setback, 12 ½ feet from the street right of way line but would not encroach within the clear site triangle of the intersection. The existing open area of the lot is 20 percent which is below the 50 percent requirement. The proposed addition would lower the open space area to 18.4 percent.

Mr. Ross explained that they are requesting a variance for the encroachment within the minimum front yard building setback and a variance regarding the reduction of open space on the lot to 18.4 percent.

Mr. Ross stated that the existing community building is being used for a rental office and storage.

In public comment the neighbors voiced their concerns regarding traffic in the development and the removal of grass in the development would create less grass for the children to play on.

Mr. Winters moved to approve the following: a variance of section 807.2.B.5.a. to permit an expansion of an existing community building to encroach within the 25 foot minimum front yard building setback; a variance section 807.2.B.6. to permit the lot open area to be less than 50 percent, consistent with the exhibits and testimony provided before the Board this evening. Mr. Byram seconded the motion. The motion was approved 3-2 with Mr. Trimble and Mr. Hoover dissenting.

Marcie Seace

R-2, 2347 Henbird Lane

Case 10-14

Marcie Seace and Fred Shoemaker were sworn in for testimony.

Ms. Seace explained the request and stated the following. a variance is being requested to not require the second required parking space to be placed out of the front yard building setback. A bedroom is being constructed within one stall of the existing two car garage in order for her mother to reside with her in the house.

Ms. Seace stated that she only owns one car and that car would be parked inside the remaining space of the garage.

There was a discussion of the parking requirement of the zoning ordinance.

There was an executive session.

Mr. Winters moved to approve a variance to section 1704.4. to permit one required parking space within the minimum front yard building setback consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

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Tom Costello

R-1, 1260 Fruitville Pike

Case 10-15

Tom Costello was sworn in for testimony.

Mr. Costello explained that he is constructing a home at 1260 Fruitville Pike and he would like to construct a pool house in the rear yard 17 feet in height. He explained that outbuildings cannot be taller than 10 feet in height. Mr. Costello explained that there are some out buildings in the Stonehenge development that were permitted to be taller than 10 feet. Mr. Costello displayed a photograph to the Board of what he would construct.

Mr. Winters moved that the Board approve a variance to section 1903.1. to permit the height of an accessory outbuilding to be taller than the required ten feet, built to a height of 17 feet, consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Brent Hershey

R-3, 631 Janet Avenue

Case 10-16

Brent Hershey and Carissa Hershey were sworn in for testimony.

Mr. Hershey explained that he was planning to construct a patio and walkway less than 5 feet from the side property lines. The proposed total impervious coverage would be 70 percent. The existing walkway would be removed. Mr. Hershey stated that he wants to improve the rear yard.

Mr. Hershey explained that he is requesting variances to permit the patio and walkways closer than 5 feet from the side property lines and a variance to permit the total impervious coverage to exceed 65 percent.

Mr. Winters moved to approve the following: a variance to section 806.2.F.6. to permit the total lot impervious area to exceed 65 percent and the total lot open area be less than the 35 percent minimum open area requirement; a variance to section 1906.1. to permit the construction of the proposed patio closer than 5 foot from the side property lines; a variance to section 2006.2. to permit the construction of the proposed walkway closer than 5 feet from the side property lines, consistent with the testimony and exhibits presented in the application and before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Manheim Township School District

R-2 and R-3, 25 Blue Streak Blvd.

Case 10-17

Jamie Alwine, Mark Henise, John Beddia, Douglas Nixon, Beth Hissong, James Bashore, Kathie Larrabee, Richard Weirich, Sandra Yecker, and Brent Detter were sworn in for testimony.

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Ms. Stacy Morgan of Hartman, Underhill & Brubaker explained that the Manheim Township School District is planning to construct an elementary school building for the 5th and 6th grade students. The Manheim Township School District is requesting a special exception to construct the elementary school building and a number of variances regarding the height of the proposed school building and existing conditions of dwellings and structures.

Mr. Detter explained the special exception and variance criteria and distributed a photograph aerial view of the school property and stated the following. The dwellings on the Valley Road properties will be demolished in the future. A faculty committee researched locations of the new school building and decided on this existing school property to construct the proposed school building. The school district is planning to combine three separate lots together which are owned by them to net a total of 149 acres. A traffic impact study was done which recommended changes to certain intersections. The access drive for the proposed elementary building would be off of Blue Streak Blvd. Future practice athletic fields are proposed.

Mr. Detter explained the building placement on the property and the building construction. The total coverage of the property would be 35 percent. There will be no parking on the access drive. The parking lots would be lit with the light turned off from 9:00 PM to 5:00 AM.

Mr. Detter explained the variance requests regarding building height, required planting strips, required screening and a time extension.

The height of the building is proposed to be 45 feet. The grade height of the property will be raised to prevent the need to remove the bedrock from the ground which would reduce costs of the project. If the height variance would not be granted the building would have to be built with a larger footprint and the school district would need to request coverage variance for the property.

Public comment:

The neighbors voiced the following concerns: the height of the building, parking lot lights, and the emergency access driveway to the school building would not be large enough to support the fire trucks, one neighbor requested a traffic study for Shaub Road regarding the possible increase of bus traffic, and regarding no screening proposed along the emergency access drive.

Mr. Detter stated that the parking lot lights may be lit from 5 PM to midnight.

Mr. Winters moved to approve the following: a special exception in accordance with section 703.2. section 803.3. for elementary and secondary schools subject to section 2205.2. to combine 4 parcels of land and construct an elementary school building; a variance of section 807.1. pertaining to the maximum building height of 35 feet for structures; a variance to section 2011.2. pertaining to the driveway location to property lines; a variance of section 2312.2.A.1. and 2312.2.A.2. pertaining to the required 10 foot planting strip along property lines and right of way lines; a variance of section 2312.4. pertaining to the screening of non-residential uses from adjoining residential uses; a variance to section 2208 for an extension of time to obtain all necessary permits and complete construction being 12 months to obtain permits and 24 months to complete construction; a variance of section 2013 to permit the existing dwellings to encroach

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within the minimum front yard building setback along Valley Road; all subject to section 2205.1, consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

The meeting adjourned at 9:53 PM. The next regularly scheduled meeting will be held on Monday, April 5, 2010 at 6:30 P.M.

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