

Manheim Township Zoning Hearing Board Minutes
Monday, May 5, 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.

Mr. Wood requested a motion to place Louis Yalisove to the top of the agenda. The Board unanimously approved the motion.

Louis Yalisove
R-1, 203 Blossom Hill Drive

Case #08-11

Mr. Winters and Mr. Trimble abstained from the hearing because they were not present at the April hearing of this case.

Mr. Yalisove stated that he trimmed the trees at the corner. He explained that the Manheim Township Police Department measured the safe stopping distance of the corner of Blossom Hill Drive and Woodside Road. The Police discovered that the intersection was in compliance for the safe stopping distance criteria. Sam Maurer and Mr. Yalisove measured the clear site triangle of the intersection and discovered that a 45 foot clear site triangle is presently at the intersection.

A police report regarding the safe stopping distance criteria and photographs of the 45-foot clear site triangle was distributed to the Board.

Mr. Hoover moved to approve the variance request to permit a variance to section 2002 to permit the existing trees to remain within the clear sight triangle. Mr. Byram seconded the motion. The motion was approved 3-0.

Berkshire Lancaster LLC
I-1, Granite Run Drive and Carrera Drive

Case #08-10

John Schick, James W. McDonald, Jody Evans, Constance Pearson and David Pearson were sworn in for testimony.

Charles Suhr, attorney for the applicant, distributed booklets and explained the requests. Mr. Suhr explained that a Planned Commercial Development (PCD) is planned for a 40-acre area at

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Granite Run Drive. There will be 200,000 square foot retail, reconstruction and construction. Berkshire is working through the land development process with Manheim Township staff.

Mr. Suhr explained that Berkshire Lancaster LLC has submitted a conditional use application for a PCD at Granite Run on October 2007. After numerous meetings with staff and John Schick it became apparent that relief would be needed for the PCD.

Mr. Suhr explained the following variances: 1) Dimensional variance for eight (8) parking spaces encroaching one (1) to eight (8) feet within the 30 foot improvement buffer of the PCD. 2) The developer of a PCD is required to do certain roadway improvements to achieve a thirty-three (33) percent improvement on traffic delay at the interchanges area if the interchanges of a limited access highway are 3,750 feet of PCD, which is called a SPUI. Berkshire does not agree that there are roadway interchanges near the PCD. Lisa Douglas, Manheim Township Zoning Officer, determined that there are interchanges within the 3,750 feet of the PCD project. An appeal to the determination of the Zoning Officer was requested regarding the Zoning Officer's determination that there are interchanges within 3,750 feet of the PCD project area or in the alternative; a variance is being requested from achieving the thirty three (33) percent delay reduction regulation.

Mr. Suhr explained that according to the Traffic Engineering Handbooks (4th Edition) definition of an interchange, Rt. 283 and Manheim Pike, Rt. 30, Fruitville Pike, Chester Road, and York Road should not be considered as interchanges.

Ms. Evan explained her qualifications as a traffic engineer. Ms. Evans referencing the exhibit booklet reviewed and explained the interchanges of Rt. 30, Fruitville Pike, York Road, and Chester Road and the improvements that will be made to the interchanges. Ms Evans stated that the thirty three (33) percent in reduction in delay is impossible to achieve because the existing interchanges were designed so well by Penndot.

Ms. Evans stated that when testing the traffic models at the interchanges of Fruitville Pike, Chester and York Roads, the SPUI configuration made the traffic delay worse. The only reduced delay that could be achieved was an eleven (11) percent delay, which is a 4.1 to 5 second delay.

Ms. Evans stated the eight (8) parking spaces should remain in the same location because a daycare is located on this property and they are used by the daycare. If the spaces would be moved they would be in a more distant location from the entrance.

A variance of section 2208 was requested for a time period extension of 90 days from the final land development plan recording to obtain all necessary permits and one year to complete construction.

Mr. McDonald of Berkshire Development Company explained that Berkshire is a real estate development company of retail, office and residential developments and are involved with twenty five (25) different projects in the United States. Berkshire has twenty five (25) to thirty (30) years of experience in land development.

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Lisa Douglas explained that she maintains that the roadways at Fruitville Pike, Chester Road, York Road, Manheim Pike, and Rt. 283 are interchanges as defined in AASHTO Geometric Design of Highways and Streets manual.

Ms. Douglas read her conditions for a Zoning Hearing Board approval.

The Board questioned the variance regarding the eight (8) parking spaces encroaching within the improvement area, why they cannot move the spaces elsewhere on the property.

Steve Horst was sworn in for testimony. Mr. Horst explained that the parking spaces are existing and if the spaces were moved the spaces would be too far away from the building and would cause a safety concerns for the day care.

Mr. Wood closed testimony.

Mr. Winters moved to deny the appeal of the zoning officer's decision regarding the determination by the Zoning Officer that US 30 / Fruitville Pike and the US 30 / PA. Route 283 roadway areas are interchanges and a collector-distributor road network for a limited access highway. Mr. Byram seconded the motion the motion was approved 5-0.

Mr. Winters moved to approve a variance to section 2319.2.Q.ii. from the requirements to make certain roadway improvements which demonstrate a 33% reduction in delay from the design year pre development to the design year post development consistent with testimony provided and exhibits provided by the applicant to the Board this evening, and consistent with the Township's Exhibit 1 which incorporated the Applicants Exhibit 4 in addition to other conditions as read by the Township representative this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Mr. Winters moved to approve a variance to section 2319.3.D.5.iv. to permit a portion of 8 existing parking spaces to encroach within the required 30 foot improvement area by no more than 8 feet consistent with the exhibits and testimony provided before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Mr. Winters moved to approve a variance to section 2208 to permit the extension of time to obtain all necessary permits and complete construction, specifically from the time during which land development approval is recorded afterwards 90 days to obtain permits and 1 year to complete construction consistent with the exhibits and testimony provided before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

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Appleby Systems Inc.
R-3, 2868 Pebblebrook Drive

Case 08-20

William Harmel was sworn in for testimony.

Mr. Harmel is a construction manager for Appleby Systems. Mr. Harmel explained that a sunroom is planned to be constructed by enlarging the existing deck, which would encroach within the rear yard-building setback. A variance of four (4) feet is being requested to build the sunroom.

The Board questioned why the sunroom cannot be built in compliance with the zoning ordinance and what the hardship is. Mr. Harmel stated that the owner wants a larger room and a smaller room would not meet the owner's needs.

Mr. Winters moved to approve a variance to permit a variance to Section 806.2.B.3.d.iii. to permit the construction of a deck and sunroom to encroach within the 35 foot rear yard setback by 4 feet consistent with applicant's application and plans and testimony presented before the board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Manheim Pike Group LP
I-1, 1601 Manheim Pike

Case #08-21

Caroline M. Hoffer, Donna Derrin-Ward and Wilay Boensch were sworn in for testimony.

Ms. Hoffer explained that the Manheim Pike Group owns the property at 1601 Manheim Pike. This was the site of the Goodyear Tire & Service center and the owners are redeveloping it.

The Manheim Pike Group was before the Board for a variance to permit the 7,500 square foot building to have 6,000 square feet of retail sales of clothing instead of the allowed 5,000 square feet. The Board granted that request. The owners are now requesting a variance to use the entire 7,500 square feet of space for retail sales use.

Ms. Hoffer asked for flexibility to lease the remaining 1,500 square foot space because it is difficult to find tenants. There will not be a high traffic volume and that will not adversely impact to neighboring properties. Ms. Hoffer stated that this is a dimensional variance and not a use variance. Ms. Hoffer requested a variance to section 2208 for a time extension of an additional 90 days (180 days total) to obtain permits and one year to complete construction.

Mr. Winters moved to approve a variance to Section 1405.2.F. to permit the retail sales as defined in 1402.6 of the 1,500 square feet remaining in the 7,500 square foot building subject to the applicant's request with the remaining 6,000 square feet to remain limited to the sale of retail clothing and also moved to approve a variance to section 2208 allowing the applicant an additional 90 days to obtain permits beyond the 90 days limited by the ordinance for a total of 180 days from tonight's decision if the Board grants the decision. Mr. Hoover seconded the motion. The motion was approved 5-0.

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Amy J. Schultz & Robert D. Sherfy
R-2, 1402 Hollywood Drive

Case #08-22

Gregory Strausser, Amy Schultz and Robert Sherfy were sworn in for testimony.

Referencing the site plan Mr. Strausser explained the request and stated the following: Ms. Shultz and Mr. Sherfy are owners of two separate lots. They are planning a future addition to the dwelling. The lots are defined on one deed and they receive one tax bill. A future lot add on plan is in the process to combine the lots together, erasing a lot line, so an addition can be built to the dwelling. The newly created lot would be 16,900 square feet. The lot depth is 136.45 feet and 145 feet and therefore not complying with the 150-foot minimum lot depth zoning regulations. A variance is being requested for the lot depth. The applicant is requesting a variance to section 2005 to allow the side yard lot line of this corner lot to have a 9.14 setback instead of the front yard setback requirement of 35 feet. A variance is being requested for the existing detached garage to remain 1.92 feet from property line, an 8.07 variance.

Mr. Strausser stated that as part of the lot add on plan, the enlargement of the street right of way is required. A request has been made to the Commissioners for a modification of right of way enlargement. Mr. Strausser asked for a 4.41 foot variance at Park Road for the existing structures.

Mr. Strausser explained that when a new lot is created, Manheim Township requires that all the nonconformities be addressed with variances.

Mr. Winters moved to approve a variance to Section 706.2.B.3.c. regarding Minimum Lot Depth; a variance to Section 2005 regarding Minimum Side Yard Setback for a Corner Lot up to 30.59 feet; a variance to Section 1902.6. regarding rear yard setback for a Detached Private Garage consistent with the exhibits and testimony presented to the Board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

Granite Run Properties C/O Horst Realty
I-1, 401 Granite Run Drive

Case #08-23

Maria Elliott, Judy Smith, William Horst and Abram Steven Horst were sworn in for testimony.

Ms. Elliott explained the request. A special exception is being requested to place a daycare subject to the application and exhibits. A 72,000 square foot multi use building and an 18,000 square foot building is located on this property.

The Learning Ladder Day care is proposing to locate a daycare facility in a 2,050 square foot portion of the 72,000 square foot building next to Rexell electrical supplier. A Learning Ladder Daycare is operating on the property next door at 417 Granite Run Drive. Learning Ladder would like to separate the children by age group. This facility would be for older children 5 to 11 year old children and summer camp program. These children would use the playground in

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the existing daycare next door. There will be 25 to 30 children. There will be 2 to 3 staff members. This daycare would be self-contained and separate from the existing daycare.

Ms. Smith, Director of operations of Learning Ladder Daycare, stated that the Pennsylvania Department of Welfare requires a separate daycare facility because of the different address.

Mr. Winters moved to approve the a special exception request pursuant to Section 1403.5 to permit a day care facility consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

Landis Valley Mennonite Church
R-2, 2420 Kissel Hill Road

Case #08-24

Jon Lorenzen was sworn in for testimony.

Mr. Lorenzen distributed an updated site plan that included the parking spaces on the lot.

The church building vestibule would be enlarged, changing the layout of the entrance to the basement. The expansion is necessary to bring the building into compliance with the building code.

Two (2) parking spaces would be eliminated as the result of the vestibule expansion. The parking lot will be relined to add the lost parking spaces.

Mr. Winters moved to approve the special exception in accordance with Section 703.1. to permit the construction of a replacement vestibule with a basement entrance on a church building consistent with the testimony and exhibits presented before the Board this evening Mr. Hoover seconded the motion. The motion was approved 5-0.

The meeting adjourned at 9:45 PM. The next regularly scheduled meeting will be held on Monday, June 2, 2008, at 6:30 P.M.