

MINUTES  
WEST MANHEIM TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING  
THURSDAY, SEPTEMBER 16, 2010  
6:00 PM

ITEM NO. 1 Meeting Called to Order

The regular meeting of the West Manheim Township Planning Commission was called to order at 6:00 p.m., by Chairman Jim Myers, followed by the Pledge of Allegiance.

ITEM NO. 2 Roll Call

The roll was called, and the following Commission Members were present: Chairman, Jim Myers, Grant Reichart, Andrew Hoffman and Duane Diehl. The following Commission members were absent: Darrell Raubenstine. Also present was Kevin Null, Township Manager and Mike Knouse, C.S. Davidson.

ITEM NO. 3 Approval of Minutes

Duane Diehl made a motion to approve the minutes from the August 19, 2010 Planning Commission meeting, seconded by Grant Reichart. ***The motion carried.***

ITEM NO. 4 Correspondence

Jim Myers, Chairman reported that the following correspondences were received:

- 1). Flyer with information on the 2010 Fall Planner Seminar to be held on Thursday, October 14, 2010 in Cumberland County.
- 2). Flyer on information regarding the Subdivision and Land Development Review Seminar to be held in Lewistown, Pa.

ITEM NO. 5 Visitors

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission, and received no reply.

ITEM NO. 6 Public Comment – Items Not Listed on Agenda

Chairman Jim Myers asked if there were any visitors present that wished to discuss anything specific not on the agenda, and received no reply.

ITEM NO. 7 Emergency Services Group Report

Mike Hampton was not present to report on Emergency Services comments. Chairman Jim Myers said they received comments from Emergency Services regarding the Preliminary Plan for Marlee Hill Farm and the Final Subdivision Plan for Edward and Michelle Lane.

ITEM NO. 8 Report from Zoning Officer

A. Zoning/Hearing Board

Kevin Null, Zoning Officer said there are two applications on the agenda for consideration.

- (1). Gerald Applefeld – 2726 Black Rock Rd., - Application for a Variance request for the side yard setback in the Farming District from the required 30 foot setback to a 8 foot setback, to replace an existing 23x22 foot garage with an 24x32 foot garage.

Kevin Null, Zoning Officer asked Dr. Applefeld to address the Board.

Dr. Gerald Applefeld, 2726 Black Rock Road, said he has new information to present to the Commission. Since he made application that included drawings, they have since had the property line surveyed. They were made to believe when they purchased the property about seven years ago that the structure they want to have demolished and replace, which is located on the south border of the property, they were led to believe it was about 5 ft. from the property line. The survey shows that the rear of the building actually sits on the property line. This is something he was totally unaware of which the drawings did not show. He said if they replace the structure he had planned to leave the rear border as it is and extend the building horizontally and toward the center of the property. This would mean that they would remain on the property line. He said their only option would be to build a smaller building. If they scaled back from a 24 ft. building to a 22 ft. building and moved the building there would only be about a 4 ft. buffer between the driveway and the existing building. There is only about a 4 ft. unused area. If they built a smaller building and moved it the full 4ft. toward the property line it would still only leave about 2 ft. – 3 ft. from the rear property line. He did not have this information available when he submitted his application. He said the existing building is in poor repair and poorly constructed. The building was there when he purchased the property and it needs to be replaced at some point which is why he wanted to construct a slightly larger building.

Andy Hoffman asked if Mr. Applefeld knew when the property had been subdivided.

Dr. Applefeld said no.

Kevin Null said when he looked at the plat plan and it appeared it was subdivided in the late 80's early 90's.

Dr. Applefeld said when the building was already on the property when he purchased the residence. When the building was constructed the foundation was only partially completed. There is a space between the wall and that the ground where there is no foundation.

Andy Hoffman said it appears it became a non-conforming structure at the time of the subdivision. He said to expand the existing non-conforming structure is hard to justify from the standpoint that there is other land available.

Dr. Applefeld said there is no other place on the property he can place the building.

Andy Hoffman said that would be convenient to the existing driveway.

Dr. Applefeld said yes of course.

Andy Hoffman said it does not appear that the property has steep elevations or grades and he could physically relocate the building.

Dr. Applefeld said behind the house it is steep. He said when he installed a swimming pool they had to grade at least 8 feet on one side in order to make it level. He said they had a hill built behind the pool otherwise the building would be located directly in front of the house. He said the building now is about 22 ft. along the center and 23 ft. along the property line. He said they were going to make the building 24 ft. and move the extra 2 ft. towards the driveway. He said even if they reduce the size of the building from 24 ft. to 22 ft. and moved the it the full 4 ft. toward the driveway it would only allow a 2 ft. buffer from the property line and not 8 ft. The approximate measurement from the driveway to the rear of the property is approximately 26 ft. He would have to build a significantly smaller building for the 8 ft setback.

Andy Hoffman asked Mr. Knouse if he has experienced this with any other townships.

Mike Knouse, C.S. Davidson said the application specifies a variance from Article 7, Section 1.2 and 5.2 which he is not sure is applicable to the application request. He said the property is located in the farming zoning district and

Article 5, Section 1.5 includes the information regarding the area regulations for the setbacks for the farming zone. There is a 30 ft. setback requirement. Article 7, Section 2.2 includes information regarding accessory buildings which includes provisions for detached garages, which is what is included with the application requests. He said it is over the 250 sq. ft. setback, therefore; the applicant must conform to the underlying district setback. An existing nonconforming, Article 7 Section 5.2, and with regards to the application request for demolition of the entire structure the ordinance will only provide for a certain percentage for an expansion and not allow demolition of the existing building. The ordinance does not allow for a complete demolition and construction of a new nonconforming structure. He said typically in the past if there is a nonconformity it is noted on the plan expressing after 75 percent demolition the structure shall be removed. He said to address Andy Hoffman question, there is no easy way and because each municipality has different requirements it is hard to compare. He said based upon the accessory structure and the nonconformity, unless the applicant can show an undue hardship the Zoning Hearing Board will have to identify specific hardships in order to grant a variance. The only other thing he can see is that there is an existing well located on the plan. The well ordinance requires isolation distances, 100 ft from the septic system, 10 ft from the drive and 30 ft from a building. He said the driveway and the building is not plotted on the plan to show the distance from the well but this could be looked at as a possible hardship.

Chairman Jim Myers said he feels they need to follow the ordinance which would not allow the applicant to build in the same location and he would need to find another location.

Mr. Applefeld said that is not possible.

Andy Hoffman suggested that Mr. Applefeld meet with the engineering firm and have them plot out other physical locations for the building. This is the information he would need to take to the Zoning Hearing Board to try and show a hardship. He would have to prove to the Zoning Hearing Board that he does not have another alternative to rebuild what currently exists.

Mike Knouse said they Planning Commission can only make a recommendation to the Zoning Hearing Board based on the information they received. They are recommending getting the additional documentation showing the hardship to present to the Zoning Hearing Board.

Andy Hoffman made an unfavorable recommendation to the Zoning Hearing Board based on the information presented and recommends the applicant get more information for the Zoning Hearing Board showing a hardship, seconded by Duane Diehl. ***The motion carried.***

- (2) Larry Bankert – 1949 Baltimore Pike – Application for a Variance request for the side setback in the Commercial District from the required 20 foot setback to a 10 foot setback, to replace an existing garage with a 24x24 foot pole building.

Kevin Null, Zoning Officer presented a review of the application to the Commission.

Larry Bankert, 1949 Baltimore Pike, said he would like to build a two-car garage. The side setback is 20 ft. and his property is only 50 ft. He said the 10 ft. setback variance would allow him to construct the new building.

Chairman Jim Myers asked Mr. Bankert if his neighbors were aware of his request.

Mr. Bankert said yes he has spoken with his neighbors and they do not have any issues.

Duane Diehl made a favorable recommendation to the Zoning Hearing Board for the variance request, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO 9 Old Business – Plan Extensions Per Act 46

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding any of the plans listed on the agenda for Old Business. There was no one present from the public to address the Commission for Items A - E.

- A. Orchard Estates – Gobrecht – Shorbs Hill Rd. – 56 Lot Preliminary Plan
- B. Marlee Hill Farm (Preserve at Codorus Creek IV) – Baltimore Pike – 79 Lot Preliminary Plan
- C. Homestead Acres – J.A. Myers – Oakwood Dr. & Valley View Dr. – 134 Lot Preliminary Plan
- D. Benrus L. Stambaugh II, et al – 1 Lot Land Development Plan – Brunswick Dr. & Oak Hills Dr.
- E. James E. Horak & Donald L. Yorlets – Fairview Dr. – 6 Lots Preliminary Subdivision Plan

Duane Diehl made a motion to table Items A-E, seconded by Andy Hoffman. ***The motion carried.***

- F. Edward A. & Michele A. Lane – 2 Lot Minor Subdivision Final Plan – 551 Hobart Road

Doug Barmoy, Hanover Land Services, was present to represent the plan. He said the applicant Ed Lane is present tonight to answer any questions. He said they have addressed most of the comments. The only items that still need to be addressed include the covenants and restrictions which they are working with the Attorney to finalize, comments from DEP on the Planning Module, signatures on the final plan. He asked if Emergency Services submitted any comments.

Mike Knouse said they have no comments or concerns regarding the division of land. The other items were with respect to the driveway which is considered at the time of the building permit application.

Doug Barmoy said the other outstanding items are the recreation fees and public improvement security.

Mike Knouse said all of the engineering comments have been addressed.

Andy Hoffman made a favorable recommendation of the plan to the Board of Supervisors with the condition that the applicants meet all the required conditions, seconded by Grant Reichart. Chairman Jim Myers was opposed. ***The motion carried.***

ITEM NO. 10 New Business

There was no new business to discuss.

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12 Sketch Plans and Other Business

- A. Subdivision and Land Development Ordinance (SALDO) Review

Mike Knouse said he has provided a full copy of the draft document to the Planning Commission. He would like the Commission to take their time to review the draft document. He would entertain discussion or direction at the next meeting unless they feel that additional time is needed to review the changes.

ITEM NO. 13 Public Comment

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission. There was no one present from the public to address the Commission.

ITEM NO. 14 Next Meeting

The next Planning Commission meeting is scheduled for October 21, 2010 at 6:00 pm.

ITEM NO. 15 Adjournment

Adjournment was at 7:10 p.m. in a motion by Andy Hoffman, and seconded by Duane Diehl. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY  
RECORDING SECRETARY