

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

Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Present
Robert Byram	Absent
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.

Caruso's Pizzeria, Inc.
B-3, 1908 Fruitville Pike

Case 10-02

Mr. Wood asked if the case was advertised and property posted. Sam Maurer answered, yes.

Ignazio Caruso was sworn in for testimony.

Mr. Caruso explained his request and stated the following: Mr. Caruso is requesting a special exception to place a pizzeria restaurant at 1908 Fruitville Pike, in the same location where the Wings Zone and Bagel restaurants were operating. This will be a pick up and eat in facility.

Mr. Caruso is also requesting a variance for the number of parking spaces in which the shopping center would be 16 parking spaces deficient with the proposed pizzeria. The pizzeria will use the parking spaces throughout the shopping center.

Mr. Caruso reviewed the submitted parking calculations of the shopping center with the Board. Mr. Caruso stated that there are 78 parking spaces in the shopping center. There will be 35 seats in the restaurant. The pizzeria would require 15-18 parking spaces. Mr. Caruso described the parking lot.

Mr. Caruso also explained that he will place a shed at the rear of his pizzeria that will block two parking spaces. The pizzeria will be 60 percent pickup in and out. Mr. Caruso stated that there should be enough parking for his pizzeria.

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Mr. Winters moved to approve a special exception in accordance with section 1203.4. to permit the operation of a Pizzeria Italian Restaurant, and a variance to section 1702.5. to permit less than the required number of parking spaces on the property consistent with the evidence and testimony presented before the Board this evening. Ms. Adams seconded the motion. The motion was approved 5-0.

Lititz Sign Company

B-4, 1507 Lititz Pike

Case 10-03

Tom Benjamin was sworn in for testimony.

Mr. Benjamin explained the requests and stated the following: The CVS Pharmacy would like to add "drive thru pharmacy" to the drive through canopy at the pharmacy window which would add 29 square of sign area to the building. CVS is already exceeding the building sign square footage regulations for the building. This request would raise the building sign square footage to 266 square feet up from existing 237.68 Square feet. In addition CVS would like to erect a 2 foot 6 inches by 7 foot LED message center sign board on the freestanding sign pylons at Oregon Pike and Lititz Pike entrances. One of the small signs would be removed and replace with the LED sign on the Lititz Pike freestanding sign.

Lisa Douglas explained the proposed freestanding sign square footages for Lititz Pike and Oregon Pike which revealed that the Oregon Pike sign would have 84 square feet of sign area which exceeds the maximum 80 square foot requirement for freestanding signs.

Mr. Benjamin stated that CVS would agree to only change the LED sign message one time in a 24 hour period.

Mr. Winters moved that the Board approve the following: a variance to section 1806.2. Table 2 Part A. to permit additional building signs to be placed on the drive through pharmacy canopy to exceed the maximum 200 square foot building sign requirement; a variance to section 1804.24 to permit the placement of an electronic message center sign to the Lititz Pike and Oregon Pike existing freestanding signs with the message changing no more than one time in any twenty-four hour period; a variance to section 1806.2. Table 2 Part B to permit the placement of electronic message center sign to the Oregon Pike existing freestanding sign pylons exceeding the total freestanding sign area requirement of 80 square feet consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. Motion was approved 4-1 with David Wood dissenting.

Ted Kleinsasser

R1, 1170 Erbs Quarry Road

Case 10-04

Robert A. Visniski and Gary Long were sworn in for testimony.

Mr. Visniski explained the request. Mr. Kleinsasser is planning to subdivide this property into two lots. Mr. Visniski described the location of the property and the site.

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Mr. Visniski reviewed the requested four variances with the Board regarding front yard building setback of an existing dwelling along Fruitville Pike, driveway encroaching closer than 3 feet to a property line, and width of the lot at the front yard setback line. Mr. Visniski explained that the last three variances are needed because a portion of the Erbs Quarry Road existing street right of way in front of this property will be abandoned creating the need for these variances.

Lisa Douglas stated that there is an inaccurate measurement on the drawing she felt the lot width variance would not be necessary. Mr. Visniski would like to request the variance anyway.

Mr. Winters moved to approve the following: a variance to sections 605.2.B.3.d.i and 2013. to permit the existing building to encroach within the minimum front yard building setback; a variance to section 2011.2 to permit the existing driveway to be closer than the required 3 feet from the property line; a variance to section 605.2.B.3.b.i. to permit the proposed lot width to be less than 60 feet at the street line and a variance to section 605.2.B.3.b.ii. to permit the proposed lot width to be less than 100 feet at the minimum front yard building setback line, thereby allowing the subdivision of this property consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

ADS Builders

R1, 353 Copley Road

Case 10-05

Alvin Smucker of ADS Builders and Edward Leffler were sworn in for testimony.

Mr. Smucker explained that they are requesting a variance for Ian and Rita Paul to encroach within the side yard building setback with a Bilco door unit. The Bilco door would encroach 8 feet into the 15 foot side yard setback and will be 7 feet from the side property line. The basement is being renovated. The Pauls would like to place a Bilco outdoor stairway into the basement so they could place furniture in the basement. The only other spot the Bilco would fit would be the front yard but the appearance would not be very good.

Mr. Smucker described what a Bilco door is to the Board.

Mr. Winters moved to approve a variance to section 605.2.B.3.d.ii. to permit the installation of a Bilco outdoor stairway to encroach within the required 15 foot minimum side yard building setback by no more than 8 feet consistent with the testimony and exhibits present before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

George Hurst

Agricultural, 2870 Oregon Pike

Case 10-06

George Hurst, Chad Hurst and David Keener were sworn in for testimony.

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Mr. Keener explained the request. Three variances are being requested regarding an encroachment within the 75 foot setback from property lines, and a time extension.

Mr. Hurst is planning to construct a bunk silo within 75 feet from the property line which would be 30 feet from the Jake Landis Road right of way on the north side of the property. This portion of Jake Landis Road is only a dirt road. In addition, Mr. Hurst is planning to construct a manure storage pond 50 feet from the western property line. The manure pond would be constructed spring or summer and the bunk silo would be constructed in the fall.

A time extension is being requested to obtain building permits within one year and to construct within 2 years.

Mr. Hurst explained that the reason the storage pond will be 25 feet within the setback is because he wanted more room around the bunk silo. The manure pond would be approved by DEP.

Mr. Winters moved that the Board to approve the following: a variance pursuant to section 2208 to permit a time extension of one year to obtain all necessary permits and two years to complete construction; a variance pursuant to section 505A.2.A.4.a. to permit a minimum front yard dimension of 30 feet for the bunk silo; a variance to section 505A.2.A.4.b. to permit a minimum side yard dimension of 50 feet for the manure storage pond, consistent with the testimony and exhibits presented before this Board this evening. Ms. Adams seconded the motion. The motion was approved 5-0.

Manheim Township
R-2, 2883 Weaver Road

Case 10-07

Carol Simpson, Sean Molchany, Patrick Zeni, Charles R. Haley Jr., Michael DiPaolo, Dennis Griswold and John Light were sworn in for testimony.

Mr. Molchany distributed a colored conceptual drawing of the proposed plan for the Weaver Road park and also light standard schematics.

Mr. Molchany explained the requests. The Manheim Township Commissioners are planning a park with athletic fields on this property located at 2883 Weaver Road. The fields would be utilized through the reservation process and certain teams; mostly by youth sports organizations and others for practice and games.

Manheim Township is requesting a variance to place an 8 foot fence around the proposed synthetic fields. The reason for the 8 foot height is for security and safety of the facility and to keep errant flying balls within the facility. This would be the exterior most fence for the synthetic field. The interior fences of the facility would be 4 foot in height.

Public comment:

Mr. Dipaolo is concerned with the park concept. The eight foot fence would affect the property values and have an adverse effect.

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John Light would like poly vinyl fence.

Mr. Molchany explained the request of a variance to place 6 light poles one at a height of 120 feet and five at a height of 110 feet, at the proposed athletic fields.

Mr. Molchany explained the height variance request for the light poles. He stated that Manheim Township is planning to place 6 light poles one at a height of 120 feet and 5 at a height of 110 feet. This height is needed to assure efficient light distribution on the playing fields. The proposed heights would limit light from encroaching on the neighboring properties.

Mr. Zini explained the light standard concept. Mr. Zini explained that the proposed lighting was tailored to this site and the taller the light standards the less intrusive it would be to neighboring properties. Mr. Zini stated that the higher the light pole the more control of the light with a shallower light footprint.

There was a discussion regarding the emanating light footprint. Mr. Molchany marked the lighting plan with colored markers to show how far the light from the proposed lights fixtures would spread to the neighboring properties. It was discovered the light would reach eight properties but the light intensity would be in compliance with the Manheim Township Zoning Ordinance requirements.

Public Comment:

The neighbors voiced following concerns: the light would shine in their yards, no privacy with the park.

Mr. Molchany stated that he did not know the hours that the lights would be used, possibly 6:00 PM to 8:15 PM during practices.

Carol Simpson, President of the Manheim Township Commissioners asked the Zoning Hearing Board to support this park project. She stated that there is a need for additional practice fields for the soccer, football and baseball youth programs.

Mr. Winters moved to deny the variance request of section 1908.1. to permit the construction of an eight foot high chain link fence to surround new synthetic turf field consistent with the testimony and exhibits presented before the Board this evening. In addition, Mr. Winters moved to approve the variance of sections 706.1. and 2008 to permit the placement of six light poles, one at a height of 120 feet and five at a height of 110 feet consistent with the multicolored exhibit presented before the board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Members 1st Federal Credit Union

B-2, 2568 Lititz Pike

Case 10-08

James Strong and Aaron Navarro were sworn in for testimony.

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Mr. Strong explained the request. Members First Federal Credit Union is proposing to develop this property, which was a former Susquehanna Bank branch.

Additional site plans of the proposed improvements of the property were distributed.

Referencing the site plans, Mr. Strong explained the proposed variances. The proposed improvements to the property triggered the proposed variances regarding front yard setback encroachments, side yard setback encroachments, improvement area encroachments, landscape screening, clear sight plan encroachments of flag poles, and time extension to obtain permits and complete construction.

The reason for the changes is to make the property conform to their banking operation and also for security purposes for the ATM placement.

Mr. Winters moved to approve the following: a variance to section 1104.2.B.5.a. and section 2013 to permit the proposed building expansion to encroach within the required minimum front yard building setback; a variance to section 1104.2.B.5.b. to permit the proposed building expansion and the drive-thru canopy to encroach within the required minimum side yard building setback; a variance to section 1104.2.B.5.d. to permit improvements to the existing paved access drive for the drive-thru including the construction of new curbing and retaining wall within the six foot improvement area; a variance to section 2312.2. to permit improvements to the existing paved access drive for the drive-thru including the construction of new curbing and retaining wall within the required ten foot planting strip; a variance to section 2312.4. to permit improvements to the existing paved access drive for the drive-thru including the construction of new curbing and retaining wall instead of the required landscape screen; a variance to section 2006.1. to permit the proposed roof of the east side building expansion to project more than five feet into the minimum front yard building setback; a variance to section 2006.2. to permit the construction of the proposed retaining wall closer than five feet from the side property line; a variance to section 2011.2. to permit the proposed widening of the existing access drive to be closer than three feet from the side property line; a variance to section 1104.2.B.7. to permit the minimum open area of the property to be less than the required twenty-five percent; a variance to section 2305.1.C. to permit the proposed widening of the existing access drive to be closer than ten feet from the side property line; a variance to section 2002 to permit the proposed flag poles to be placed within the required one-hundred foot clear sight triangle; a variance to section 2208 to permit a six month time extension to obtain all necessary permits and a six month time extension to complete construction, specifically nine months to secure permits and 18 months to complete construction. Ms. Adams seconded the motion. The motion was approved 5-0.

Rachel Dyrucz
R-2, 2404 Lititz Pike

Case 10-09

Rachel Dyrucz and Sarah Pheiff were sworn in for testimony.

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Ms. Dyrucz is requesting a special exception to permit a non-resident employee to work in the previously approved hair salon.

Mrs. Pfeiff explained that she was approved for a hair salon as a Major Home occupation eight months ago. The prior request was only for Mrs. Pfeiff to operate the business. This request is to allow Mrs. Pfeiff's sister, Ms. Dyrucz, to use the hair salon chair on the hours when Mrs. Pfeiff is not using the chair. Mrs. Pfeiff stated that there will be no additional hours, parking or any changes to the operation of the business, and there will not be another chair added.

Mr. Winters made a motion to approve special exception request in accordance with section 1910.4.A. to permit one nonresident business partner to use the one chair hair styling salon space to accommodate her clients when the current owner is absent from the salon consistent with the testimony and exhibits presented before the Board this evening, which includes this Board's decision of Case #09-18 which outlines all the conditions imposed and granted with the initial special exception approval remains with this particular approval.

Charter Homes at Grandview Inc.

R-3, Northwest of Esbleshade Road

Case 10-10

William Allen, Jamie Brubaker, Craig Mellot, Keith Dieterle, John Briner, Eric Arcudi, Michael Gibault and Charles Courtney were sworn in for testimony.

Mr. Courtney explained the project. Charter Homes are planning a subdivision on this 54 acre property which borders Route 30, New Holland Pike and Esbleshade Road. This project was designed to be an extension of the Grandview Heights neighborhood. Alleys would be incorporated in the design. Because of that a number of variances are required. The planning for this property was in the process for a long period of time.

Mr. Courtney stated that the variances are related to setbacks for garages bordering the alleys, reduction of the 100 foot clear sight triangle requirement to 60 feet at all intersections of streets and alleys and the reduction of the 100 foot clear sight triangle requirement to 60 feet on the eastern side of Helen Avenue and a reduction of the 100 foot clear sight triangle to 45 feet at the alley intersecting at Helen Avenue extended.

Mr. Courtney stated that the Grandview Height neighborhood was involved in the process of planning this subdivision.

Referencing the site plans Mr. Courtney explained the requested variances

Mr. Mellot explained that the 100 foot clear sight triangle regulations are not needed at controlled intersections, if there the intersection meets the safe stopping distance criteria. If the intersection meets the safe stopping distance criteria the intersection should meet Manheim Township standards.

Mr. Courtney requested a 10 year time extension because of the unstable housing market.

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Public Comment;

All of the Grandview Heights neighbors that were in attendance voiced support for this project.

Ms. Simpson, President of the Manheim Township Commissioners, and Mr. Gibault, Vice President of the Manheim Township Planning Commission, voiced support of this project and requested the Zoning Hearing Board's support of this project.

Mr. Winters moved that the Board approve the following: a variance from minimum rear yard building setback requirement of sections 806.2.B.3.d.iii and 1902 to permit garages (whether attached or detached from the dwelling unit) on lots that abut an alley to have a minimum setback of seven feet as measured from the edge of the right-of-way of such alley; a variance from the one-hundred foot clear site triangle requirement of section 2002 so as to permit (i) sixty foot clear site triangles at all intersections of streets with alleys (except as noted in the testimony and exhibits presented), (ii) at the intersection of Helen Avenue (extended) and Pleasure Road, a clear site triangle with a one-hundred foot dimension at the eastern side of Helen Avenue (extended) and a sixty-foot dimension at the western side, and (iii) at the alley that intersects the western side of Helen Avenue (extended), a forty-five foot clear sight triangle; a variance to section 2208.1 to permit the extension of time to obtain all necessary permits and to complete construction for a period of ten year from today's date, consistent with the testimony and exhibits presented before the Board this evening. Ms. Adams seconded the motion. The motion was approved 5-0.

The meeting adjourned at 10:32 PM. The next regularly scheduled meeting will be held on Monday, March 1, 2010 at 6:30 P.M.

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