

Manheim Township Zoning Hearing Board Minutes
Monday, April 7, 2008
6:30 P.M.

Attendance:

Michael Winters	Absent
Patrick Trimble	Absent
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 announced that a written request was received by the Zoning Hearing Board to continue case 08-10, Berkshire Lancaster LLC, to the May 5, 2008 Zoning Hearing Board meeting.

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

Case #08-10

Mr. Hoover moved to approve the request to continue case 08-10 to the May 5, 2008 Zoning Hearing Board meeting. Mr. Byram seconded the motion. The motion was approved 3-0.

Louis Yalisove.
R-1, 203 Blossom Hill Drive

Case #08-11

Louis and Karen Yalisove were sworn in for testimony.

Mr. Yalisove explained the history of this case and stated the following: There was a complaint about the trees blocking the vision at the intersection of Blossom Hill Drive and Woodside Road. Mr. Yalisove stated that in 2004 he planted 19 cypress trees along the front property line to replace pipes along the front property line. It was determined that the trees were planted in the clear site triangle. Mr Yalisove stated that the trees were planted there for safety reasons. Blossom Hill Drive is a busy street and cars would drive onto the property. Mr. Yalisove stated that there are other properties in Manheim Township with trees within the clear sight triangles.

Mr. Wood stated that he feels there may be a compromise from the Zoning Hearing Board.

Lisa Douglas explained that the police department enforces a safe stopping distance at intersections. The staff and police could measure the intersection to see if it complies with the safe stopping distance criteria.

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Mr. Yalisove agreed and asked to continue this case to meet with the Planning and Zoning Department staff and police to determine if this intersection complies with the safe stopping distance criteria.

Mr. Byram moved to continue this case 08-11 to the May 5, 2006 Zoning Hearing Board meeting. Mr. Hoover seconded the motion. The motion was approved 3-0.

David Eberly Jr.
I-3, 500 Airport Road

Case 08-12

David Eberly Jr. and Austin Beiler were sworn in for testimony.

Mr. Eberly explained that the request is to place four airplane hanger canopies at the airport, which are ten to fifteen feet in height. The request is to permit the airplane hanger canopies to be considered accessory uses and a variance to permit the hanger covers to be up to fifteen feet in height instead of the required ten foot height.

Mr. Beiler explained the need for the shelters. The 40 foot by 40 foot airplane canopies provide shelter from rain and snow and provide protection from winds of up to 140 MPH. The cost is 1/5th of a regular T hanger construction. The life expectancy of the canopies is twenty years. The canopies would cover some pervious and would be fastened to the ground by hooks

Mr. Hoover moved to approve the variance request to permit the building of four airplane canopy covers to be considered an accessory use to the airport's principal use and a variance to section 1903 to permit the canopy covers to be fifteen foot in height exceeding the 10 foot height restriction. Mr. Byram seconded the motion. The motion was approved 3-0.

Barbara Linder
R-1, 423 Ringneck Drive

Case #08-13

Barbara Linder, Ruth Schlager, Verna Milton and Kathie Gonick were sworn in for testimony.

The Board voted to give party status to Verna Milton. The Board voted not to give party status to Kathie Gonick.

Ms. Linder explained that she would like to construct a two-car garage within the front yard to be nine feet from the front property line. Ms. Linder stated that this is the only feasible location on the property to place the garage because of the topography of the two-acre lot. A concrete retaining wall would be constructed facing the road. The garage would match the house and have an appearance of a log building. A variance is requested to permit the two car garage be built nine feet from the front property line instead of the thirty-five foot requirement.

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Referencing the site plan, the Board questioned Ms. Linder why she could not place the garage beside the house. Ms. Linder answered that the cost of a retaining wall would be too great to place the garage in any other location other than the requested location.

Neighbors voiced the following concerns: Concerned if the land is secure, smell fumes from garage, a safety issue with the closeness of the garage to the street.

Ms. Linder responded to the concerns stating that a structural engineer reported that the land is secure, the water drainage would run into existing gutters and the garage would be a barrier for the house if a car would enter the property.

Mr. Hoover moved to deny the request for a variance to sections 1902.4. and 605.2. B.3.d.i. to permit the construction of a two car detached garage on the property that will fall within the minimum front yard building set back. Mr. Byram seconded the motion. The motion was approved 3-0.

Gary L. Miller / DBA Miller Custom Building
R-2, 1628 Santa Barbara Drive

Case #08-14

Gary Miller and Carol Minnich were sworn in for testimony.

Mr. Miller explained the request and stated the following. A twelve foot by twenty-eight foot screened in porch addition is being requested to encroach within the rear yard building setback by three feet at the farthest point of encroachment. There are no concerns from the neighbors. The Outback restaurant property is behind this property. This addition would not be visible to neighbors.

Mr. Hoover moved to approve the request to permit a variance to section 706.2.B.3.d.iii. to construct a screened in porch within the minimum rear yard building setback. Mr. Byram seconded the motion.

Craig D. Clark
R-2, 1834 Lititz Pike

Case #08-15

Christina Clark, Marilyn Berger, Craig Clark, and Thomas Madison were sworn in for testimony.

Mr. Madison distributed a reduced site plan and explained the request. A Monastery is located on this property. There is a semi-detached dwelling located on the same property as the Monastery. The Monastery is planning to subdivide the semi-detached dwelling from the main property into individual lots. The Convent wanted to reduce expenses of the semi-detached dwellings. This property does not conform to the Zoning Ordinance therefore, nineteen variances are being requested.

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Mr. Madison reviewed the following nineteen-variance requests with the Board: a special exception in accordance with section 703.1 to permit the subdivision of the existing semi-detached dwellings from the existing monastery property; a variance to section 702 to permit semi-detached dwellings within the R-2 Zoning District; a variance section 707.2.A.2. to permit the reduction of lot area to 4.5 acres; a variance to section 707.2.A.5.b. to permit the existing monastery building to encroach within the minimum side yard building setback; a variance to section 806.2.C.5.a. to permit the existing semi-detached dwelling units to encroach within the minimum front yard building setback; a variance to section 1702.2. to permit 9 parking spaces less than the requirement for a church use; a variance to section 1704.4. to provide two off street parking spaces within the minimum front yard building setback of the existing semi-detached dwelling on lot 2; a variance to section 1707.1. to permit the parking space for the existing monastery to be less than the 180 square foot area requirement; a variance to section 1707.2 to permit parking space isle widths to be less than the 25 foot requirement; a variance to section 1804.8. to permit the existing signs to remain within the street right of way of Lititz Pike; a variance to section 1804.9. to permit the existing signs to remain within the 75 foot clear sight triangle; a variance to section 1903.2. to permit the existing sheds on lot 2 to encroach within the 5 foot setback requirement; a variance to section 1908.2. to permit the existing 6 foot high closed fence to remain within the minimum front yard building setback on the monastery property; a variance to section 1908.3. to permit the existing 6 foot high fence to remain within the minimum front yard building setback; a variance to section 1908.5. to permit the existing 6 foot high fence to encroach closer to the street right of way than $\frac{1}{2}$ the front yard setback distance of an adjacent property; a variance to section 1908.7. to permit the existing 6 foot high wood fence to remain within the public right of way of Nanticoke Road; a variance to section 2006.2. to permit the monastery building to encroach within the 5 foot setback requirement for a structure; a variance to section 2312.2.A. to permit the existing monastery building to encroach within the 10 foot wide planting strip; a variance to section 2312.3.C. not to require interior landscaping for the existing parking lot of the monastery; a variance to section 2312.4. not to require landscape screening on a 20 foot section of the southern property line of the monastery property and to permit the existing landscape screening on the monastery property be comprised of only evergreen trees and the existing 6 foot high fence; a variance to section 2312.4.1. to permit not to provide shrubs in the existing landscape screen; a variance to section 2208.1. to permit 180 days to obtain all necessary permits and one year to complete construction.

Mr. Madison stated that most of the requests are for the Monastery property. The Monastery property will be reduced from five acres requirement to four and one half acres

Mr. Madison stated that the Nanticoke Road cul-de-sac right of way would be dedicated to Manheim Township.

The Board questioned why parking could not be placed outside the front yard setback on lot two. Mr. Madison stated that there are large trees that they do not want to remove.

There were no concerns from the neighbors regarding the subdivision plans and variance requests.

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Mr. Hoover moved to approve the special exception and variance requests in accordance with the site plans prepared by Diehm and Sons Inc., written application and all oral testimony given on the date of April 7, 2008. Mr. Byram seconded the motion. The motion was approved 3-0.

Laura Ann Esh

B-4, 1523 Lititz Pike

Case #08-16

Laura Esh was sworn in for testimony

Ms. Esh explained that she would like to operate an antique / boutique retail business without having public water and sewer in the building. Ms. Esh is requesting a variance to place a retail business in the building without public water and sewer. A Dry-Cleaning outlet formally occupied the building. The retail space is 850 square feet and would have two employees. Ms. Esh stated that she plans to place a water cooler to supply water to her patrons.

Ms. Esh stated that the dry cleaning outlet used an incinerator toilet. The toilet was removed when they moved. There was discussion regarding the incinerator toilet.

Mr. Hoover moved to approve the variance request to permit a variance to section 1305.2.E.1.to permit the use for retail sales without the need for public sewer or water with a condition that the incinerator toilet must be installed. There was no second to the motion. The motion failed.

Mr. Byram moved to approve the request to permit a variance to section 1305.2.E.1.to permit the use for retail sales without the need for public sewer or water. Mr. Hoover seconded the motion. The motion was approved 3-0.

George E. Young & Mary Ann Hostetter

R-1,801 Lititz Road

Case #08-17

Gregory Strausser and George Young were sworn in for testimony.

Mr. Strausser explained the request and stated the following: Mr. Young owns the dwelling on an existing 18,000 square foot lot. Mr. Young would like to expand the lot to 32,979 square feet. This lot was created in 1959. There is no sewer in the area. There will be no construction on the lot only a subdivision plan.

Mr. Strausser explained the following variance requests: a variance to create a lot of 32,979 square feet without public water and sewer less than the 60,000 square feet requirement; a variance to create a lot with the lot width to be less than 150 feet at the front yard setback line.

Mr. Strausser distributed a site plan showing what a 60,000 square foot lot would look like in the area.

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Mr. Byram moved to approve the following requests: a variance to section 605.2.B.2.a. to permit a lot area of 32,997 square feet; a variance to section 605.2.B.2.b.ii to permit a minimum lot width at the front yard setback line of 140.1 feet; a variance to section 605.2.B.2.d.i to permit a front yard setback of 33 feet to the existing dwelling. Mr. Hoover seconded the motion. The motion was approved 3-0.

Air Gas East Inc.

B-4, 791 Flory Mill Road

Case #08-18

James Harness, Joel Young, Jack Appoleria and Maria Elliott were sworn in for testimony.

Ms. Elliott explained that this property was the former B&B Yamaha business where they sold and serviced motorcycles. Air Gas will lease this property from Craig Bear.

Mr. Appoleria stated that the product being sold would be welding equipment, gloves, safety equipment, and compressed gas cylinders. This operation will be retail sales with two employees. There are 1,100 Air Gas locations distributing nine million cylinders nationwide.

Mr. Young of Air Gas explained that the sale of welding supplies including compress gas cylinders is fifteen percent of their business. There will be two six foot high pens for cylinder storage. A cement block wall would be erected along Route 283 for safety reasons. The industry requires division walls between cylinders and the cylinders must be stored outdoors.

Referencing the site plan Mr. Harness described the property and stated the following: This is the only place the cylinder pens can be placed on the property. The existing signs on the property were non-conforming but were removed and therefore the new signs for Air Gas cannot be placed in the same location because the sign would not comply with the Zoning Ordinance. Air Gas is proposing to place one sign located along Route 283 in the same location as the previous sign. The previous sign was considered to be abandoned when the sign was removed.

Ms. Elliott explained the variance requests: A variance for a six foot high fence in the front yard and placing a sign within the ten foot setback requirement from the street right of way of Route 283.

There were no complaints from the neighbors. The property is unique because of the two street frontages.

Mr. Hoover moved to approve the following: a variance to section 1305.2.E.5.d to permit 6-foot high chain link fences and 6-foot high concrete barriers within the 20-foot improvement area, a variance to section 1908.2. to permit 6 foot high concrete barriers, considered a closed fence, within the required front yard setback; a variance to section 1908.3 to permit 6 foot high chain-link fences and 6 foot high concrete barriers to be erected in the front yard setback; a variance to section 1805.2. Table 2, Part A to permit a pole sign to be located in the similar location of existing sign poles within 10 feet of the right of way of Route 283. Mr. Byram seconded the motion. The motion was approved 3-0.

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Penn Ketchum.

Case #08-19

I-1, Corner of Lititz Pike and Airport Road (3199 Lititz Pike)

Penn Ketchum was sworn in for testimony.

Mr. Ketchum explained that he would like to construct a temporary off premise sign at the corner of Lititz Pike and Airport Road to advertize his movie theater, Penn Cinema, during May, June and July. The sign would conform to the Zoning Ordinance.

Ms. Douglas explained the billboard sign requirements to the Board.

Mr. Ketchum stated that Brethren Village owns the property and they would allow him to place the sign there for nine months. There were discussions regarding a nine month temporary sign.

Mr. Byram moved to approve a variance to section 1802.29 and 1802.2. to permit a temporary sign to be erected at the southeast corner of Airport Road and Lititz Pike from this day of approval through the end of the year of 2008. Mr. Hoover seconded the motion. The motion was approved 3-0.

The meeting adjourned at 10:04 PM. The next regularly scheduled meeting will be held on Monday, May 5, 2008, at 6:30 P.M.

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