

Penn Township Zoning Hearing Board

Minutes for Tuesday, January 10, 2023

The Penn Township Zoning Hearing Board met Tuesday, January 10, 2023, 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; Troy Thomason, Member; and Mary Welsh, Member. Also present was Charles Rausch, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer.

William Gill made a motion to approve MPL Law Firm as solicitor to the Zoning Hearing Board. The motion was second by Larry Smith and passed unanimously.

Larry Smith made a motion to have Ronald Fanelli, Chairman and William Gill, Vice Chairman remain in their respective positions for 2023. The motion was second by Troy Thomason and passed unanimously.

All properties were properly advertised and posted and all legal notices properly published. Mary Welsh made a motion to approve the Minutes from November 8, 2022. The motion was second by Troy Thomason and approved

by a vote 3-2 with William Gill and Larry Smith abstaining.

ZHB22-23 – Liberty Restoration and Construction, LLC, 10 Westminster Avenue, Hanover, PA 17331. Applicant is appealing the decision of the zoning officer regarding a violation under 407.3 (a) (Replacement) and 700.2 (Use Certificates). The property is located at 10 Westminister Avenue, Hanover, PA 17331.

Larry Smith made a motion to approve the extension request until February 14, 2023 meeting. Mary Welsh second the motion and it was approved by a vote 3-2 with William Gill and Troy Thomason dissenting.

ZHB22-22 – South Western School District, 225 Bowman Road, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.2 (a)(b) (Expansion and Alteration) in order to expand the high school. The property is located at 220 Bowman Road, Hanover, PA 17331 in the R-15 zone.

Larry Smith made a motion to approve the special exception under Section 407.2 (a)(b) in that it meets the specific standards under Section 612 and the general standards of Section 503.3. Mary Welsh second the motion and it was approved by a vote 4 to 1 with William Gill dissenting.

The Zoning Hearing Board held an executive session immediately after this meeting concluded to discuss pending legal matters.

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, February 14, 2023

The Penn Township Zoning Hearing Board met Tuesday, February 14, 2023, 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. 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 January 10, 2023. The motion was second by Mary Welsh and approved by a vote 3-0 with Gill abstaining.

ZHB22-23 – Liberty Restoration and Construction, LLC, 10 Westminster Avenue, Hanover, PA 17331. Applicant is appealing the decision of the zoning officer regarding a violation under 407.3 (a) (Replacement) and 700.2 (Use Certificates). The property is located at 10 Westminister Avenue, Hanover, PA 17331.

Troy Thomason made a motion to deny the request to continue until the March 14, 2023, meeting. William Gill second the motion, and it was approved by a 4-0 vote with none against. William Gill made a motion to deny the Applicant's appeal of the violations and uphold the notice of violation. Mary Welsh second the motion, and it was approved by a vote of 4 to 0.

ZHB21-34 – Kyle K. Lindsey, 138 Center Street, Hanover, PA 17331. Remand hearing to make factual findings pursuant to Court Order. The property is located at 138 Center Street, Hanover, PA 17331 in the R-8 Zone. William Gill made a motion to adopt Chairman Fanelli's talking points as presented as the corporate response to the remand. Troy Thomason second the motion, and it was approved 3-0 with Mary Welsh abstaining.

The meeting was adjourned at 8:34 p.m.

Respectfully Submitted,

Lacy Kern, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, April 11, 2023

The Penn Township Zoning Hearing Board met Tuesday, April 11, 2023, 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; and Mary Welsh, Member. Also present was Scott Lineberry, Esquire, solicitor to the Zoning Hearing Board; and Robert Smith, Zoning Officer. John N. Elliot, Esquire was present as solicitor to the Zoning Hearing Board in case ZHB23-02 only.

All properties were properly advertised and posted and all legal notices properly published. Ronald Fanelli made a motion to disapprove the Minutes from February 14, 2023, and requested several corrections and resubmittal. The motion was second by William Gill and approved unanimously.

ZHB23-02 – Jackson Investment Properties, LLC C/O John L. Senft, Esquire, 150 Farm Lane, Suite 100, York, PA 17402. Applicant is requesting interpretation of 407.1 (Continuance) regarding two lots identified as one parcel. The property is located at 786 and 788 Baltimore Street, Hanover, PA 17331 in the

HB zone.

Troy Thomason made a motion to continue the Applicant's request in order to obtain the proper survey and with no time constraints as long as the survey is in process. Mary Welsh second the motion and it was approved by a vote 3-1 with William Gill dissenting.

ZHB23-01 – George A. Riley, III, 17 S. Vail Drive, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.2 (Expansion and Alteration) and a variance to Section 612 G (Dimensional Nonconformities) in order to enlarge a deck on the back of the home. The property is located at 17 S. Vail Drive, Hanover, PA 17331 in the R-15 zone.

William Gill made a motion to deny the variance under Section 612 G in that the Applicant has not met the standards for a variance under Section 502.3; and as modified, there are alternatives available in replacing the deck that does not require a variance. Mary Welsh second the motion and it was approved by a vote 3 to 1 with Troy Thomason dissenting.

William Gill made a motion to deny the special exception under Section 407.2 in that the Applicant has not met the standards for a Special Exception under Section 612 C, as it will create new dimensional nonconformities and B, as the request exceeds the expansion by more than 35 percent. Mary Welsh second the

motion and it was approved by a vote 3 to 1 with Troy Thomason dissenting.

ZHB23-03 – Debora Tuthill, 571 Blooming Grove Road, Hanover, PA 17331. Applicant is requesting a special exception under Section 205 (R-40 Rural Residential Zone) in order to convert a dwelling for additional family members. The property is located at 571 Blooming Grove Road, Hanover, PA 17331 in the R-40 zone.

Mary Welsh made a motion to approve the special exception under Section 205 in that it meets the standards under Section 611 and inclusive the General Standards of Section 503.3. William Gill second the motion and it was approved unanimously.

ZHB23-04 – David Kurtz, Jr. & Brandi Kurtz, 120 Hufnagle Drive, Hanover, PA 17331. Applicant is requesting a variance under Section 300.9C (Utility Sheds and Gazebos) in order to have a shed with a height of 12 feet which exceeds the zoning ordinance height regulations. The property is located at 120 Hufnagle Drive, Hanover, PA 17331 in the R-8 zone.

Mary Welsh made a motion to approve the variance under Section 300.9 in that it meets the requirements for a variance in Section 502.3 (a) through (f). Troy Thomason second the motion and it was approved by a vote 3 to 1 with Ronald Fanelli dissenting.



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

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, May 9, 2023

The Penn Township Zoning Hearing Board met Tuesday, May 9, 2023, 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; and Mary Welsh, Member; David Baker, Member. Also present was Scott Lineberry, 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 14, 2023. The motion was second by Troy Thomason and approved unanimously. Mary Welsh made a motion to approve the Minutes from April 11, 2023. The motion was second by Troy Thomason and approved unanimously.

ZHB23-05 – Richard E. Plesic, III, 865 Westminster Avenue, Hanover, PA 17331. Applicant is requesting a variance to Section 300.9 (Utility Sheds and Gazebos) in order to have two sheds in the side yard. The property is located at 865 Westminster Avenue, Hanover, PA 17331 in the R-22 zone.

William Gill made a motion to deny the Applicant's request in that it does not meet the standards for a variance, namely Subsection E, represents the minimum variance that will afford relief. Troy Thomason second the motion and it was approved unanimously.

ZHB23-06 – John Ruff, 136 Northview Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to construct a semi inground pool that does not meet the rear setback requirements. The property is located at 136 Northview Drive, Hanover, PA 17331 in the R-15 zone.

David Baker made a motion for a favorable recommendation to the Applicant's request for a variance. Troy Thomason second the motion and it was approved unanimously.

ZHB23-07 – Brett Waite, 3280 Grandview Road, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.2 (Expansion and Alteration) and a variance to Section 612 G (Dimensional Nonconformities) in order to enlarge a deck which does not meet the rear setback requirements. The property is located at 3280 Grandview Road, Hanover, PA 17331 in the R-15 zone.

David Baker made a motion for a favorable recommendation to the Applicant's request for a variance to Section 612 G. Mary Welsh second the

motion and it was approved by a vote 4 to 1 with William Gill dissenting.

David Baker made a motion for a favorable recommendation to the Applicant's request for a special exception to Section 407.2. William Gill added the denotation that the variance was granted. Troy Thomason second the motion and addition and it was approved unanimously.

ZHB23-08 – Jason Shoe, 1750 Youngs Road, Hanover, PA 17331. Applicant is requesting a special exception under Section 322 (Uses Not Provided For) in order to construct a proposed shared driveway. The property is located at 1750 Youngs Road, Hanover, PA 17331 in the R-40 zone.

David Baker made a motion for a favorable recommendation to the Applicant's request for special exception, with the understanding it will be addressed in the future subdivision plan. Mary Welsh second the motion and it was approved unanimously.

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, June 13, 2023

The Penn Township Zoning Hearing Board met Tuesday, June 13, 2023, 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; Mary Welsh, Member; and David Baker, Member. Also present was Scott Lineberry, 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. Mary Welsh made a motion to approve the Minutes from May 9, 2023. The motion was second by Troy Thomason and approved unanimously.

ZHB23-09 – TruthNorth Wellness Services, 625 West Elm Avenue, Hanover, PA 17331. Applicant is requesting a special exception under Section 310 (Number of principal uses on a lot) in order to operate a house of worship as a second use. The property is located at 1181 Westminster Avenue, Hanover, PA 17331 in the R-22 zone.

David Baker made a favorable recommendation to the Applicant's request in that it does meet the Standards for a Special Exception 503.3 (a) through (e). William Gill second the motion and it was approved by a 4 to 1 vote with Ronald Fanelli dissenting.

ZHB23-10 – Charles Baynes, 36 Arbor Lane, Hanover, PA 17331. Applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to have an above ground pool that does not meet the rear setback requirements. The property is located at 36 Arbor Lane, Hanover, PA 17331 in the R-15 zone.

David Baker made a favorable recommendation to the Applicant's request in that it does meet the Standards for a Variance 502.3 (a) through (f). Mary Welsh second the motion and it was approved by a 4 to 1 vote with William Gill dissenting.

ZHB23-11 – Theresa Francis, 22 Cardinal Drive, Hanover, PA 17331. Applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to have an above ground pool that does not meet the rear setback requirements. The property is located at 22 Cardinal Drive, Hanover, PA 17331 in the R-15 zone.

David Baker made a favorable recommendation to the

Applicant's request in that it does meet the Standards for a Variance 502.3 (a) through (f). Troy Thomason second the motion and it was approved by a vote 4 to 1 with William Gill dissenting.

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, July 11, 2023

The Penn Township Zoning Hearing Board met Tuesday, July 11, 2023, 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; Mary Welsh, Member; and David Baker, Member. Also present was Scott Lineberry, 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 June 13, 2023. The motion was second by Mary Welsh and approved unanimously.

ZHB23-12 – Lehigh’s Greenhouse, 2392 Grandview Road, Hanover, PA 17331. Applicant is requesting a special exception under Section 322 (Uses Not Provided for) in order to hold a yearly fall event. The property is located at 2392 Grandview Road, Hanover, PA 17331 in the R-40 zone.

David Baker made a favorable recommendation to the



Applicant's request to hold an annual fall weekend event between the hours 10:00 a.m. and 4:00 p.m. in that it does meet the Standards for a Special Exception 503.3 (a) through (e). Also, Applicant will contact the township, fire chief, police department, and EMA coordinator prior to the event with the date and time to allow possible inspections and safety reviews. Mary Welsh second the motion and it was approved by a 4 to 0 vote with William Gill abstaining.

ZHB23-13 – Rodney and Jolene Gonzalez, 100 Kortney Drive, 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 3 feet in a front yard area. The property is located at 100 Kortney Drive, Hanover, PA 17331 in the R-40 zone.

William Gill made a favorable recommendation to the Applicant's request in that it does meet the Standards for a Variance 502.3 (a) through (f). David Baker second the motion and it was approved unanimously.

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, August 8, 2023

The Penn Township Zoning Hearing Board met Tuesday, August 8, 2023, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; and Mary Welsh, Member. David Baker was absent with notice. Also present was John D. Miller, Jr., 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. Mary Welsh made a motion to approve the Minutes from July 11, 2023. The motion was second by William Gill and approved unanimously.

ZHB23-14 – Brown, Robert & Melinda, 33 Center Street, Hanover, PA 17331. Applicant is requesting a special exception under Section 206.2 (A/O-Apartment and/or Office Zone, Use Regulations) in order to operate a family daycare in the home. The property is located at 33 Center Street, Hanover, PA 17331 in the A-O zone.

Mary Welsh made a motion to approve the Applicant's request for an extension and waiving of the 60-day time requirement. William Gill second the motion and it was approved unanimously.

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, September 12, 2023

The Penn Township Zoning Hearing Board met Tuesday, September 12, 2023, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; Mary Welsh, Member; and David Baker, member. Also present was John Elliott, Esquire, solicitor to the Zoning Hearing Board for case ZHB23-02; Charles Rausch, Esquire, solicitor to the Zoning Hearing Board for the remainder of the cases; 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 8, 2023. The motion was second by David Baker and approved unanimously.

ZHB23-02 – Jackson Investment Properties, LLC C/O John L. Senft, Esquire, 150 Farm Lane, Suite 100, York, PA 17402. Applicant is requesting interpretation of 407.1 (Continuance) regarding two lots identified as one parcel. The property is located at 786 and 788 Baltimore Street, Hanover, PA 17331 in the

HB zone.

William Gill made a motion to interpret the use of the properties at 786 and 788 as a continuance of a nonconformity under Section 407.1. David Baker second the motion and it was approved unanimously.

ZHB23-14 – Brown, Robert & Melinda, 33 Center Street, Hanover, PA 17331. Applicant is requesting a special exception under Section 206.2 (A/O-Apartment and/or Office Zone, Use Regulations) in order to operate a family daycare in the home. The property is located at 33 Center Street, Hanover, PA 17331 in the A-O zone.

David Baker made a motion to approve the Applicant's request in that it meets the standards set forth in Section 503.3 a) through e) and subsection 616, which defines group daycare, with the condition once the Applicant receives their license from the state, they will present a copy to the township within 30 days; and also, a maximum of 12 children. William Gill second the motion and it was approved by a vote 4 to 1 with Ronald Fanelli dissenting.

ZHB23-15 – Hanover Land Services (Representing Maitland Investment Corporation), PO Box 471, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.2 a) b) (Expansion and Alteration) in order to alter a golf course to create five lots. The property is located at 630 Westminster

Avenue, Hanover, PA 17331 in the R-15 zone.

Mary Welsh made a motion to approve the Applicant's request in that it meets the standards set forth in Section 503.3 a) through e). William Gill second the motion and it was approved unanimously.

ZHB23-16 – Shaw, Derek & Rebekah, 14 Amanda Avenue, Hanover, PA 17331. Applicant is requesting a variance under Section 300.7 (Decks) in order to construct a deck which does not meet setback requirements. The property is located at 14 Amanda Avenue, Hanover, PA 17331 in the R-15 zone.

David Baker made a motion to approve the Applicant's request in that it meets the standards set forth in Section 502.3 a) through f). Mary Welsh second the motion and it was approved by a vote of 4 to 1 with William Gill dissenting.

ZHB23-18 – Stultz, Evan, Olympus Machining LLC, 639 Frederick Street, Suite 1, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.3 (Replacement) in order to convert a pretzel manufacturer into a machine shop. The property is located at 639 Frederick Street, Suite 1, Hanover, PA 17331 in the HB zone.

Mary Welsh made a motion to approve the Applicant's request in that it meets the standards set forth in Section 503.3 a) through e) and 634. David

Baker second the motion and it was approved by a vote of 4 to 1 with William Gill dissenting.

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

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, November 14, 2023

The Penn Township Zoning Hearing Board met Tuesday, November 14, 2023, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; and Mary Welsh, Member. David Baker was absent with notice. Also present was Ryan Pallone, 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. Mary Welsh made a motion to approve the Minutes from September 12, 2023. The motion was second by Troy Thomason and approved unanimously.

ZHB23-19 – Brian Brenneman and Rich Fogle, 15 Ann Street, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.2 (Expansion and alteration) and a variance to Section 612G (Dimensional Nonconformities) in order to build an addition to an existing garage which does not meet the side setback requirements. The property is located at 15 Ann Street,



Hanover, PA 17331 in the R-8 zone.

Troy Thomason made a motion to approve the Applicant's request for a special exception in that it meets the standards set forth in Section 503.3 a) through e) and Section 612. William Gill second the motion and it was approved unanimously.

Troy Thomason made a motion to approve the Applicant's request for a variance in that it meets the standards set forth in Section 502.3 a) through f). Mary Welsh second the motion and it was denied by a vote of 2 to 2 with William Gill and Ronald Fanelli dissenting.

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

Respectfully Submitted,

Christine Myers, RPR

Penn Township Zoning Hearing Board

Minutes for Tuesday, December 12, 2023

The Penn Township Zoning Hearing Board met Tuesday, December 12, 2023, 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: Ronald Fanelli, Chairman; William Gill, Vice Chairman; Troy Thomason, Member; and Mary Welsh, Member; and David Baker, 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 November 14, 2023, as amended. The motion was second by David Baker and approved unanimously.

ZHB23-20 – Dylan Ellicott, 324 2nd Avenue, Hanover, PA 17331. Applicant is requesting a special exception under Section 407.3A (Replacement) in order to convert an existing welding and fabrication shop into a cabinet shop. The property is located at 636 Frederick Street, Hanover, PA 17331 in the HB zone and R-8 zone.

David Baker made a motion to approve the Applicant's request for a special exception in that it meets the standards set forth in Section 503.3 a) through e). Mary Welsh second the motion and it was approved by a vote 4 to 1 with William Gill dissenting.

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

Respectfully Submitted,

Christine Myers, RPR