

## PENN TOWNSHIP PLANNING COMMISSION

APRIL 2, 2026

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, April 2, 2026. Also present were planning members Ron Arnold, Lenny Rice, Jennifer Mosier, Heidi Lombardi-Finn, Anthony Fisher, and Ronnie Bull, along with Zoning Officer Beth LeFevre, Township Engineer Eric Bortner, and Assistant Township Manager Laura Klinefelter.

All in attendance stood for the Pledge of Allegiance to the Flag, which was followed by a period of silent meditation.

The planners approved the March 5, 2026, Planning Commission minutes.

**Review and make a recommendation to the Zoning Hearing Board on the following zoning appeals:**

**ZHB26-02 – BARAJAS, BLANCA AND GARCIA ZEPEDA, MARTIN**, 45 Wilmar Avenue, Hanover, PA 17331. The applicant is requesting a Special Exception to Section 406.3 (Replacement) in order to replace an existing non-conforming structure with a new structure that does not meet the area and bulk regulations. The property is located at 299 Wirt Avenue in the R-10 Zone.

The applicants were not present at the outset of the meeting. The commission moved to other business and returned to this case later in the agenda.

After discussion, the commission noted that when the land development plan for the property was submitted, it was discovered that the existing building is located within the township right-of-way. The applicants are now proposing to demolish the existing structure and construct a new building in the same location, which would place the new structure back within the right-of-way. Township Engineer Eric Bortner noted that at a minimum the structure would need to be relocated out of the right-of-way, and that the applicable ordinance provisions would require the building to be set back 20 feet from the street right-of-way line, which would require a substantially greater relocation than the applicant had presented.

Planners Lombardi-Finn/Fisher made a motion for an unfavorable recommendation on ZHB26-02 on the basis that the proposed replacement structure would be constructed within the township right-of-way. Motion Carried.

**ZHB26-03 – BENJAMIN A. MYERS LAND INVESTOR, LLC**, 160 Ram Drive, Hanover, PA 17331. The applicant is requesting a Variance to Section 300.8 (Decks) in order to construct decks that do not meet the rear setback requirement. The property is located at Footer Street and McAllister Street (Parcel #44-000-03-0053.00-00000) in the Mixed Use Zone.

Kris Raubenstine of Hanover Land Services appeared on behalf of the applicant. As the commission is aware from the prior month's discussion of SL25-08, the property presents significant design constraints due to double road frontage on both Footer Street and McAllister Street, creating two front yard setbacks and severely limiting the buildable area. The proposed decks are 12 feet by 14 feet. Mr. Raubenstine noted that because the subdivision plan was filed under the prior zoning ordinance, the plan reflects a 30-foot rear setback; however, the new zoning ordinance reduces the rear setback requirement to 25 feet. As a result, the applicant is seeking less zoning relief under the current ordinance than would have been required under the prior ordinance. A variance from the rear setback would be required under either version of the ordinance given the constrained buildable area.

Planners Mosier/Fisher made a motion for a favorable recommendation on ZHB26-03. Motion Carried.

**ZHB26-04 – BAUST, DANNY**, 636 Basswood Lane, Hanover, PA 17331. The applicant is requesting a Variance to Sections 201.2 (Accessory Uses and Structures), 202.3 (Area and Bulk Regulations), 305.1.B and 305.1.H (Driveways), 400.2 (Front, Side, and Rear Setbacks on Built-up Streets), and Section 405 (Lot of Record) in order to construct a detached accessory structure that does not meet area and bulk regulations or setback regulations on a lot with no principal use. The property is located at 124 Charles Avenue in the R-10 Zone.

Jake Plank appeared on behalf of the applicant, Danny Baust. The subject property at 124 Charles Avenue is a vacant corner lot; the applicant previously demolished an existing mobile home, carport, garage, and outbuilding that had occupied the site. A concrete slab from the former structure remains on the property, and existing sewer, water, and electric connections are in place. The applicant proposes to construct a 30-foot by 60-foot pole building to store antique/vintage cars, with a small bathroom to be included within the structure. Because the property is a corner lot, it has two front setbacks – along Charles Avenue and Peter Street – of 35 feet each measured from the right-of-way line. The proposed building would encroach into those setbacks, and the applicant is requesting relief from the applicable setback and driveway provisions, as well as a variance to Section 201.2 to permit an accessory use without a principal use on the lot.

The commission discussed the structure of the variance requests, noting that Section 201.2 – which prohibits an accessory use where no principal use exists – is threshold to all remaining requests. Zoning Officer Beth LeFevre confirmed that a residential accessory use is not permitted on a lot lacking a principal residential dwelling. The commission also discussed the applicable setback requirements under Section 400.2 for built-up streets, which establishes a minimum 20-foot setback from the street right-of-way line regardless of neighborhood

averaging. The applicant's drawing showed the proposed building at approximately 10 feet from the property line along Peter Street, with the street right-of-way adding additional distance, but the commission and staff noted that compliance with Section 400.2's 20-foot minimum from the right-of-way line could not be achieved under the current proposal.

Planners Bull/Lombardi-Finn made a motion for an unfavorable recommendation on ZHB26-04, Section 201.2, for an accessory use with no principal use. Motion Carried.

**ZHB26-05 – BURKENTINE SHOP LLC**, 1454 Baltimore Street, Hanover, PA 17331. The applicant is requesting a Variance to Section 212 (Principal Land Use Table) in order to have a private recreational facility in the Industrial Zone. The property is located at 670 Gitts Run Road, Unit 2, in the Industrial Zone.

Jeremy Fry, Esquire, of Barley Snyder, appeared on behalf of the applicant, accompanied by Michael Burkentine, member of Burkentine Shop LLC. Mr. Fry provided an overview of the application. The subject property is Unit 2 of a four-unit industrial condominium building at 670 Gitts Run Road. The other three units are currently occupied. Unit 2 has remained vacant despite marketing efforts due to site-specific physical constraints: the rear of the property is burdened by wetlands and a 100-year floodplain, which limit truck maneuverability and make the unit functionally unsuitable for larger industrial users that require access by 18-wheel vehicles.

The applicant proposes to use Unit 2 for a private recreational facility, specifically pickleball courts, basketball courts, and batting cages, for use by members of the applicant's immediate family and friends. Mr. Fry reviewed the five variance criteria under Section 502.3, arguing that the wetlands and floodplain constitute unique physical characteristics of the property creating an unnecessary hardship not of the applicant's making, that the proposed use would not adversely impact the neighborhood, and that the request represents the minimum variance necessary to afford relief. Mr. Fry noted that no structural changes, permanent alterations, or expansion of the building footprint are proposed, and that the use could be conditioned on a restriction of no commercial activity and a maximum occupancy of approximately 15 persons at any time.

The commission raised several concerns. Members questioned whether the occupancy of the other three units undermined the hardship argument, given that those units appear to have been leased or sold successfully despite the same site constraints. Mr. Burkentine clarified that the constraints particularly affect larger industrial users requiring significant truck traffic. Zoning Officer LeFevre noted that the parking requirement for a private recreational facility is one space per 100 square feet of gross floor area, which for a 9,000-square-foot unit would require 90 parking spaces, and that the site may not be able to meet that requirement without an additional variance. Ms. LeFevre also advised the commission that she had previously received two different characterizations of the intended use from the applicant – first as a private recreational facility, and later as a place of worship – before the current presentation as a private family-and-friends recreational use, and noted that this pattern of inconsistent representations was a concern.

Planners Fisher/Rice made a motion for an unfavorable recommendation on ZHB26-05. Motion Carried.

**Review and make recommendations on modification/waiver and exoneration requests, and pending subdivision/land development plans:**

**SL25-08 – FOOTER STREET – BENJAMIN A. MYERS LAND INVESTOR LLC,** Hanover Land Services, Inc., 555 Centennial Avenue, Hanover, PA 17331. A Final Subdivision/Land Development plan submitted in order to subdivide an existing lot into two lots and construct a single-family semi-detached dwelling. The property is located at Footer Street in the R-8 Zone.

Kris Raubenstine of Hanover Land Services presented this item, which had been tabled from the March meeting pending the outcome of the ZHB26-03 variance request before the Zoning Hearing Board. Mr. Raubenstine advised that approvals from DEP and the water authority (Hanover Borough) are in progress and that financial security is being assembled for submission to the township.

Planners Bull/Fisher made a motion for a favorable recommendation on the Final Subdivision/Land Development plan for SL25-08. Motion Carried.

**SL26-03 – 26 INDUSTRIAL DR – PERO FARMS HANOVER FACILITY, LLC,** GHI Engineers and Surveyors, 213 Carlisle St, Hanover, PA 17331. A Final Land Development plan submitted in order to construct a manufacturing addition on an existing building. The property is located at 26 Industrial Drive in the Industrial Zone.

The commission was notified that the applicant's representative, Kevin Barnes, informed the township on Tuesday prior to the meeting that the applicant would defer presentation to the May meeting. No action was taken.

**OLD BUSINESS** – There was none.

**NEW BUSINESS** – There was none.

**Public Comments:** There were none.

The meeting adjourned at 7:56pm.

Respectfully submitted,

Laura Klinefelter

Assistant Township Manager