

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

Attendance:

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

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.

Thaddeus Stevens Foundation
R-3, 1125 Groftown Road.

Case #09-14

Sidney Kime and Michael Davis were sworn in for testimony.

Mr. Kime described the location of the property and stated the following. This property is surrounded by Lancaster City and a third of this property is located in Lancaster City. Thaddeus Stevens Association owns this lot. Thaddeus Stevens Association is planning to subdivide the property into four 3,200 square foot lots to construct two semi-detached dwellings with four units. The dwellings would front onto McCaskey Avenue. The dwellings would be constructed by the Thaddeus Stevens College students and would be used as a learning tool. This lot is odd-shaped and could not be subdivided without any variance.

Mr. Kime explained the variance requests regarding lot width, lot depth, lot area, front yard and rear yard building setbacks of existing and proposed dwellings, building setback along Route 23, and requested a time extension of one year from the date of granting of the variances to obtain permits and one year to complete construction of the issuance of the permits.

Mr. Kime stated that the proposed uses and construction are consistent with the neighboring Lancaster City properties.

Mr. Kime discussed the variance criteria of the zoning ordinance with the Board. Mr. Kime stated that this property is a triangle shape and cannot be developed in strict conformity of the zoning ordinance. The appellant did not create the hardship.

Mr. Kime stated that fourteen developed Manheim Township lots that are in this area have lot areas of 2,000 to 3000 square foot lot areas and that this request is compatible with other properties in the area.

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Mr. Kime stated that all of the requested variances would need to be approved for this proposed plan to work.

Mr. Kime explained that the Thaddeus Stevens mission is to purchase properties and allow students to construct the houses as a training tool. When the proposed dwellings are completed they would be sold to the public.

Mr. Davis distributed and discussed a memo stating that these variance requests are dimensional variances and stated the Hertzberg court case which concluded that dimensional variances should not be held to the same standards as other variances. Mr. Davis explained the Hertzberg case and stated that this plan meets the spirit of the zoning ordinance.

Mr. Winters moved to grant the following: a variance to section 806.2.B.3.c. to permit the minimum lot depth of 100 feet for single family detach dwellings be reduced to 77 feet for Lot No. 5; a variance to section 806.2.B.3.d.i. to permit the minimum front yard of 25 feet for a single family detached dwelling be reduced to 11 feet for the existing dwelling on Lot No. 5; a variance to section 806.2.B.3.d.iii. to permit the minimum rear yard of 35 feet for single family detached dwellings be reduced to 12 feet for Lot No. 5; a variance to section 806.2.C.2. to permit the minimum lot area of 6,000 square feet for single family semi-detached dwellings be reduced to 4,097 square feet for Lot No. 2 and 3,434 square feet for Lot No. 3; a variance to section 806.2.C.3. to permit the minimum lot width of 40 feet at the street line and 50 feet at the front yard setback line for single family semi-detached dwellings be reduced to 36.63 feet in both instances for Lots No. 2 and 3; a variance to section 806.2.C.4. to permit the minimum lot depth of 100 feet for single family semi-detached dwellings be reduced to 93 feet for Lots No. 2, 3 and 4; a variance to section 806.2.C.5.b. to permit the minimum side yard of 24 feet for single family semi-detached dwellings reduced to 20 feet for Lots No. 2 and 3; a variance to section 806.2.C.5.d. to permit the minimum rear yard of 35 feet for a single family semi-detached dwellings reduced to 28 feet for Lot No. 2 and 20 feet for Lots No. 3 and 4; a variance to section 2013 to permit the special building setback requirements of 50 feet for PA Route 23 be reduced to 11 feet for the existing dwelling on Lot No. 5 and 25 feet for all other lots; a variance to section 2208.1. to permit a time extension of one (1) year from the date the variances were granted for the issuance of the necessary permits, and the construction to be completed within one (1) year of the issuance of those permits, consistent with the evidence and testimony presented to the Board this evening. Mr. Trimble seconded the motion. The motion was approved 3-0.

The Board recognized John Reddy, a Boy Scout attending this meeting to earn the Citizenship in the Community Merit badge.

Bartush Signs on behalf of Susquehanna Bank
I-1, 1570 Manheim Pike

Case #09-15

Felix Bartush was sworn in for testimony.

Mr. Bartush distributed a package that outlines his presentation.

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Mr. Bartush explained that Susquehanna Bank is requesting a variance to section 1805.2. to permit two freestanding signs on this property without parallel street frontage.

Mr. Bartush stated the following:

- 1) This property is a corner lot and the road wraps around to the rear of the property.
- 2) The lot presently has two freestanding signs on the property.
- 3) The existing signs on the lot were issued permits.
- 4) The zoning ordinance does not limit the number of signs permitted per the lot.
- 5) Susquehanna Bank is planning to replace the 30-square foot freestanding sign along Manheim Pike with a freestanding sign with 80 square foot total sign area.
- 6) Benjamin Roth, Manheim Township Sign Official informed Mr. Bartush that if the sign along Manheim Pike is removed and replaced with a new sign the other sign along Commence Drive must be removed.
- 7) The PRD portion of the ordinance allows one freestanding sign for each street frontage.

Mr. Bartush explained that Commence Drive starts perpendicular at Manheim Pike then curves, there is no true parallel street due to the unique shape of the lot. Strict conformance to the ordinance would be a hardship.

Mr. Bartush stated that the zoning ordinance does not define parallel or perpendicular. Mr. Bartush suggested that the zoning ordinance might mean perpendicular instead of parallel.

Mr. Bartush described the proposed signs that would replace the existing freestanding sign along Manheim Pike. There will be one identification sign and one message sign totaling 80 square feet.

Mr. Bartush stated that he is confused regarding the regulations for the message sign. Mr. Roth would only allow the message to change on time in 24 hours. Mr. Bartush stated zoning ordinance does not allow flashing and rotating signs.

Mr. Bartush asked the Board what is the minimum time between the changes that constitutes flashing. The Board explained that they can only make a decision on the submitted request and that the message sign issue is not part of the request. The Board stated that Mr. Bartush should discuss the flashing sign issue with the Township staff regarding their determination of flashing.

Mr. Bartush stated that it would be an unnecessary hardship for Susquehanna Bank to remove the Commence Drive sign; the sign identifies the entrance to the property.

Mr. Bartush stated that the proposed sign would increase the sign square footage and would exceed the 280 square foot sign area limit permitted for the lot. Susquehanna Bank agreed to remove a building sign in order to meet the 280 square foot sign area requirement.

The Board stated that exceeding the 280 square foot sign area limit would need a variance and questioned why this issue was not in the request.

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The Board suggested that Mr. Bartush continue this case and discuss the message sign and sign square footage issues with the Township staff.

Mr. Bartush requested a continuance. Mr. Winters moved to continue this case to May 4, 2009. Mr. Trimble seconded the motion. The motion was approved 3-0.

Mr. Bartush stated that he would not be ready for the May Zoning Hearing board meeting and requested to be continued to the June Zoning Hearing board meeting.

Mr. Winters moved to continue this case to June 1, 2009. Mr. Trimble seconded the motion. The motion was approved 3-0.

The meeting adjourned at 8:44 PM. The next regularly scheduled meeting will be held on Monday, May 4, 2009 at 6:30 P.M.

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