

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

Attendance:

Michael Winters	Present
Patrick Trimble	Present
David Wood	Present
Edward Hoover	Present
Robert Byram	Present
Helen Adams, Alternate	Present

Chairperson David Wood called the Zoning Hearing Board meeting to order, requested a roll call, explained the Zoning Hearing Board meeting process, and announced the agenda.

Thorn Hill Vineyards
B-3, 1945 Fruitville Pike

Case 11-19

Dr. John Thorn was sworn in for testimony.

Dr. Thorn explained that he is requesting a use by special exception for the sale of alcoholic beverages in order to sell red wine that is produced from his California vineyard and winery. There will be wine tasting available at the store.

Mr. Winters moved to approve a special exception in accordance with Section 1203.5. for the retail sales of alcoholic beverages such as wine with the following conditions: the hours of operation be limited to Monday through Friday 10:00 AM to 6:00PM; Friday and Saturday 10:00 AM to 9:00PM; Sunday 12:00PM to 5:00PM, and additional condition that Thorn Hill Vineyards remain in compliance with any PLCB regulations specifically Liquor Code regarding a limited winery. Mr. Byram seconded the motion. The motion was approved 5-0.

Hess Home Builders on Behalf of William and Rosemary Copenhaver **Case 11-20**
R-2, 109 Winterberry Court

Randy Hess of Hess Home Builders, William Copenhaver and Rosemary Copenhaver were sworn in for testimony.

Mr. Hess explained the project, described the surrounding properties and stated the following: Mr. & Mrs. Copenhaver are requesting a variance of the rear yard building setback in order to construct a screened porch within the rear yard. Mr. Hess stated that the water tower property is to the rear of this property. The next door neighbors support this project.

Mr. Winters moved to approve a variance of section 2306.2.C. to permit the encroachment within the required minimum rear yard building setback with a covered screened patio, consisted with the testimony and exhibits presented before the board this evening. Mr. Byram seconded the motion. The motion was approved 5-0.

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Calabrese Good Architects on Behalf of Lancaster Resort LP

Case 11-21

B-4, 222 Eden Road

Keith Good was sworn in for testimony.

Mr. Good explained the project, described the property and stated the following: Eden Resort is planning to install a renewable energy electric system called Bloom Energy, and is requesting variances regarding the encroachment of the renewable electric equipment into the front yard building setback and the improvement area. Mr. Good explained briefly how Bloom Energy operates.

Mr. Good stated that the Bloom energy equipment must be close to a natural gas line and that is the reason the equipment must be placed in the front yard.

Mr. Winters moved to approve a variance of Section 1305.2.B.5.a. to permit the installation of the renewable energy electric equipment within the front yard building setback and a variance of Section 1305.2.B.5.d. to permit the installation of a renewable energy electric equipment within the improvement area consistent with the testimony and exhibits presented before the Board this evening. Mr. Hoover seconded the motion. Motion was approved 5-0.

Sapient Management LLC

Case 11-22

R-2, 2025 Lititz Pike

Rick Rodgers, Sidney Kime of David Miller Associates, Jessica Rodgers, Attorney Howard Kelin, and Joanne Callahan were sworn in for testimony.

Mr. Kelin explained that Sapient Management is purchasing the property and will lease the property to Rodgers and Associates who would place their financial management business offices in the building. The existing twenty- four (24) guest rooms would be turned into offices. In addition, Sapient is planning to use the kitchen and banquet room for nonprofit events as the Armstrong Cork Company did in the past.

Mr. Kelin stated this request is for a special exception to substitute one non-conforming use for another non-conforming use and the continuation of the banquet room and kitchen area for non-profit events, and variances regarding the number and size of parking spaces.

Referencing the submitted site plan, Mr. Kime explained the parking survey and the parking plan for the property. Mr. Kime stated that the parking spaces in the existing lot will be lined.

Rick Rodgers explained the proposed uses for the property including the hours of operation.

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Manheim Township resident, Joanne Callahan, stated that she is opposed to this proposal and stated the portions of the zoning ordinance and comprehensive plan that this proposal would violate. Ms. Callahan stated that she wanted to be a party to this case.

There was a hearing regarding Ms. Callahan request for party status for this case. The Board denied party status for Ms. Callahan with Mr. Wood dissenting in the vote.

Mr. Winters moved to approve the following: a special exception pursuant to Section 301.4.F. to substitute the current non-conforming use with another non-conforming use; a variance from Sections 1702.5. and 1702.8.A. to permit less than the required number of parking spaces specifically 77 spaces as indicated on the application and through the testimony this evening; a variance from Section 1707 to permit reduced parking space dimensions consistent with the testimony and exhibits presented before the Board this evening with the following condition that there be no parking in other than in the designated 77 spaces as indicated by the applicant request. Mr. Hoover seconded the motion. The motion was approved 5-0.

Calabrese Good Architects on Behalf of Fruitville Pike Subway**Case 11-23**

B-4, 2050 Fruitville Pike

Keith Good was sworn in for testimony.

Mr. Good explained that the Subway that is located in Wal-Mart would like to place a 19 square foot subway sign on the Wal-Mart building façade to identify the Subway in Wal-Mart. This sign would exceed the 200 square foot building sign requirement by 6.65 square feet.

Mr. Winters moved to approve a variance of Section 1805.2. Table 2 - Sign Area- to permit a new Subway sign be added to the Wal-Mart façade which will exceed the allowable area by 6.65 square feet. Mr. Byram seconded the motion. The motion was approved 5-0.

Neff Brothers Real Estate**Case 11-24**

B-4, 918-922 Landis Avenue

Caroline Hoffer, Dave Neff, Samuel Neff, Nancy Neff and Kevin Miller of Professional Design Construction were sworn in for testimony.

Ms. Hoffer explained the request, the proposed use, described the property and stated the following: This proposal is for the redevelopment of the 918-922 Landis Avenue property. The Neff family is planning to place a Bistro and Deli on this property in the existing building. A portion of the building will be demolished and be replaced with an outdoor eating area. This property has a large number of pre-existing non-conformities.

Mr. Miller described the property non-conformities and the proposed construction and changes of the property.

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David Neff explained operation of the proposed Bistro use including the hours of operation.

Samuel Neff explained that they met with the neighbors and they support this proposal.

Ms. Hoffer reviewed and explained the several variances required for this proposal.

Mr. Winters moved to approve the following requests which include corrections of the roll call sheet: A variance of Section 1305.2.E.2. to reduce the minimum lot size from 40,000 square feet to 35,762 square feet; a variance of Section 1305.2.E.4. to reduce the minimum lot depth from 150 feet to 146.03 feet at the north end of the lot; a variance of Section 1305.2.E.5.a. to reduce the required front yard building setback line from 50 feet to 5.86 feet.; a variance of section 1305.2.E.5.b. to reduce the side yard building setback line requirement on the north side of the property from 25 feet to 2.61 feet for the building and 2.29 feet for the dumpster and on the south side of the lot which borders a residential district from 75 feet to 52 feet.; a variance of Section 1305.2.E.5.c. to reduce the rear yard building setback requirement of the lot which borders the residential district from 75 feet to 70.95 feet; a variance of Section 1305.2.E.5.d. regarding 20 foot improvement area on all sides of property to permit a reduction in the improvement area and elimination of the improvement area on the north side of the lot adjoining the building, and to permit the dumpster to be located within the improvement area.; a variance of Section 1305.2.E.7. to reduce the minimum required open space of 20 percent to 12.3 percent.; a variance of Section 2312.2.A. to permit the reduction of the 10 foot planting strip for non-residential use along the west property line (rear of property) to 9 feet and to eliminate the requirement along the north side of the property where a fence will be provided and to reduce the planting strip area to 3.13 feet on the south side of the lot.; a variance of Section 2312.3.A. to eliminate the requirement of a landscape screen within a 10 foot planting strip along the street right of way for a parking lot with more than 10 spaces.; a variance of Section 1702 to reduce the required minimum off street parking requirements from 78 parking spaces to 51 parking spaces.; a variance of section 1704.4. to permit parking within the required improvement area to within 10 feet of the street right of way.; a variance of Section 1704.5. to permit parking within the rear and side building setback areas.; a variance of Section 1707.2. to reduce aisle width in the parking area on the south side of the building from 25 feet to 22 feet.; a variance of Section 2002 to reduce the 100 foot clear sight triangle at a driveway entrance onto the street to 61.7 feet. Mr. Byram seconded the motion. The motion was approved 5-0.

The meeting adjourned at 9:15 PM. The next regularly scheduled meeting will be held on Tuesday, November 1, 2011 at 6:30 P.M.