

Manheim Township Zoning Hearing Board Minutes
Tuesday, January 8, 2008
6:30 P.M.

Attendance:

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

Robert Pfannebecker opened Zoning Hearing Board meeting stating that the Zoning Hearing Board must re-organize for the New Year.

Mr. Pfannebecker requested a nomination for Chairman of the Board. Mr. Winters nominated David Wood as Chairman. Mr. Hoover seconded the nomination. The nomination was approved 4-0. The gavel was given to David Wood to continue the nominations of the re-organization meeting. Mr. Wood requested a nomination for Vice-Chairman of the Board. Mr. Winters nominated Patrick Trimble as Vice-Chairman. Mr. Hoover seconded the nomination. The nomination was approved 4-0. The re-organization meeting was closed.

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

**Manheim Township School District
R-3, 450 Candlewyck Road**

Case 07-72

Mr. Wood announced that a letter was received requesting a continuance of this case to the February meeting. Mr. Winters moved to continue case 07-72 to the February Zoning Hearing Board meeting. Mr. Byram seconded the motion. The motion was approved 4-0.

**Micheal L. Zell
R-3, 822 Janet Avenue**

Case #08-02

Michael Zell was sworn in for testimony.

Mr. Zell explained the request and stated the following: Mr. Zell would be replacing the existing patio and awning with a permanent roof with a concrete floor. In addition, Mr. Zell would also construct a screened in room to encroach within the rear yard setback by 12 feet. The existing aluminum awning is presently 5 feet in depth and is a distance of 1 foot from the interior lot line. The proposed roof would be constructed 6 inches from the interior lot line.

There was a discussion regarding the location of the proposed roof from the interior lot line. The Board was concerned with the proposed roof location and stated that the roof could be built in

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compliance with the interior lot line requirement of 3 feet. In addition, the Board voiced concern with the amount of the encroachment in the rear yard setback of the screened roof.

Mr. Winters moved to deny the variance request denied as stated and presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 3-1 with Mr. Wood dissenting.

R. Hess Excavation Inc

R-1, 841 Lititz Road,

Case #08-03

Michael Grab attorney for R. Hess Excavation Inc. requested the Board to move this case to last on the agenda. A witness would be arriving late.

Mr. Winters made a motion to move case 08-03 to last on the agenda. Mr. Hoover seconded the motion. The motion was approved 4-0.

Manheim Township School District

B-4, 1530 Manheim Pike

Case #08-04

Charles R. Haley, Joseph Kurjiaka, Richard Lerrick and Doug Roy were sworn in for testimony.

Referencing a site plan Mr. Haley explained the request and stated the following: An eight (8) foot fence would be erected surrounding an athletic field at the rear of the Manheim Township High School, no closer to the property line than the path. Three (3) – twenty (20) foot fence sections would be erected at the home base areas of the field. The proposed eight (8) foot fence is for security to protect the fields, protection of neighbor's properties and keeping balls from the detention basins. A variance is requested to permit the erection of eight (8) foot and twenty (20) foot fences.

Douglas Roy, a resident of Haverhill Road stated that he was for the fence stating that the higher eight (8) foot fence would give better protection of his property.

Mr. Winters moved to approve the variance request to permit the construction of both eight (8) foot and twenty (20) foot high vinyl coated chain link fence to surround the new synthetic turf athletic fields located at the Manheim Township High School consistent with the exhibits and testimony presented before the Board this evening. Mr. Byram seconded the motion. The motion was approved 4-0.

R. Hess Excavation Inc

R-1, 841 Lititz Road,

Case #08-03

Kenneth Gieb, Rodney Hess, John Shire, Barbara Shire, Donald Witmer, Debra Witmer, Sandra Orndorff, Blaine Lowry, Andrea Miller, John Miller and Mary Middleton were sworn in for testimony.

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Michael Grab, attorney for R. Hess Excavation Inc explained the request and stated the following. Mr. Hess is requesting a special exception for the substitution of a non-conforming electrical contractor business to an excavating contractor business.

Mr. Grab questioned Mr. Geib regarding the prior electrical business operation on this property.

Mr. Geib operated an electrical contractor office and a warehouse since 1976 on this property. He owned the electrical contractor business from 1980 to 2007. Mr. Geib described operation of the prior electrical business regarding the number of employees, number and type of vehicles used in the electrical business. Mr. Geib described the property including buildings, parking areas, and fuel tank locations.

Dwight Yoder, attorney for the neighbors, questioned Mr. Geib regarding his electrical business operation, number of employees, type of tools, vehicles used in the electrical business and the business hours of the electrical business.

Mr. Grab questioned Rodney Hess, owner of R. Hess Excavating Inc. regarding the operation of the proposed business. Mr. Hess stated the following: Seven (7) persons are employed with three (3) employees working in the office. Mr. Hess operated this business for fourteen (14) years. Mr. Hess currently operates this business from his home in Manheim. Mr. Hess explained how his business would operate on this property and the improvements planned for this property. In addition, Mr. Hess described the vehicles and tools that would be used and where they would be placed on property. The hours of operation would be 6:00 AM to 6:00 PM Monday through Friday, possibly Saturday 6:00AM to 12:00 PM. Trucks would be parked on the stoned area at the rear of the building.

Mr. Grab distributed photographs of this property.

Mr. Yoder questioned Mr. Hess regarding the operation of R. Hess Excavating Inc. business, specific vehicle types, type of tools used, where the vehicles would be parked on property. Mr. Hess stated that R. Hess Excavating, Inc. plows snow when needed and would need to access vehicles in late nights and early morning hours during the winter months.

Mr. Yoder and Mr. Grab questioned the neighbors regarding the prior use and neighborhood.

The neighbors of this property testified on how serene and quiet the neighborhood is now and voiced concerns regarding possible problems with the proposed use regarding noise, safety of their children, safety of large trucks using Lititz Road if Hess Excavating, Inc. would be permitted to locate on the property. The neighbors stated that prior business was quiet and are concerned that the proposed business would be more intense and noisier than the prior business.

Mr. Pfannebecker suggested that both attorneys submit findings of fact to the Zoning Hearing Board in ten (10) to fifteen (15) days and suggested to close testimony and continue this case to the next Zoning Hearing Board meeting for a decision.

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Mr. Hoover moved to close testimony. Mr. Winters seconded the motion. The motion was approved 4-0.

This case was continued to the February 4, 2008 Zoning Hearing Board meeting.

The meeting adjourned at 10:48 PM. The next regularly scheduled meeting will be held on Monday, February 4, 2008, at 6:30 P.M.

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