

**PENN TOWNSHIP  
ZONING HEARING BOARD  
MINUTES OF DECEMBER 12, 2018**

**ATTENDANCE**

**Board Members Present:**

Gerald Wolfe, Chairperson  
Steve Bushey  
Justin Wolgemuth  
Fred Hammond  
Aaron Kopp

J. Mark Kreider, Owner/Applicant Case#904  
Steve Gergely, Harbor Engineering, representative  
of owner/applicant, Case#904  
Wendy Flichman, Applicant Case#905  
Wilber McMichael, Penn Towne Center, LLC,  
Owner/President, Case#905

**Others:**

Richard Landis, Supervisor  
Melvin Newcomer, ZHB Solicitor  
Brenda Pardun, Stenographer  
Matthew Reeser, Zoning Officer

Gary Smith  
Frank Mikolic  
Robert Steckbeck  
Jack and Susan Leonard

The meeting was called to order at 7:00 PM by Mr. Wolfe.

**Minutes**

It was explained by Mr. Wolfe, that board member Dale Rohrer was unable to attend the meeting. Due to this fact, it was requested by Mr. Wolfe, that alternate member Fred Hammond be permitted to sit on the Board for the evening. There were no objections from either presenting party.

Mr. Hammond made the motion to approve the revised minutes of November 14, 2018, as written and Mr. Bushey seconded the motion; the vote was unanimous in favor of approval by the Board.

The applicants, their representatives, and the Township Zoning Officer, were sworn in by the court reporter. Case #904 was presented by Mr. Wolfe as follows.

1. **Case #904** - South Banque Farm, LLC., (C.O. J. Mark Kreider), applicant, is requesting a variance from Section 27-209.1 Area & Bulk Regulations (maximum lot coverage). This section states the maximum permitted lot coverage for Non-Residential Uses shall not exceed 50%. The applicant requests a variance to allow maximum lot coverage to be increased to 86.4%. The subject property for this request, is located at 710 Lancaster Rd, Manheim, PA, 17545, in the T-5C Commercial Zoning District, Tax ID#500-20231-0-0000. The applicant also requests a variance from Section 27-310.12 Minimum Required Parking. This Section states that automobile sales facilities shall have 1 parking space per 1,000 square feet of gross indoor and outdoor display area. The applicant requests a variance to permit a total of 2 parking spaces instead of 14. The subject property for this request, is located at 800 Lancaster Road, Manheim, PA 17545, in the T-5C Commercial Zoning District, Tax ID#500-29437-0-0000.

The Zoning Hearing Board Solicitor explained party status, and Mr. Wolfe asked if anyone present would like to be considered for party status recognition. A member of the audience asked if he would be required to be granted party status, to ask questions. It was explained by Mr. Wolfe to the resident, that party status had nothing to do with the ability of anyone to ask questions, or voice concerns, and that the status specifically relates to a person's ability to receive a written copy of the decision of the case, and appeal a determination by the board, should they not agree with the outcome. There were no party status requests by anyone present.

Case Number 904, was presented by Mr. Gergely and Mr. Kreider. It was explained that a car wash which had been located on the property, was recently demolished. It was stated by Mr. Gergely, that it was the intention of Mr. Kreider to use this property as a display and sales lot to be associated with Manheim Imports, but the property would remain as a separate parcel even though the proposed plan, should it gain approval during the conditional use hearing, would be connected with an access drive. Mr. Bushey questioned why both properties were permitted to be listed on the same application. Mr. Gergely explained that though a single application was submitted, both properties are listed separately on the application. Mr. Wolfe explained his concern with increased congestion in the area, and is concerned that providing only two parking spaces will not be conducive to potential buyers stopping to do business. Mr. Kreider explained that the use will not be used as a heavy sales area, and will not have any buildings constructed, but rather be used primarily for static vehicle storage. He also explained that typically there are not more than a few clients visiting the property at a given time to conduct business. Mr. Bushey explained that the request to reduce the number of spaces so drastically, seemed excessive. He also stated concern with the fact that a variance typically runs with the land, not the property owner, and is concerned for the future, should the property be sold to a different dealer. Mr. Gergely responded by stating that should the subject property be sold, the new owner would be required to apply for Zoning approval for whatever the new use would be, and would be required to be re-heard by the board, should they be required. Mr. Wolfe confirmed with the applicant, that should approval be granted for the variance of the number of customer parking spaces, that there would be a total of six spaces between the two parcels. Mr. Gergely confirmed that number as correct. The question was brought up by Mr. Wolfe about the number of employees that will be working in the existing building. Mr. Gergely explained that the six spaces will not be used by employees, nor are they currently used by employees, since they park elsewhere. Mr. Kreider stated that whatever spots will line up with the straight drive into the parcel, will be reserved for clients. Mr. Kreider explained that most of his proposed use for the properties will be to serve the Manheim Auto Auction, not the general public. Mr. Wolgemuth asked if there was any impervious coverage that could be removed to try to make the property more in compliance with the Zoning Ordinance. Mr. Gergely spoke to the ZHB Solicitor, and explained that he felt that the relatively small increase of impervious coverage, would be classified as a *de minimis* variance. Mr. Kreider added that the plan for the final design for the properties, would significantly increase the amount of greenspace in the area. Mr. Gergely explained that the impervious surface would be decreased on the lower lot after everything is completed. Mr. Wolgemuth spoke with the Solicitor about what a *de minimis* variance is, and would it really apply since the two individual lots are not combined. Mr. Newcomer clarified what the question really was, and explained that the question was is there anything else that can be done to remove impervious on one lot to completely make up for it on the other? Mr. Gergely explained that islands could be installed, or process a lot add-on plan. Mr. Kreider explained that though these other options are possible, there comes a point where financially the changes wouldn't payoff financially. When Mr. Wolfe asked whether there were any questions from anyone in the audience, Mr. Frank Mikolic explained that he was concerned with the final plan and screening of the use from neighboring property owners since there had already been natural barriers removed from the property. Mr. Kreider tried to explain the plan to Mr. Mikolic and stated that the planting plan would provide adequate visual barriers, and the plan is being designed by a professional from Penn State, and the current condition of the properties is an

eye-sore. Mr. Mikolic asked what would be done with the property if the approvals were not granted by the board. Mr. Newcomer explained that a property that is not part of this application should not be discussed during this hearing. Only the two subject properties should be discussed, not all of the parcels that Mr. Kreider may own. He then explained that this portion of the hearing was for questions, and comments would be heard later. Mr. Bushey made sure he was in understanding of where the new increase in impervious coverage would be installed. Mr. Wolgemuth questioned as to who was designing the access drives, and Mr. Gergely explained that the access drives were being coordinated with PennDOT and the developer for the property across the street, and that PennDOT has already conditionally approved all of the access drives shown on the plans. Mr. Wolfe asked if there were any other statements that anyone in the audience would like to ask. Mr. Mikolic asked about stormwater management facilities. Mr. Newcomer explained that this hearing has nothing to do with the actual use of the property, and explained that the final decision of whether the use is permitted, lays in the hands of the Board of Supervisors, not the Zoning Hearing Board. The only items that the ZHB may decide on during this hearing, were the two specific variances listed on the application. Mr. Wolfe explained that he would like to vote on each property separately. A Motion was made by Mr. Bushey, and was seconded by Mr. Kopp, to approve the parking variance for the property, as long as there are no buildings permitted to be built on the property without further approval. The motion was passed unanimously in favor of the variance to permit a minimum of two parking spaces. There was a motion made by Mr. Bushey with a second of Mr. Hammond to approve the increase in the permitted lot coverage. This motion was passed, but was not unanimous. It was approved by Mr. Wolgemuth, Mr. Hammond, Mr. Bushey, and Mr. Kopp, but was not approved by Mr. Wolfe, since he felt that the non-conformity should not be expanded. Mr. Kreider explained that financially what would be gained by spending the money required to achieve what the Ordinance details. Mr. Wolfe explained that the ZHB is not permitted to make a decision based on what a proposed project will cost. There was a condition included that no buildings may be constructed on the parcel in the future without approval by Township.

**Case #905** – Wendy Flichman, applicant, Penn Towne Center, LLC., (property owner), is requesting a variance from Section 27-313.3.B.(2)(d) Planned Business Center & Shopping Center Signs. This section states that the maximum square footage of a wall sign for a tenant in a planned business or shopping center, may not exceed 50 square feet. The applicant is requesting a maximum sign area of 241.45 square feet for the tenant space. The subject property is located at 1223 Lancaster Road, Suite 110, Manheim, PA 17545, in the T-5C Zoning District, Tax ID#500-11586-1-0002.

Case number 905, was presented by Wendy Flichman and Wilbur McMichael. They explained that Dollar Tree will be the anchor store for Penn Towne Center, and that the size of the sign permitted by Zoning Ordinance, will not be large enough to draw attention to the center. They also explained, that the tenant will occupy far more individual tenant spaces than the other businesses in the center. Ms. Flichman presented a rendition of the front of the building, with both the permitted sign size as well as the requested sign size, drawn to scale. There were no additional questions from the Board, though a condition was included that the approval is based on the fact that the tenant will occupy four tenant spaces. A Motion was made by Mr. Bushey to approve the request, which was seconded by Mr. Hammond. The vote was unanimous to approve the requested sign size expansion as was requested.

### Adjournment

There was a motion made by Mr. Bushey, with a second from Mr. Kopp, to adjourn the meeting. The motion passed unanimously in favor of adjournment at 8:10pm.

Respectfully submitted,



Matthew Reeser, Township Zoning Officer