

Manheim Township Zoning Hearing Board Minutes
Monday, July 6, 2009
6:30 P.M.

Attendance:

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

Chairperson David Wood asked for 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.

Mr. Wood announced that the Board will allow the Robert D. Eckert case be heard first because of the case load.

Robert D. Eckert **Case #09-24**
I-1, 776 Flory Mill Road.

Robert Eckert was sworn in for testimony.

Mr. Eckert distributed a more detailed site plan that includes the parking spaces on the property.

Mr. Eckert stated that his motor vehicle service station or garage use is a nonconforming use and that he is requesting a Special Exception to expand the motor vehicle service station or garage use into the second half of the building. There is an auto service garage wanting to operate the other half of the building. There will be no towing services related to the new business. This part of the building was previously occupied by Snavely and Dosch auto parts sales.

Mr. Eckert stated that he operates a trucking business and he services tractor-trailers on this property.

Mr. Hoover moved to approve a special in accordance to section 301.4.B. to permit the expansion of a nonconforming motor vehicle service garage and a variance to section 301.B.1. to permit the expansion of a motor vehicle service garage to exceed 25 percent. Mr. Byram seconded the motion. The motion was approved 4-0.

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Saint John Neumann Church

R-2, 601 Delp Road.

Case #09-19

William Swiernik, Christopher J. Kennedy, John A. Roda, and Lawrence R. Prescott were sworn in for testimony.

Mr. Swiernik explained that the applicant is requesting a special exception to place a school on the same property as the church, requesting variances regarding minimum lot area and minimum open area.

Mr. Kennedy, Principal of St. Anne's Catholic School explained the history of the Saint Anne's Parish and School. St. Anne was built on Duke Street in Lancaster in 1924. Thirty years ago the parish at Saint Anne's outgrew its facility and a splinter parish, Saint John Neumann, was formed to help deal with the growth. Because it was a splinter of Saint Anne's Parish, it kept part ownership of the school. To this day, Saint Anne's School is supported by both parishes, Saint Anne and Saint John Neumann. Half of the 237 students are from Manheim Township. There are 800 students in Sunday school in St. John Neumann Church

Mr. Swiernik described the property and the surrounding area. Mr. Swiernik reviewed the Special Exception criteria.

Mr. Swiernik stated the following: a letter was received from neighboring property owner, Brook Lawn Farms, in favor of this project. There will be shared parking for both the church and the school. There would be eighteen to twenty bus trips between 9:00 AM-10:00 AM. There would be 280 additional vehicle trips to the site. The School and Church uses are complementary. This zoning ordinance requires 352 parking spaces, there are 398 parking spaces provided. Access to the site would be from Delp Road. There will be a one way in and one way out traffic pattern. This would be considered an infill project. According to a completed trip generator study, Delp Road could handle the traffic. A traffic study would be completed during the land development plan process. Combining the school and church on to one property would decrease the total impact to Manheim Township.

The Board voiced traffic concerns. Mr. Swiernik stated that there is more traffic at the 11:00 AM church service than that would be generated by this school.

Mr. Swiernik explained the variance requests. Fifteen acres would be needed for both uses. This property is 10.9 acres. There is no residential housing bordering this property. Requesting a variance to decrease the minimum open area required for this project from 45% to 20 %. Mr. Swiernik stated that it is difficult to expand the property because of the surrounding properties, Brook Lawn Farm, a Manheim Township park to the north and Delp Road to the south.

The Board questioned where the playgrounds would be since you would be reducing the open area. Mr. Kennedy stated that some playgrounds would be constructed, in addition to a gymnasium.

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Mr. Swiernik requested a time extension of 18 months to obtain permits

The Board voiced concerns with the large open space variance but conceded that is a good use of the land. Mr. Kennedy stated that James Erb of Brook Lawn was approached about selling some land to the church but he stated that he would not be ready to sell land for 4 to 6 years.

Mr. Trimble moved to grant a special exception in accordance with Section 703.2. to construct an elementary/secondary school building; a variance to section 707.2.B.2. to permit the total combined lot area to be less than 15 acres for an elementary/secondary school and a church; a variance to section 707.B.6. to permit the minimum open area of the property to be less than the required 65 percent for an elementary/secondary school; a variance to section 2208 to for a time extension of 18 months from the date of this approval to obtain permits and begin construction and one year to complete construction. Mr. Hoover seconded the motion. The motion was approved 3-2 with Mr. Byram conceding.

Fulton Financial Corporation

I-1, 451 Granite Run

Case #09-20

Joel Gibbel, David Madary, Terry Kane and Steve Horst, were sworn in for testimony.

Mr. Gibble explained the project. Fulton Financial is planning to demolish two buildings on this property, the existing bank drive through building and an office building. Fulton Financial would construct a new branch bank building with drive through and tellers, parking lot and driveway. The result would be less parking spaces and building roof area on the property. There would be a small increase of traffic.

Mr. Gibble reviewed the variance requests and stated the following: Fulton Financial is requesting a variance for a time extension of 90 days from the land development plan recording. A variance is requested for encroachment of the driveway and light fixtures within the improvement area at lease line. The existing driveway would be expanded to the storage units. The character of the neighborhood would not be altered. A variance is requested to construct the driveway closer than 3 feet to the lot line. A variance is requested to encroach within the planning strip with the driveway and place light fixtures within the improvement area along driveway and allow more than 2 foot candles of line at the lease line. This is a 1.6 acre site and the impervious area would be reduced.

The Board questioned Mr. Gibbel of how this project would affect the Berkshire Planned Commercial Development (PCD) project for this area. The Zoning Hearing Board already approved variances for the Berkshire Planned Commercial Development (PCD). Mr. Gibbel stated that they are asking for these variances independently from the variances of the PCD, this is its own project.

Mr. Horst stated that since we received the conditional use approval for that project, Berkshire has run into financial troubles. They went into default on the lease and Granite Properties has terminated their lease of land at Granite Corporate Center. This was discussed with the staff.

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However, the application was approved and there is no plan for that approval. Mr. Horst stated that this property is in the I-1 zoning district and banks are permitted so he should be able to go forward with this project.

William Crosswell, Manheim Township Solicitor, stated the Township's position on this case. The Zoning Hearing Board approved PCD plans and the co applicant was Granite Properties with conditions. This is an inconsistent application. This lot is part of the PCD and in the Township's view; this site cannot be separated from the PCD and developed on its own.

Mr. Crosswell stated that requests are 100% variances and would not qualify for the variance criteria on their own. The Township is rightly asking for a resolution of the PCD before this case would be reviewed. They are pulling the bank site out of the PCD with no one to make the road improvements of the PCD.

Mr. Crosswell stated that the Township is opposed to this case. Mr. Horst wants the PCD to stay alive, the time extension of the PCD could be forever, and Granite Properties is not ready to develop the PCD.

Mr. Kane stated that Fulton Financial is not trying to sidestep the PCD decisions.

There was a discussion of the Berkshire interest in the PCD.

Mr. Horst stated that he would like to work through these issues and then asked for a continuation of this case in order to discuss the future of the PCD with the Township. Mr. Horst agreed to waive the time limitations on this case. Fulton Financial requested a continuance and waived the time limitations for this Zoning Hearing Board case.

Mr. Trimble moved to continue this case to the August 3, 2009 Zoning Hearing Board meeting in order for Fulton Financial Corporation and Granite Properties to discuss the Planned Commercial Development conditional use approval issue with Manheim Township and for further testimony and a decision. Mr. Byram seconded the motion. The motion was approved 4-0.

Jerry and Mary Lapp
R-3, 888 Salisbury Court

Case #09-21

Chris Venarchick, Jerry Lapp and Mary Ellen Lapp, were sworn in for testimony.

Mr. Venarchick explained the request and the location of the lot and stated the following: Mr. & Mrs. Lapp would like to construct an addition over the existing deck. The addition would encroach within the rear yard-building setback by eight feet. The addition would be constructed 27 feet from the rear property line. Their family is growing and they would like to stay on this property. There was a variance requested and approved in the past three houses away from this property for the same issue. This addition would not exceed the total impervious of the property. The 35-foot setback would only allow for a 6-foot addition, which would not be enough for the addition. The neighbors approve this request. This expansion to the home is minimal and its

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impact to adjoining properties, primarily with the property to the back being an open space parcel.

Mr. Trimble moved to approve a variance to section 806.2.B.3.d.iii. to permit the construction of an addition with a rear yard reduced setback from 35 feet to 27 feet. Mr. Byram seconded the motion. The motion was approved 4-0.

William C. Schwartz Jr.

R-2, 2065 Fruitville Pike

Case #09-22

James Heinly was sworn in for testimony.

Mr. Heinly stated that this request is for the front yard encroachment of an existing dwelling in order to complete a lot add on plan. Section 301 "Non conforming Structures" permit the dwelling to remain.

Mr. Heinly stated that he feels that he does not need to go to the Zoning Hearing Board for approval because section 301 of the zoning ordinance allows the dwelling to remain. The reason for the lot add on plan is to sell the property.

Mr. Trimble moved that the board grant applicant's request for a variance to Section 706.2.B.3.d.i and Section 2013 to permit encroachment of a dwelling within the minimum front yard building setback of 35 feet and permit the continued existence of the dwelling structure presently located on premises and which is presently located within the building setback line on Fruitville Pike. Mr. Byram seconded the motion. The motion was approved 4-0.

Presbyterian Homes Inc.

IN, 500 East Roseville Road

Case #09-23

Charles M. Courtney, Jason Best, Steve Proctor and Rodney Fenstermacher were sworn in for testimony.

Mr. Courtney distributed additional exhibits of the proposed project. Mr. Courtney announced that the requests is a parking variance to permit 1.4 parking spaces per independent living unit and a variance to permit a building height of 54 feet and a variance for a time extension.

Mr. Courtney explained the request and stated the following: the applicant is planning to construct three buildings on the property including 32-assisted living and 170 independent living units. There is a baseball field on the property that will remain. There are site constraints because of the baseball field. The field is part of the churches ministries. The lot will be subdividing 14.95 acres from the existing 27-acre church property.

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Mr. Best explained the building height calculations. It was determined that the highest peak of the building would be 71 feet to one point. A number of parking spaces would be underground. The driveway would connect to the existing church parking lot.

The Board voiced concerns regarding the size of the project.

Mr. Proctor explained that this would be for low to moderate-income persons. The church is associated with Presbyterian Services which operate 20 locations and associated with 10 senior non-profit organizations. There will be no medical services available only assisted living. The Albright Senior Care Association would take care of the person in their apartments. Part of the \$60 million dollar cost would be paid through Federal tax credits.

The Board voiced concerns regarding the closeness of all the apartment buildings and the building heights.

John Hotzapple of Highland Presbyterian Church was sworn in for testimony and stated the following: Mr. Holtzapple explained that the Presbyterian Church has been there 50 years. The church's vision was to develop this site with education and retirement facilities from the beginning. The Presbyterian Homes had the right fit. There should be interaction between the church and the apartments. The neighbors wanted the baseball field to be near the street.

Mr. Courtney stated that the neighbors were contacted. A number of other facilities use the 1.4 parking space ratio. The independent living units do not need the same parking as regular dwelling units because not all residents of the independent living units drive.

There was a question regarding the parking for the baseball players using the baseball field. The baseball field is used in the evening and the players would park in the parking lot adjacent to the baseball field.

Mr. Trimble moved to approve a variance to section 905A.1. to permit a mean building height of 54 feet noting that the maximum building height on the site will be 64 feet in lieu of the 45 feet requirement; a variance to section 1702.1. to permit off street parking of 1.4 parking spaces per independent senior dwelling unit in lieu of the 2 parking spaces per dwelling unit requirement; a variance to section 2208 to permit a time extension to obtain all necessary permits and start and complete construction within 5 years. Mr. Byram seconded the motion. The motion was approved 4-0.

The meeting adjourned at 9:48 PM. The next regularly scheduled meeting will be held on Monday, August 3, 2009 at 6:30 P.M.