

Manheim Township Zoning Hearing Board Minutes
Monday, June 2, 2008
6:30 P.M.

Attendance:

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

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

Samuel R. Keens
Agricultural, 850 Keens Road

Case #08-25

Gregory Strausser and Dwight Martin were sworn in for testimony

Mr. Strausser distributed additional site plans that showed the distances of the existing buildings to the property lines. Mr. Strausser then explained the request and stated the following: This property is 65.5 acres. Mr. Keen is subdividing the property into five lots. One of the lots would be use for residential purposes. This lot would be 1.8 acres which is larger than the 1.5 acres allowed by the Zoning Ordinance for residential purposes in an Agricultural Zoning District. The reason for the size request is a Department of Environmental Protection (DEP) regulation requiring at least 1.6 acres to create a lot with on lot sewer and water to mitigate the nitrates. 8,400 square feet was added to the 1.6 acres allowing for the dwelling and driveway construction to total 1.8 acres.

Mr. Strausser explained the variance requests regarding the existing buildings on the property. The street right of way of East Oregon Road will be widened as the result of the subdivision plan which would relocate the right of way line closer to the dwelling on lot three therefore requiring a variance from the front yard setback. Proposed lot four needs a variance for the front yard setback of the dwelling. The front yard setback requirement is 35 feet but the dwelling is 23.8 feet from the street right of way line. The rear of the commercial building would be closer than the 75-foot rear yard setback required by the Zoning Ordinance.

Mr. Strausser continued to explain that lot two and lot five will continue as agricultural use and would be farmed. Lot one would be for residential use only. The Zoning Ordinance only permits one dwelling to be constructed on lot one.

Mr. Martin explained that the reason for this subdivision is that Samuel Keens wants to enhance the value of the properties.

Zoning Hearing Board Minutes

June 2 2008

Page 2

The Board asked further as to the reason of the subdivision. Mr. Martin then stated that Mr. Keens wanted to eventually sell the lots

Mr. Winters move to approve the following: a variance to Section 505A.3.I.2 to permit the creation of a 1.823-acre (79,410 square foot) lot instead of the required maximum of 65,340 square foot (1.5 acre) lot regarding lot 1; a variance to Section 2013 regarding the front yard building setback of an existing dwelling on proposed lot 3; a variance to Section 1405.2.E.5.a. regarding the front yard building setback of an existing building on proposed lot 4; a variance to Section 1405.2.E.5.b. regarding the side yard building setback of an existing building on proposed lot 4; a variance to Section 505A.3.I.5.a. regarding the front yard building setback of an existing dwelling on proposed lot 4, consistent with the evidence and testimony presented to the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Donald Young

I-2, 1111 Manheim Pike

Case #08-26

Donald Young and Len Ferber were sworn in for testimony.

Mr. Young is requesting to change the existing office use to single-family residential use, which is not permitted in the I-2 zoning district. The prior use of this property was a single family dwelling.

Mr. Young explained that he purchased the property in 1998 and placed his business office in the building and received a Certificate of Use and Occupancy for the office. Not knowing the zoning district was I-2; Mr. Young called Sam Maurer, Assistant Zoning Officer, and requested to change the use back to the prior use of single-family dwelling. Mr. Maurer explained to Mr. Young that he could not go back the residential use because it is not permitted in the I-2 zoning district.

Mr. Ferber stated the following: This property was built in 1910 and the lot area is only 1,440 square feet. The size of this property is not large enough to support the I-2 zoning district uses. Mr. Young wants to sell this property but the only purchasing offers on the building are for residential use. The building was not altered and it appears as a single-family residential dwelling.

The Board inquired about any prior residential Zoning Hearing Board cases regarding the change back to a residential use from another use. Lisa Douglas stated that two other properties on this block were permitted to change from a business use back to a residential use for similar reasons as Mr. Young's case.

Mr. Winters moved to approve a variance to Section 301.4.D. to discontinue the existing office use and reestablish the prior single-family residential use on the property at 1111 Manheim Pike, which is located within the I-2 zoning district consistent with the testimony and exhibits presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Zoning Hearing Board Minutes

June 2 2008

Page 3

American Sign Company.

Case 08-27

B-3, 235 & 245 Bloomfield Drive

Rick Ziegler, Allison Mingle, Amanda Wagner, Bill Green, Greg Harrison, and Laura Kahn were sworn in for testimony.

Mr. Ziegler stated that Bloomfield Village has 20 tenant spaces in 20,754 square feet of retail space.

Mr. Ziegler stated the following: Bloomfield Village is requesting to erect an additional 80 square foot center sign on Bloomfield Drive to display 20 tenants names located in the Bloomfield Village shopping center. The existing sign on Lititz Pike is not large enough to place all of the tenants' names on the sign. The tenants of Bloomfield Village are struggling and are requesting there names be placed on a sign on Bloomfield Road

Mr. Wood read aloud Benjamin Roth's, Manheim Township Sign Official, letter that stated this request should be denied.

Lisa Douglas explained that the Zoning Ordinance does not permit a second center sign.

The Penns Crossing residents voiced their opposition to the second sign. The residents suggested placing larger sign on Lititz Pike replacing the existing sign.

Mr. Winters moved to deny the variance request to permit a variance to Section 1806.2. and 1806.2.1. Table 2 Part A and Part B to permit a second pylon sign at the Shoppes at Bloomfield due to the number of tenants. Mr. Byram seconded the motion. The motion was approved 4-1 with Patrick Trimble dissenting.

Zachary and Rebecca Kraft

Case #08-28

R-3, 1102 Helen Avenue

Zachary and Rebecca Kraft were sworn in for testimony.

Mrs. Kraft explained that they are requesting a variance to erect a 32-inch wooden fence in the front yard one to two inches from the street right of way line. The fence is needed to keep her children in the yard and keep other children out.

Mrs. Kraft stated the following: The fence would encroach too much into the front yard and would reduce the livable space on the property if the fence would be erect by the Zoning Ordinance regulations. Referencing the site plan Mrs. Kraft stated that the existing hedge would be removed and would be replaced by the fence. The fence will be angled at the alley intersection to allow better vision for motorists. The fence is less intrusive than the hedge. Mrs. Kraft stated the neighbors support the fence.

Zoning Hearing Board Minutes

June 2 2008

Page 4

Mr. Winters moved to approve a variance to Section 1908.5. to permit a 32 inch high fence within the front yard and located one to two inches from the street right of way line consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Thomas Ponessa

R-2, 218 Overland Lane

Case #08-29

Thomas Ponessa and David Nolt were sworn in for testimony.

Matt Crème described the property explained the request. The request is for a variance to construct a sunroom on the existing concrete slab which is 31 feet from the rear property line. The patio was built with the house and was constructed to support a building with the intention of constructing an addition in the future. A deed restriction created a smaller area for a building.

Mr. Ponessa stated that he purchased this house for his ailing father-in-law. The father-in-law would like a sunroom on the property.

A neighbor stated he support the project.

Mr. Winters moved to approve a variance to Section 706.2.B.3.d.iii. to permit a sunroom to be located 31 feet from the rear property line consistent with the testimony and exhibits presented to the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 8:24 PM. The next regularly scheduled meeting will be held on Monday, July 7, 2008, at 6:30 P.M.