

Penn Township Zoning Hearing Board

Minutes for Tuesday, January 11, 2022

The Penn Township Zoning Hearing Board met on Tuesday, January 11, 2022, 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: Ronald Fanelli, Vice Chairman; William Gill, Member; Troy Thompson, Member. Larry Smith was absent with notice. Also present was Shane Rohrbaugh, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

William Gill made a motion to nominate Ronald Fanelli as Chairman. The motion was second by Troy Thompson and passed unanimously.

Ronald Fanelli made a motion to nominate William Gill as Vice Chairman. The motion was second by Troy Thompson and passed unanimously.

All properties were properly advertised and posted and all legal notices properly published. William Gill made a motion to approve the Minutes from December 14, 2021. The motion was second by Troy Thompson and approved unanimously.

ZHB21-34 – Kyle K. Lindsey, 138 Center Street, Hanover, PA 17331. Applicant is requesting a variance to Section 300.2 (Accessory uses and structures) in order to construct a two-car garage on a property without a principal building. The property is located at 138 Center Street Rear in the R-8 zone.

William Gill made a motion to approve the variance to Section 300.2. Troy Thompson second the motion and it was approved unanimously.

ZHB21-35 – Roger Holland, 751 Frederick Street, Hanover, PA 17331. Applicant is requesting a variance to Section 206.2 (Use Regulations) in order to construct an industrial building to be used for manufacturing and warehouse. The property is located at 88-198 N. Blettner Avenue in the A/O Zone.

William Gill made a motion to approve the variance to Section 206.2. Troy Thompson second the motion and it was approved unanimously.

ZHB21-36 – Water Street Four, LLC, 1315 Hanover Pike, Littlestown, PA 17340. Applicant is requesting a special exception to Section 322 (Uses not provided for) in order to construct a Group Dwelling for a fifty-five and over community. The property is located on Moulstown Road in the R-8 Zone.

William Gill made a motion to approve the special exception to Section 322 as it is similarly situated to other uses granted by right within the R-8 zone. Troy Thompson second the motion and it was approved unanimously.

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, February 8, 2022

The Penn Township Zoning Hearing Board met Tuesday, February 8, 2022, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thompson, Member; Larry Smith, Member; and Mary Welsh, 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. William Gill made a motion to approve the Minutes from January 11, 2022 as revised. The motion was second by Troy Thompson and approved unanimously with Larry Smith abstaining.

ZHB22-01 – Andes Valdes-Dapena, 2165 Broadway, Hanover, PA 17331. Applicant is requesting a variance to Section 300.8 (Swimming Pool/Garden Pools) in order to construct an above-ground pool in the side yard that does not meet the backyard requirements. The property is located at 2165 Broadway in the RC zone.

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

ZHB22-02 – Cody Bentzel, 1045 Bair Road, Hanover, PA 17331. Applicant is requesting a variance to Section 300.10 f.g1 (Temporary Uses) in order to utilize drop boxes and storage units year-around for storage of retail goods. The Applicant is also requesting for the interpretation of the listed sections and appealing the zoning violations he received. The property is located at 934 Baltimore Street in the HB Zone.

William Gill made a motion to grant the Applicant's request for continuance until March 8, 2022 Zoning Hearing and not levy fines against the property in its current state until said hearing. Ronald Fanelli second the motion and it was approved by a vote 3-2 with Larry Smith and Troy Thompson dissenting.

ZHB22-03 – Bert Miller, 900 Black Rock Road, 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 900 Black Rock Road in the R-40 Zone.

Larry Smith made a motion to approve the variance in that it meets the standards for Section 502.3. Troy Thompson second the motion and it

was approved unanimously.

The meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, March 8, 2022

The Penn Township Zoning Hearing Board met Tuesday, March 8, 2022, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; Larry Smith, Member; and Mary C. Welsh, 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. William Gill made a motion to approve the Minutes from February 8, 2022 as submitted. The motion was second by Larry Smith and approved unanimously.

ZHB22-04 – Kathleen and Steven Colasuonno, 1120 Pearl Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to construct an in-ground pool that extends into the rear setbacks. The property is located at 1120 Pearl Drive in the R-22 zone.

Larry Smith made a motion to approve the variance in that it meets the standards of Section 502.3. Troy Thomason second the motion, and it was approved by a vote 3-2 with Ronald Fanelli and William Gill dissenting.

ZHB22-02 – Cody Bentzel, 1045 Bair Road, Hanover, PA 17331. The applicant is requesting a variance to Section 300.10 f.g1 (Temporary Uses) in order to utilize drop boxes and storage units year-round for storage of retail goods. The applicant is also requesting for the interpretation of the listed sections and appealing the zoning violations he received. The property is located at 934 Baltimore Street in the HB zone.

The applicant has withdrawn the application.

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Emberlin Mair

Penn Township Zoning Hearing Board

Minutes for Tuesday, April 12, 2022

The Penn Township Zoning Hearing Board met Tuesday, April 12, 2022, at 7:00 p.m. to hear four requests.

The meeting was called to order and roll call was taken and members present were as follows: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; Larry Smith, member; Mary Welsh, member; 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 March 8, 2022. The motion was second by Troy Thomason and approved unanimously.

ZHB22-05 – Beau Dunkerly, 22 Benjamin Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.7 (Decks) that is constructed in the front yard and does not meet the rear only setbacks requirements. The property is located at 22 Benjamin Drive in the R-15 zone.

Larry Smith made a motion to approve the variance because it meets the standards of Section 502.3 for a variance. Troy Thomason second the motion and it was approved with a vote of four to one with William Gill dissenting.

ZHB-22-06 - Penn Township, 20 Wayne Avenue, Hanover, PA 17331. The applicant is requesting a variance to Section 211.2 (Use Regulations) to install two sewage pump stations and Section 211.3 (Area and Bulk Regulations) in order to create one lot near 45 Oak Hill Drive that does not meet the required regulations. The other lot is an existing lot located at 841 Hershey Heights Road. The applicant is also requesting an Interpretation of Section 211 (R-C Conservation Zone). The properties are located in the R-C Zone.

Larry Smith made a motion to approve the variances because they meet the standards of Section 502.3 for a variance. William Gill second the motion and it was approved unanimously. Because the variance was granted, the issue regarding the Interpretation was moot and did not need to be discussed.

ZHB22-07 – Patrick William Farley, 504 Black Rock Road, Hanover, PA 17331. Applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct an accessory building that extends into the side and rear setbacks. The property is located at 504 Black Rock Road in the R-15 Zone.

Larry Smith made a motion to approve the variances because they meet the standards of Section 502.3 for a variance. Troy Thomason second the motion and it was approved with a four to one vote with William Gill dissenting.

ZHB22-08 – York Road Investments, LLC, 4062 York Road, New Oxford, PA 17350. Applicant is requesting a variance to Section 300.3 (Fences and Walls), Section 304.3 (Loading Space Layout), and Section 306.3.a (Number Per Lot). The applicant is also requesting an Interpretation of Section 304.3 (Loading Space Layout). The property is located at 501 Ridge Avenue in the Industrial Zone.

Larry Smith made a motion to approve the variance from Section 300.3 because it meets the standards of Section 502.3 for a variance. William Gill second the motion and it was approved unanimously.

Larry Smith made a motion to approve the variance from Section 304.3 because it meets the standards of Section 502.3 for a variance. William Gill second the motion and it was approved unanimously.

Larry Smith made a motion to approve the variance from Section 306.3 because it meets the standards of Section 502.3 for a variance. Mary Welsh second the motion and it was approved with a four to one vote with William Gill dissenting.

Because the variance was granted, the issue regarding the Interpretation was moot and did not need to be discussed.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Tammy J. Rinehart, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, May 10, 2022

The Penn Township Zoning Hearing Board met Tuesday, May 10, 2022, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; Larry Smith, Member; and Mary Welsh, 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. William Gill made a motion to approve the Minutes from April 12, 2022 as revised. The motion was second by Larry Smith and approved unanimously.

ZHB22-11 – Gerald D. Funk, c/o GHI Engineers & Surveyors, 201 Carlisle Street, Hanover, PA 17331. Applicant is requesting a variance to Section 303.1 (Off-Street Parking Requirements) in order to construct a warehouse that does not meet the parking requirements. The property is located at 201 Center Street in the Industrial Zone.

Larry Smith made a motion to approve Applicant's request for continuance to the June 14, 2022 meeting. Troy Thomason second the motion and it was approved by a vote of 4 to 1 with William Gill dissenting.

ZHB22-09 – Art Hanson, Jr., 459 Blooming Grove Road, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.3 (Replacement) in order to replace a hair salon with a therapeutic massage establishment. The property is located at 449 Blooming Grove Road in the R-15 zone.

Larry Smith made a motion to approve the special exception in that it meets the standards of Section 634 and Section 503.3 with the condition that the therapeutic massage establishment is conducted by a licensed massage therapist. Mary Welsh second the motion and it was approved by a vote 3-2 with William Gill and Ronald Fanelli dissenting.

ZHB22-10 – Paramount Realty NJ LLC, 1195 Route 70, Suite 2000, Lakewood, NJ 08701. Applicant is requesting a variance to Section 207.2 to authorize a service station on the property; Section 306.3 (b) (2) Access Drives within 10 feet of a property line, Section 300.2 accessory structure in the front yard area and Section 638 9c) (1) (2) and (4) general regulations for Service Stations, in order to construct a convenience store with gas pumps. The property is located at 1007 Baltimore Street in the Shopping Commercial Zone.

Larry Smith made a motion to approve the following variances:
variance to Section 207.2 authorize a service station on the property; variance to Section 306.3 (b)(2) authorize access drives within 10 feet of the side and rear property lines with the lot consolidation; variance to 300.2 authorize proposed canopy in the front yard; variance 306.3 (b)(2) authorize proposed driveways within 10 feet of the side and rear lot lines; variance 638 (c)(1), (2) and (4) authorize proposed driveways in the locations and specifications shown on the site plan in that all variances meet the standards for Section 502.3 with the first condition signs are to be placed on the property that tractor trailer customers be prohibited and second condition additional curb cuts on Clover Lane and Baltimore Street are not permitted. William Gill 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, June 14, 2022

The Penn Township Zoning Hearing Board met Tuesday, June 14, 2022, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; and Mary Welsh, Member. Larry Smith 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. Troy Thomason made a motion to approve the Minutes from May 10, 2022. The motion was second by Mary Welsh and approved unanimously.

ZHB22-11 – Gerald D. Funk, c/o GHI Engineers & Surveyors, 201 Carlisle Street, Hanover, PA 17331. Applicant is requesting a variance to Section 303.1 (Off-Street Parking Requirements) in order to construct a warehouse that does not meet the parking requirements. The property is located at 201 Center Street in the Industrial Zone.

William Gill made a motion to approve the variance in that it meets the standards of Section 502.3 with the condition of 12 newly added parking spaces to the second plan. Troy Thomason second the motion and it was approved unanimously.

ZHB22-12 – Jason and Jessica Miller, 185 Scott Street, Hanover, PA 17331. Applicant is requesting a variance to Section 300.2 (Accessory Structure Nonattached) in order to place an Accessory Building on the property that does not meet setback requirements. The property is located at 185 Scott Street in the R-15 zone.

William Gill made a motion to approve the variance in that it meets the standards of Section 502.3. Mary Welsh second the motion and it was approved unanimously.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, July 12, 2022

The Penn Township Zoning Hearing Board met Tuesday, July 12, 2022, at 7:00 p.m. to hear four requests.

The meeting was called to order and roll call was taken and members present were as follows: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Larry Smith, Member; Troy Thomason, Member; and Mary Welsh, 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. Troy Thomason made a motion to approve the Minutes from June 14, 2022. The motion was second by Mary Welsh and approved by a vote 4 to 1 with Larry Smith abstaining.

ZHB22-13 – Brian Linka and Shannon Siegel, 445 Maple Grove Road, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.3 (Replacement) in order to convert an existing hair salon into a tattoo shop. The property is located at 567 Baltimore Street, Hanover, PA 17331 in the R-15 Zone.

Larry Smith made a motion to approve the special exception in that it meets the standards of Section 407.3, 634 and 503.3. Mary Welsh second the motion and it was approved by a vote 4 to 1 with William Gill dissenting.

ZHB22-14 – Patrick and Suzanne Klunk, 63 Lion Drive, Hanover, PA 17331. Applicant is requesting a special exception to Section 407.2 (Expansion and Alteration) in order to construct a sunroom that does not meet the current rear setback requirements. The property is located at 63 Lion Drive, Hanover, PA in the R-15 zone.

Larry Smith made a motion to approve the special exception in that it meets the standards of Section 503.3. Troy Thomason second the motion and it was approved unanimously.

ZHB22-15 – Rickards, Christopher and Samantha, 77 Overlook Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to add an above-ground swimming pool in the side yard which does not meet the current requirements. Also, amended to add a second variance in that it does not meet the side yard setbacks. The property is located at 77 Overlook Drive, Hanover, PA in the R-8 zone.

Larry Smith made a motion to approve the variances in that it meets the standards of Section 300.8 and Section 502.3. Mary Welsh second the

motion and it was approved by a vote 3 to 2 with Ronald Fanelli and William Gill dissenting.

ZHB22-16 – Ruff, John and Monica, 136 Northview Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to construct an in-ground swimming pool in that does not meet the current rear setback requirements. The property is located at 136 Northview Drive, Hanover, PA in the R-15 zone.

Larry Smith made a motion to approve the variance in that it meets the standards of Section 300.8 and Section 502.3. William Gill second the motion and it was approved unanimously.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, August 9, 2022

The Penn Township Zoning Hearing Board met Tuesday, August 9, 2022, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Larry Smith, Member; and Mary Welsh, Member. Troy Thomason, Member, was absent 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 July 12, 2022. The motion was second by Mary Welsh and approved unanimously.

ZHB22-17 – Andy Bealing, Panther Cat, 62 Zachary Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.3 (Fences and Walls) in order to put up a chain-link fence that exceeds the maximum height of three (3) feet in a front yard area. The property is located at 25 Spring Garden Street, Hanover, PA 17331 in the I-Industrial Zone.

Larry Smith made a motion to approve the variance in that it meets the standards of Section 502.3. Mary Welsh second the motion and it was approved by a vote 4 to 1 with William Gill dissenting.

ZHB22-18 – TrueNorth Wellness Services, 625 West Elm Avenue, Hanover, PA 17331. Applicant is requesting a special exception to Section 322 (Use not provided for) in order to hold a Food Truck Festival Event. The property is located at 1181 Westminister Avenue, Hanover, PA in the R-22 zone.

Larry Smith made a motion to approve the special exception in that it meets the standards of Section 503.3 with the following conditions:

1. Fire Police would be in charge of traffic direction entering and leaving the site.
2. All music ends no later than 8:00 p.m.
3. Applicant shall contact fire police, Hanover emergency management coordinator, Hanover fire chief, and Hanover police department to coordinate the event.
4. The event will be held from 12:00 p.m. to 9:00 p.m.
5. If Applicant would like to establish a rain date, they shall notify the township two weeks prior to the event date and follow conditions 1 through 4.

William Gill second the motion and it was approved unanimously.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, September 13, 2022

The Penn Township Zoning Hearing Board met Tuesday, September 13, 2022, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; and Mary Welsh, Member. Larry Smith, Member, was absent 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 9, 2022. The motion was second by Troy Thomason and approved unanimously.

ZHB22-19 – Samiah Slusser, 33 East Granger Street, Hanover, PA 17331. Applicant is requesting a variance to Section 300.3 (Fences and Walls) in order to put up a fence that exceeds the maximum height of three (3) feet in a front yard area. The property is located at 33 East Granger Street, Hanover, PA 17331 in the R-8 Zone.

Troy Thomason made a motion to approve the variance in that it meets the standards of Section 502.3 with a maximum 5 foot high fence. Mary Welsh second the motion and it was approved by a vote 4 to 1 with William Gill dissenting.

ZHB22-20 – Jason and Kimberly Smith, 2100 Grandview Road, Hanover, PA 17331. Applicant is requesting a variance to Section 300.2 (Accessory Structure Nonattached) in order to construct a garage in a front and side yard area. The property is located at 2100 Grandview Road, Hanover, PA in the R-15 zone.

Ronald Fanelli made a motion to deny the variance request in that it does not meet the standards of Section 502.3. William Gill second the denial motion and it was approved unanimously.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, November 8, 2022

The Penn Township Zoning Hearing Board met Tuesday, November 8, 2022, 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: Ronald Fanelli, Chairman; Troy Thomason, Member; and Mary Welsh, Member. Larry Smith, Member, and William Gill, Vice Chairman, were absent 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. Troy Thomason made a motion to approve the Minutes from September 13, 2022. The motion was second by Mary Welsh and approved unanimously.

ZHB22-21 – Target Corporation c/o Ameer S. Ferrall, Esq. (Kaplin Stewart), P.O. Box 3037, Blue Bell, PA 19422. Applicant is requesting a variance to Section 300.10 (f) (Temporary uses-Temporary storage of retail goods) to allow storage containers on site for longer than a 90-day time limit. The property is located at 31 Wilson Avenue, Hanover, PA 17331 in the SC Zone.

Troy Thomason made a motion to approve the variance in that it meets the standards of Section 502.3 with two conditions. One, the amount of containers and configuration of containers match the map on Exhibit 5. Two, on January 16th, 2023, all containers are removed from the property and stay removed until the following Christmas season beginning September 1st, 2023. This variance is for this season only and it is not in perpetuity. Mary Welsh second the motion and it was approved unanimously.

ZHB21-32 – Martin Garcia and Blanca Barajas, 299 Wirt Avenue, Rear, Hanover, PA 17331. Applicants submitted a letter dated November 8, 2022, requesting an extension of the special exception until March 31st, 2023.

Ronald Fanelli made a motion to approve the extension request until March 31, 2023. Troy Thomason second the motion and it was approved unanimously.

The Zoning Hearing Board held an executive session immediately prior to the September 13, 2022, meeting to discuss legal matters concerning the township's zoning appeal in the Rickards decision.

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

Respectfully Submitted,

Christine Myers, RPR