

**Manheim Township Zoning Hearing Board Minutes**  
**Monday, January 3, 2011**  
**6:30 P.M.**

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Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
Helen Adams, Alternate (did not vote)	Present

Solicitor Neil Albert opened the reorganization meeting to elect officers of the Board. Mr. Albert requested a nomination of chairman for the Board. Mr. Winters nominated David Wood for Chairperson of the Zoning Hearing Board. Mr. Hoover seconded the nomination. The nomination was approved 5-0.

Chairperson David Wood took the gavel and requested a nomination for vice chairperson. Mr. Winters nominated Patrick Trimble as vice chairperson of the Zoning Hearing Board. Mr. Hoover seconded the nomination. The nomination was approved 5-0. The reorganization meeting was closed.

Chairperson Wood opened the Zoning Hearing Board meeting, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda.

**Giant Food Stores**

B-3, 2339 Oregon Pike

**Case 11-01**

Jonathon D. Andrews and Kerry Eck were sworn in for testimony

Mr. Andrews, attorney for Giant Food Stores, explained Giant's requests and stated the following. Giant is constructing a convenience store at the Shoppes at Landis Valley shopping center located at the intersection of Landis Valley Road and Oregon Pike.

Giant is requesting the following variances:

- 1) A variance to the definition of a convenience store to permit the placement of about 400 to 470 square foot area with sixteen outdoor seats, to include four tables and four seats at each table. Most convenience stores do have seating indoors and outdoors.
- 2) A variance to place seven building signs on the building and fueling canopy, four 31 square foot signs will be on the fuel canopy and three on the store building with a total sign area of 361 square feet. A graphic wallpaper sign showing fresh vegetables is planned to be placed on the store window front on two sides of the building, 150 square feet on the northwestern side and 55.6 square feet on the south western side, which would be in excess of the sign area that what would be allowed. Excluding the graphic sign, the placement and

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area of the other signs would be in compliance with the zoning ordinance. All signs comply with the ordinance except the total square foot of sign area.

Mr. Andrews stated that the definition of a convenience store does not permit seating. He stated that he thinks that the seats will fit into the neighborhood and the shopping center. Another use in the shopping center will have outdoor seating in the shopping center.

Mr. Eck, director of real-estate for Giant Food Stores, explained the placement of the proposed outdoor seating. In addition, Mr. Eck stated that the convenience store building will be 4,275 square feet, which is calculated to the outside walls of the building, and the floor area.

There was a discussion regarding the size of the proposed building. It was agreed to include the size of the building into the variance request of the definition of a convenience store. The 4,275 square foot building area would exceed the building size limit of 4,000 square feet for a convenience store.

Mr. Winters moved to approve the following: a variance from definition of "convenience store" in article 5 to permit approximately 470.68 square feet of outdoor seating area on the southern side of the building and, in addition, to allow the store to exceed 4,000 square feet but not to exceed the maximum amount of square feet indicated on the application and exhibits presented to the Board this evening; a variance to section 1805.2. Table 2 Part A to permit 150 square foot building sign on the convenience store's western façade; a variance to section 1805.2. Table 2 Part A to permit a total of 361 square feet of building signs; a variance to section 1805.2. Table 2 Part A to permit a total of 361 square feet of signage consistent with the exhibits and testimony presented before the Board this evening, with the understanding the applicant made changes as presented; a variance to section 2208 to permit a time extension of specifically six (6) months to obtain all necessary permits and six (6) months thereafter to complete construction. Mr. Hoover seconded the motion. The motion was approved 5-0.

**Burning Hearts Community Church**  
R-2, 811 Ashbourne Avenue

**Case 11-02**

Pastor Doug Winne and Joseph Kurjiaka were sworn in for testimony.

Pastor Winne, Pastor of Burning Hearts Community Church, explained that the church is planning to conduct their Sunday school classes and worship services at Nitrauer Elementary School. Pastor Winne stated that he noticed that The Crossings Church is operating at Reidenbaugh Elementary School so he decided to ask the principal of Nitrauer School, Patricia Zanghi for permission to have his church services at the school. Ms. Zanghi and the Manheim Township School District agreed to allow them to use the school for church services.

Pastor Winne stated the following: The Burning Hearts Community Church congregation size is between 75 to 80 persons. That the church is meeting now in the new Manheim Township Library, but only functions as a single room and the school would be better suited for the church. There would be approximately 30 cars parked at the school. There is more than adequate

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parking at the school itself. The operating times would be 9:00 AM for Sunday school and 10:30 AM for the worship service. The time frame being requested to use the school is between 8:30 AM to 12:30 PM. There would be no adverse effect on parking and the neighborhood. There would be no weekday church meetings at the school. There would be luncheons during the Sunday time frame.

There was a discussion regarding the time frame the church would be using the school. Sunday morning 8:00 AM to 1:00PM was agreed.

Manheim Township School district official, Mr. Kurjiaka, stated that Manheim Township School District supports allowing Burning Hearts Community Church to use the school on Sunday mornings because the space is not used during that time period and they would respect the property. The school district will require a custodian to be on site

Neighbor, John Carroll, voiced support to allow the church to use the Nitrauer School because there would be a minimal amount of people compared to other special events conducted at the school.

Mr. Winters moved to approve a special exception in accordance with section 703.1. to permit a church use to operate at Nitrauer Elementary School on Sunday mornings from the hours of 8:00 AM to 1:00 PM. Mr. Byram seconded the motion. The motion was approved 5-0.

**McDonalds USA LLC**  
B-2, 1829 Oregon Pike

**Case 11-03**

Charles M. Suhr, Michael E. Jeitner and John Harter were sworn in for testimony.

Mr. Suhr explained the McDonalds requests and stated the following: McDonalds is the leasee of .77 acre leased lot and has been operating there since 1971. This restaurant is a non-conforming restaurant use within the B-2 zoning district. The property will be developed with a 655 square foot addition which includes a new corporate business model for the building, logo and signs. McDonalds is requesting a special exception for the expansion of a nonconforming use, a variance to permit the second expansion of the nonconforming use (there was a 325 square foot expansion of the use for a cooler / freezer area in 1999), a variance to allow the existing 35 parking spaces instead of the required 48 parking spaces, and a variance to permit 87 percent of maximum impervious lot coverage instead of the required of maximum 75 percent impervious coverage. There was a parking survey done for the whole lot which included the other uses on the property.

Mr. Jeitner, project engineer at Bohler Engineering, explained the proposed improvements and stated the following: A building addition would be constructed on the front of the building to include the new building exterior elevation improvements for new branding initiatives of McDonalds. There will be a total of 80 seats inside the building, which is the reason for the parking variance. The existing building is 2,800 square feet on main floor and a 1,300 square foot basement used for storage of cups and cardboard material. Including the proposed addition,

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the proposed overall gross floor area of the building would be 4,472 square feet. The existing playground in the front of the building will be removed. An outdoor patio with 16 outdoor seats will remain. There are 35 parking spaces existing in the McDonalds leased area. There is no room on the property to add more parking spaces. A second menu board will be installed to help reduce the stacking for the vehicles at the pay and pickup takeout windows. Two takeout customers will be serviced at one time. McDonalds is experiencing 68 percent of customers using the takeout windows and expect that to increase to 70 percent. Therefore, we feel that the second takeout menu board will take care of need of the extra parking spaces needed.

Mr. Jeitner explained the 1999 expansion of this property. The proposed new expansion would increase the building to 4,472 square feet and would increase the use by 20.3 percent from 1999 from the original McDonalds.

Mr. Jeitner explained that the impervious coverage will be reduced to 87 percent from the present 90 percent coverage.

Mr. Jeitner stated that there are existing 35 parking spaces and 48 are required for the proposed total of 96 seats. A variance of 13 parking spaces is needed.

Referencing the submitted traffic survey traffic engineer John Harter explained that there are 139 parking spaces on the entire property. The survey indicates that not all of the McDonalds 35 parking spaces are used during the peak time of McDonalds. There are 23 parking spaces being used on the McDonalds lease portion of the property during the peak times of McDonalds. Therefore 35 parking spaces are sufficient for McDonalds. Only 63 of the 139 parking spaces were occupied in the overall center during the same time period.

Mr. Harter explained the proposed sign area is a total of 238 square feet. Since the zoning ordinance only allows 200 square feet of signage in the B-2 zoning district, this would exceed the regulations by 38.2 square feet. A variance of 38.2 square feet is needed.

Mr. Harter requested a time extension.

Mr. Winters corrected Mr. Jeitner stating that the expansion percentage should be taken from the original McDonalds building size and not from the 1999 building size. Therefore the proposed expansion would be over 25 percent of the original building size.

Mr. Winters moved to approve the following: a special exception pursuant to section 301.4.B. to allow the expansion of a non-conforming use; a variance from section 301.4.B.5. to allow the expansion of a non-conforming use for the second time; a variance from section 1702.5. to maintain the existing 35 parking spaces in lieu of the required 48 parking spaces; a variance from Article 18, section 1805.2. Table 2 to permit the total area of signage to be 238.2 square feet in lieu of the permitted 200 square feet; a variance from section 1104.2.B.7. to permit impervious coverage to be reduced to 87.3 percent from the non-conforming 90 percent, in lieu of the required 75 percent; a variance from section 2208 to permit McDonalds to secure the necessary permits within one (1) year from the date of this Board's decision and one (1) year to complete construction, consistent with the testimony and exhibits, particularly those relating to the size

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and location of signage, presented before the board this evening. Mr. Hoover seconded the motion. The motion was approved 5-0.

**KC Green Energy representing Universal Athletic Club**  
B-3, 2323 Oregon Pike

**Case 11-04**

Alexander Barch was sworn in for testimony.

Mr. Barch explained that Universal Athletic Club is installing a solar energy system to the building and would like to place an outdoor inverter cabinet which would encroach within the 20 foot improvement area. The solar panels would be placed on the roof of the fitness center building.

Mr. Barch distributed a photograph of the area where the inverter cabinet would be located.

The photograph shows an existing outdoor air-conditioning unit within the improvement area which is closer to the property line than the proposed inverter cabinet. Mr. Barch stated that the inverter cabinet has minimal noise and there will be no impact to the neighbors.

Mr. Winters moved to approve a variance of section 1205.2.G.5.d. to permit the placement of the solar energy equipment cabinet within the 20 foot improvement area consistent with the exhibits and testimony provided before the board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 8:18 PM. The next regularly scheduled meeting will be held on Monday, February 7, 2011 at 6:30 P.M.

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