

Penn Township Zoning Hearing Board

Minutes for Tuesday, March 12, 2019

The Penn Township Zoning Hearing Board met on Tuesday, March 12, 2019, at 7:00 p.m. to hear five requests.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Member; Harold Mack, Member; Pamela Berlingo, Member; Larry Smith, Member; and William Gill, Member. Also present was Charles A. Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

Harold Mack made a motion to nominate William Woodward as Chairman. The motion was second by Pam Berlingo and passed unanimously. Larry Smith made a motion to nominate Harold Mack as Vice Chairman. The motion was second by William Woodward and passed unanimously.

All properties were properly advertised and posted and all legal notices properly published. Pamela Berlingo made a motion to approve the Minutes from November 13, 2018. The motion was second by Larry Smith and approved unanimously.

Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.3A (Replacement) in order to operate a roofing and exterior business. The property is located at 440 Black Rock Road in the R-15 zone.

Larry Smith made a motion to grant the special exception in that it meets the standards for Section 503.3 (a) through (e). Pamela Berlingo second the motion and it was approved unanimously.

ZHB19-03 - JLM Real Estate Investments LLC, 950 East Main Street, PO Box 472, Schuylkill Haven, PA 17972. Applicant is requesting a variance to Section 207.2 (Use Regulations) and an Interpretation to Section 207.2 and definitions in order to operate a retail tire/repair business. The property is located at 865 Baltimore Street in the S/C zone.

Harold Mack made a motion that the definition of retail business would include tire sales and ancillary services as a retail facility under Section 207.2 (Use Regulations). Pamela Berlingo second the motion and it was approved by a vote 3 to 2 with Larry Smith and William Gill dissenting.

ZHB19-04 – Schindler Elevator Corporation, PO Box 1935, 20 Whippany Road, Morristown, NJ 07962. Applicant is requesting a variance to Section 209.2 and 209.3 (Use Regulations) in order to construct an addition for manufacturing and a separate commercial office. The property is located along 21

& 23 Industrial Drive in the Industrial zone.

Larry Smith made a motion to grant the variance for Sections 209.2 and 209.3 in that it meets the standards for Section 502.3 (a) through (f). Pamela Berlingo second the motion and it was approved unanimously.

ZHB19-05 – Sign of the Horse Brewery, Inc., 500 Sunset Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 303.1 (Off-Street Parking) and a special exception to Section 208.2 (Use Regulations) & 201.2 (Uses Not Provided For) in order to operate a brewery/brew pub. The property is located at 979 York Street in the H/B zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 502.3 (a) through (f) and the applicant meets the definition of retail business under Section 208.2 and 201.2. Pamela Berlingo second the motion and it was approved unanimously.

ZHB19-04 –Burkentine & Sons Builders, Inc., 330 Dubs Church Road, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) and to Section 640 (c) (Single Family Attached Dwelling) in order to construct decks that encroach into side setback requirements. The property is located Brookside Heights Phase 3 & 4 in the R-8 zone.

Larry Smith made a motion to grant the variance as specifically

noted on Exhibit 3 in that it meets the standards for Section 502.3 (a) through (f). Harold Mack second the motion and it was approved by a 4 to 1 vote with William Gill dissenting.

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, April 9, 2019

The Penn Township Zoning Hearing Board met on Tuesday, April 9, 2019, at 7:00 p.m. to hear one request.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Pamela Berlingo, Member; Larry Smith, Member; and William Gill, Member. Harold Mack was absent with notice. Also present was Shane Rohrbaugh, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. Pamela Berlingo made a motion to approve the Minutes from March 12, 2018. The motion was second by William Gill and approved unanimously.

ZHB19-07 – Maitland Investment Corporation, 117 Frederick Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 204.2 (Use Regulations) in order to expand existing parking lot, existing clubhouse and to construct a new pro shop. The property is located at 925 Westminster Avenue in the R-22 zone.

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Larry Smith made a motion to grant the special exception in that it meets the standards for Section 503.3 (a) through (e) and Section 614 (a) through (k). William Gill second the motion and it was approved unanimously.

The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, May 14, 2019

The Penn Township Zoning Hearing Board met on Tuesday, May 14, 2019, at 7:00 p.m. to hear two requests.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Harold Mack, Vice Chairman; Pamela Berlingo, Member; Larry Smith, Member; and William Gill, Member. Also present was Shane Rohrbaugh, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. Pamela Berlingo made a motion to approve the Minutes from April 9, 2019. The motion was second by William Gill and approved unanimously.

ZHB19-08 – John A. Freiert, 166 Windsor Court, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a rental for an Airbnb. The property is located at 166 Windsor Court in the R-15 zone.

William Gill made a motion to grant the Applicant's request for

continuance until the next zoning hearing date. Pamela Berlingo second the motion and it was approved unanimously.

ZHB 19-09 – Troy A. Thomason, 115 Little John Court, Hanover, PA 17331. Applicant is requesting variance to Section 202.3 (Area and Bulk) in order to place an above ground pool that encroaches into the setback. The property is located at 115 Little John Court in the R-8 zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 202.3 and 502.3 (a) through (f). William Gill second the motion and it was approved unanimously.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Christine Myers, RPR



Penn Township Zoning Hearing Board

Minutes for Tuesday, June 11, 2019

The Penn Township Zoning Hearing Board met on Tuesday, June 11, 2019, at 7:00 p.m. to hear three requests.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Harold Mack, Vice Chairman; Larry Smith, Member; and William Gill, Member. Also present was Charlie Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. William Gill made a motion to approve the Minutes from May 14, 2019. The motion was second by Larry Smith and approved unanimously.

ZHB19-08 – John A. Freiert, 166 Windsor Court, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a rental for an Airbnb. The property is located at 166 Windsor Court in the R-15 zone. Continued from the May meeting.

William Gill made a motion to grant the Applicant's request to operate the AirBnB under the requirements of Section 604 for no more than 24 months, at which time it expires; and they would either have to reapply, or if a zoning ordinance is in place, they would have to adhere to that ordinance. Harold Mack second the motion and Larry Smith opposed. It was approved.

ZHB19 – 10 – Billy J & Sadie Kress, 1020 Baltimore Street, Hanover, PA 17331. Applicant is requesting a variance to Section 625(f) (Minimum tract area shall be two (2) acres) and a special exception to Section 207.2 (Use Regulations) in order to construct mini-storage warehouses. The property is located at 1020 Baltimore Street in the S/C zone.

Harold Mack made a motion to approve the use and to grant the variance to the minimum track size in Section 625(f) and to grant the special exception under Section 625 and standards for variance under Section 502.3 had been met with the condition that there is no outdoor storage. The motion was second by William Gill and it was approved unanimously.

ZHB19-11 – Thomas & Hope Sanders, 183 Forry Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk) and Section 300.9a (Utility Sheds) in order to construct a RV storage building and shed that encroaches into the side setbacks. The property is located at 183 Forry Avenue Rear in the R-8 zone.

Larry Smith made a motion to approve the variances to Section 202.3 and Section 300.9a in that it meets the Section 502.3 standards for a variance. The motion was second by Harold Mack and it was approved unanimously.

The meeting was adjourned at 8:32 p.m.

Respectfully Submitted,

Lacy Kern, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, July 9, 2019

The Penn Township Zoning Hearing Board met on Tuesday, July 9, 2019, at 7:00 p.m. to hear five requests.

The meeting was called to order and roll call was taken and members present were as follows: Pamela Berlingo, Acting Chairman; Larry Smith, Member; and William Gill, Member. William Woodward was absent with notice. Harold Mack was absent without notice. Also present was Charles A. Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. Pamela Berlingo made a motion to table the approval of the Minutes from June 11, 2019. The motion was second by Larry Smith and approved unanimously.

ZHB19-12 – Donald Eck, Jr., 32 Allen Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk) in order to construct a deck that encroaches into the rear setbacks. The property is located at 32 Allen Drive in the R-15 zone.

Larry Smith made a motion to grant the variance in that it meets

the standards for Section 502.3 (a) through (f). Pamela Berlingo second the motion and it was approved unanimously.

ZHB19-13 – Robin Speno, 27 Scenic Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Uses Not Provided for) in order to operate an AirBnB. The property is located at 27 Scenic Drive in the R-8 zone.

The Applicant requested the case be postponed until next month's meeting.

ZHB19-14 – Susan & Robert Danton, 1155 Pearl Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.3 (Fences and Walls) in order to erect a fence that exceeds the maximum height in the front yard. The property is located at 1155 Pearl Drive in the R-22 zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 502.3 (a) through (f) with the condition the fence will be no closer than 5 feet from the sidewalk. Pamela Berlingo second the motion and it was approved unanimously.

ZHB19-15 – Stephen Shupe, 890 York Street, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.2 (Expansion and Alteration of Nonconformity Use) in order to construct an addition to the back side

of house. The property is located at 890 York Street in the H/B zone.

Larry Smith made a motion to grant the special exception in that it meets the standards for Section 503.3 (a) through (e) with two conditions. First, construction of the first floor elevation be one foot above the BFE (Base Flood Elevation). Second, the expansion of the living area not exceed that of the neighbors. William Gill second the motion and it was approved unanimously.

ZHB19-10 – Billy and Sadie Kress, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. Applicant is requesting an extension on the current 6 month term to a 12 month term.

Larry Smith made a motion to grant the extension from the current 6 months to 12 months. William Gill second the motion and it was approved unanimously.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, August 13, 2019

The Penn Township Zoning Hearing Board met on Tuesday, August 13, 2019, at 7:00 p.m. to hear two requests.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Harold Mack, Vice Chairman; Pamela Berlingo, Member; Larry Smith, Member; and William Gill, Member. Also present was Charles Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. William Gill made a motion to approve the Minutes from July 9, 2019. The motion was second by Pamela Berlingo and approved unanimously.

ZHB19-13 – Robin Speno, 27 Scenic Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Uses Not Provided for) in order to operate an AirBnB. The property is located at 27 Scenic Drive in the R-8 zone.

The Applicant requested the case be postponed until next

month's meeting. William Gill made a motion to grant the continuance request. Pamela Berlingo second the motion and it was approved unanimously.

ZHB 19-16 – Carter Lumber Company, 601 Tallmadge Road, Kent, OH 44240. Applicant is requesting variance to Section 304.3 (Loading Space) in order to construct a loading dock in the front yard area. The property is located at 8 Barnhart Drive in the Industrial zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 304 and 502.3 standards for a variance. Pamela Berlingo second the motion and it was approved unanimously.

The meeting was adjourned at 7:20 p.m.

Respectfully Submitted,

Christine Myers, RPR



Penn Township Zoning Hearing Board

Minutes for Tuesday, September 10, 2019

The Penn Township Zoning Hearing Board met on Tuesday, September 10, 2019, at 7:00 p.m. to hear two requests.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Harold Mack, Vice Chairman; Larry Smith, Member; and William Gill, Member. Pamela Berlingo was not present with notice. Also present was Charles Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. William Gill made a motion to approve the Minutes from August 13, 2019. The motion was second by Larry Smith and approved unanimously.

ZHB19-17 – David Long and Anna-Marie Carter, 820 Cooper Road, Hanover, PA 17331. Applicant is requesting a variance to Section 204.2 (Use Regulations) and a special exception to Section 623 (Livestock and Poultry kept for Personal Use) in order to keep and maintain livestock on property. The property is located at 820 Cooper Road in the R-22 zone.

William Gill made a motion to consider this property as preexisting nonconforming use to allow for two instances of livestock on the property. Harold Mack second the motion and it was approved by a 3 to 1 vote with William Woodward dissenting.

ZHB 19-18 – Gary and Donna Stair, 1190 Pearl Drive, Hanover, PA 17331. Applicant is requesting variance to Section 300.9 a (Utility Sheds) in order to erect a shed in the front yard area. The property is located at 1190 Pearl Drive in the R-22 zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 502.3 standards for a variance with the condition the Applicant plant shrubs around the shed. William Gill made a motion to amend the motion to grant the variance in accordance with the Petitioner's exhibit presented tonight. Larry Smith second the amendment to his motion and it was approved unanimously. Howard Mack second the motion and it was approved unanimously.

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, October 8, 2019

The Penn Township Zoning Hearing Board met on Tuesday, October 8, 2019, at 7:00 p.m. to hear six requests.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Harold Mack, Vice Chairman; Pamel Berlingo, Member; Larry Smith, Member; and William Gill, Member. Also present was Charles Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. William Gill made a motion delineating two corrections and then approve the Minutes from September 10, 2019. The motion was second by Larry Smith and approved unanimously.

ZHB19-19 – Stephen Shupe, 890 York Street, Hanover, PA 17331. Applicant is requesting a variance to Section 208.3 (Area and Bulk) in order to extend an existing accessory building that encroached into the setbacks. The property is located at 890 York Street in the H/B zone.

Larry Smith made a motion to approve the variance in that it

meets the standards of Section 208.3 and 502.3. Pam Berlingo second the motion and it was approved by a 4 to 1 vote with William Woodward dissenting.

ZHB 19-20 – Troy A. Thomason, 115 Little John Court, Hanover, PA 17331. Applicant is requesting variance to Section 300.7 (Decks) in order to construct a deck in side yard and encroaches into setback. The property is located at 115 Little John in the R-15 zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 300.7 and Section 502.3. Pam Berlingo second the motion and it was approved by a vote of 3 to 2 with William Gill and William Woodward dissenting.

ZHB 19-21 – Avery Sollenberger, 309 Primrose Lane, Hanover, PA 17331. Applicant is requesting variance to Section 203.3 (Area and Bulk) in order to place a single wide and garage that encroaches into side setbacks. The property is located at 607 Baltimore Street in the R-15 zone.

Larry Smith made a motion to grant the variance in that it meets the standards for Section 203.3 and Section 502.3 with the condition the single wide is attached to a foundation. Pam Berlingo second the motion and it was approved unanimously.

ZHB 19-22 – Deborah L. Clawson, 2 Nace Drive, Hanover, PA

17331. Applicant is requesting special exception to Section 322 (Uses Not Provided For) in order to operate a Therapeutic Massage Wellness Center. The property is located at 1319 Baltimore Street in the S/C zone.

Larry Smith made a motion to classify the use of Therapeutic Massage Wellness Center by a licensed massage therapist to be included in the definition and classification of Medical and Similar Labs and Clinics. William Gill second the motion and it was approved unanimously.

ZHB 19-23 – Tammy Hinrichs, 2208 Grandview Road, Hanover, PA 17331. Applicant is requesting variance to Section 203.2 (Use Regulations) in order to operate an antique shop out of her garage. The property is located at 2208 Grandview Road in the R-15 zone.

The Applicant, Tammy Hinrichs, stated she wanted to withdraw her application.

ZHB 19-13 – Robin Speno, 27 Scenic Drive, Hanover, PA 17331. Applicant is requesting special exception to Section 322 (Uses Not Provided For) in order to operate an AirBnB. The property is located at 27 Scenic Drive in the R-8 zone.

Larry Smith made a motion to grant the special exception in that it meets the standards for Section 322 uses not provided for and Section 503.3 as

being most similar to a two-family conversion rooming house with the condition on reapproval 2 years from this date or upon approval by the Board of Commissioners of the new zoning ordinance, whichever is later. William Gill second the motion and it was approved by a vote of 4 to 1 with Pam Berlingo dissenting.

The meeting was adjourned at 10:10 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, November 12, 2019

The Penn Township Zoning Hearing Board met on Tuesday, November 12, 2019, at 7:00 p.m. to hear one request.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Pamela Berlingo, Member; Larry Smith, Member; and William Gill, Member. Harold Mack, Vice Chairman, was absent without notice. Also present was Charles Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. Pamela Berlingo made a motion to approve the Minutes from October 8, 2019. The motion was second by Larry Smith and approved unanimously.

ZHB19-24 – American Home Contractors, LLC, Ronald Carter, 416 Glenville Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate an Airbnb. The property is located at 792/794 Baltimore Street in the H/B zone.

Larry Smith made a motion to deny the special exception in that

the burden of proof has not been established by the Applicant to determine that the proposed use meets the criteria and will not be detrimental to the public health, safety, and welfare of the neighborhood. Further, the Applicant has not met the standards of Section 503.3 subsection (b)(2), the proposed use shall not injure or detract from the use or enjoyment or character of adjoining or nearby properties; and (3), the proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies. Pam Berlingo second the motion and it was denied by a 3 to 1 vote with William Gill dissenting.

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Christine Myers, RPR



Penn Township Zoning Hearing Board

Minutes for Tuesday, December 10, 2019

The Penn Township Zoning Hearing Board met on Tuesday, December 10, 2019, at 7:00 p.m. to hear one request.

The meeting was called to order and roll call was taken and members present were as follows: William Woodward, Chairman; Harold Mack, Vice Chairman; Larry Smith, Member; and William Gill, Member. Pamela Berlingo, Member, was absent without notice. Also present was Charles Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

All properties were properly advertised and posted and all legal notices properly published. William Gill made a motion to approve the Minutes from November 12, 2019. The motion was second by Larry Smith and approved unanimously.

ZHB19-25 – Mark and Cathi Gibbs, 1 Timber Lane, Hanover, PA 17331. Applicant is requesting a variance to Section 303.3 (Fences and Walls) & Section 314.1 (Clear Sight Triangle) in order to construct a fence that exceeds the maximum height and in order to construct a fence that exceeds the maximum height and encroaches into the clear sight triangle. The property is located at 1 Timber

Lane in the R-15 zone.

Larry Smith made a motion to approve the variance in that it meets the standards for Section 300.3 and Section 502.3. William Woodward second the motion and it was approved unanimously.

Scott Barnhart, Applicant, made a request for an extension in the case of ZHB18-17 –Burkentine & Sons Builders, Inc., 330 Dubs Church Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 202.2 (Use Regulations) and a variance to Section 628.h (Multi-Family Dwelling) in order to construct multi-family dwellings. The property is located along Moulstown Road (S.R. 3072) in the R-8 zone.

Larry Smith made a motion to deny the extension request. Harold Mack second the motion and it was denied unanimously.

The meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Christine Myers, RPR