

**Manheim Township Zoning Hearing Board Minutes**  
**Wednesday November 4, 2009**  
**6:30 P.M.**

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Attendance:

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

Chairperson David Wood requested a roll call. A quorum of the Board was established.

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

**Ann & John Gibbel**  
R-1, 1215 Fruitville Pike

**Case #09-37**

John R. Gibbel, Dr. Harold George, Brandon MacCartney, Ronald Accomando and Lawrence Coffin were sworn in for testimony.

Mr. Yoder agreed to waive the Appeal of the Notice of Violation process. Mr. Yoder explained the proposed variance requests.

Mr. Yoder stated the following: The building is used for the storage of painting supplies. This use is not permitted in the R-1 zoning district. The applicant is requesting a special exception to permit a major home occupation for this use. In addition, the following variances are being requested: A variance to permit the business owner not to live on the property, a variance to permit the home occupation to be larger than the required 400 square feet. This use is not a non conforming use.

Mr. Yoder distributed Exhibit 1, which includes a photograph of the building and property, and a site plan of the property.

Mr. Gibbel testified and stated the following: Mr. Gibbel's wife, Ann, owns the property. This structure is 30 feet by 40 feet. There is a high hedge along the north property line and tall hemlock trees along the rear property line and the south property line is adjacent to a field.

Mr. Gibbel explained the history of the property. The house was built in the 1950's or 1960's. The storage garage was built in 1982 and used for storage by the owner of the property. Brandon MacCartney began renting the building in 1994. The owner sold the property to Ann Gibbel in 2008. Ann Gibbel bought the property to allow Brandon MacCartney to store painting material

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for his painting business F&M Painting. The house is rented to another party. The prior owner used this building for storage of his own property. The garage is a secondary use to the house.

Mr. MacCartney testified and stated the following: Mr. MacCartney is owner of F&M Painting. He used the garage to store painting supplies for 6 years. Employees come to the garage to pick up painting supplies for a job. Some times the employees go straight to the job site. There are seven employees and five vehicles associated with the painting business. Mr. MacCartney did not receive any complaints from the neighbors regarding this use. A typical day entails the employees loading painting supplies from the shop to the company's vans at 5:30 AM and then going to the job site. No customers visit this property. It would be a hardship to find another location for a storage building.

Mr. Yoder distributed a paper listing proposed conditions of this use which Mr. MacCartney would agree to if this use was permitted to continue. Mr. Yoder reviewed the conditions with the Zoning Hearing Board.

Mr. Yoder stated that he could not establish this use as non-conforming because the owner stored his own materials in the building.

### **Public Comment**

Neighbor Dr. George stated that at 6:00 AM the banging of material can be heard which is very noisy. He is opposed to this use in the residential neighborhood. Dr. George stated this commercial business should not operate from this property.

Neighbor Mr. Kauffman stated he is opposed to this use and should not run a business on this property.

Neighbor Ron Accomando who lives at 1216 Fruitville, across the street from this property, stated that this use is noisy and has a lot of traffic associated with it. He stated that the Zoning Hearing Board should not change the rules to suit Mr. MacCartney.

Mr. Yoder stated that R-1 allows more than just residential and this use is not inconsistent with the R-1 zoning district.

There was an executive session.

Mr. Winters moved to deny the following requests: a special exception to permit the use of this garage to be approved as a major home occupation pursuant to Section 1910.4.; a variance to Section 1910.4.C. to permit the Home Occupation to be greater than 400 square feet, and a variance to Section 1910.4.A to permit a home occupation without the operator of the business living within the dwelling. Mr. Byram seconded the motion. The motion was approved 5-0.

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**F. Jeffrey and Marie Kurtz**

Agricultural, 1110 Hunsicker Road

**Case #09-38**

Jeffrey and Marie Kurtz were sworn in for testimony.

Mrs. Kurtz explained the request. A special exception is being requested to construct an Accessory Dwelling Unit to the house for Marie's parents to live in. Mrs. Kurtz stated that the property is suitable for this use and there is no congestion in the streets.

Mr. Winters moved to grant the request to permit a special exception in accordance to Section 2315 to permit the addition of an accessory dwelling unit constructed to the single-family detached dwelling consistent with the testimony and exhibits presented to the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

**Highland Presbyterian Church**

Institutional, 500 East Roseville Road

**Case #09-39**

John Holtzapple of Highland Presbyterian Church, Ed Zielinski of Sign A Rama, Patrick E. Parks, Jr., Wanda Parks, Bobbie North, Bob Korman and Margot Hoerner, were sworn in for testimony.

Mr. Holtzapple of Highland Presbyterian explained the request. A special exception is being requested for the modification of an existing non-conforming sign. Three variances are being requested. 1) A variance to permit one single sided LED sign on the existing pylons. 2) A variance to permit the proposed sign to be 93 inches in height. 3) A variance to permit 39 square feet in sign area instead of 21 square feet. The existing sign needs to be modified for visibility sake, the existing sign is not visible. The proposed sign would be lit internally. The height would be raised to allow for the LED sign. The LED sign would eliminate the need for the other numerous small special event signs on the property.

Mr. Zielinski described the sign, and explained the drawings and submitted photographs of the sign and property. Mr. Zielinski stated that the sign would have 12-inch letters for better visibility. The existing sign has 6 inch lettering. The use of banners would create a traffic hazard. The LED sign would be programmed from the church office. The proposed sign would be enlarged by 18 inches in height to rise above the vegetation.

Mr. Holzapple explained that he understands that the LED sign cannot be changed more than once in a 24-hour period. The LED sign would be used for bible school programs, concerts, special events, directions to the church, etc. There would be no LED sign at the East Roseville Road property frontage.

Mr. Winters moved to grant the following requests: a variance to Section 1804.24 to permit a one single sided LED digital display static message board to be located on this property; a variance to Section 1805.2.Table 2 Part B to permit an increase in height and square footage of the proposed sign consistent with the exhibits and testimony presented before the Board this

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evening; a variance to Section 1808. to permit the modification of the existing non-conforming sign with the condition that the static LED message portion of the sign not be change any more than one time in a 24 hour period. Mr. Hoover seconded the motion. The motion was approved 5-0.

The meeting adjourned at 8:18 PM. The next regularly scheduled meeting will be held on Monday, December 7, 2009 at 6:30 P.M.

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