

**PENN TOWNSHIP
ZONING HEARING BOARD
MINUTES OF SEPTEMBER 12, 2018**

ATTENDANCE

Board Members Present:

Gerald Wolfe, Chairperson
Dale Rohrer-VC
Steve Bushey
Justin Wolgemuth
Fred Hammond

Jason Morrison, Applicant
Aaron Marines, Esquire, Russel, Krafft & Gruber,
LLP. Legal counsel for applicant.

Others:

Richard Landis, Supervisor
Melvin Newcomer, ZHB Solicitor
Josele Cleary, Township Solicitor
Brenda Pardun, Stenographer
Matthew Reeser, Zoning Officer
Mark Hiester, Township Manager

Shawn Alleman
Joe Skee
Tammy Shelly
Frank & Vickie Micolic
Scott & Reba Fellenbaum
Robert Steckbeck
Daryl Myer
Jack & Susan Leonard

The meeting was called to order at 7:00 PM by Mr. Wolfe.

Minutes

Mr. Bushey made the motion to approve the minutes of August 8, 2018, as written and Mr. Hammond seconded; the vote was unanimous in favor of the motion.

Applicant Jason Morrison, the Township Zoning Officer, and Residents Frank & Vickie Mikolik, Tammy Shelly, and Jack and Susan Leonard, were sworn in by the court reporter, since the Residents had been granted party status by the Board.

Case #902 Jason Morrison, Applicant

1. Jason Morrison, applicant, is requesting an appeal from a Zoning Enforcement Notice dated July 17, 2018, and a decision of the Township Zoning Officer. The applicant is also requesting a Special Exception per Section 27-202- Use Regulations and Section 27-411- Automobile Sales, Service, Reconditioning, and repair Facilities, and is seeking a variance from Section 27-411.1.E.- Screening Requirements. The subject property is located at 828 Buchdale Drive, Manheim, PA, 17545, in the T-5C Commercial Zoning District, and has a tax ID#500-04762-0-0000.

Ms. Cleary presented the Township's case and supporting information, that related to the Zoning Enforcement Notice which had been served to Mr. Morrison, which resulted in the Applicant's appeal filing with the Zoning Hearing Board. Ms. Cleary questioned the Zoning Officer about previous and

current permitted uses for the subject property. She also questioned him about conversations, emails, pictures, and other supporting items, that related to the Enforcement Notice which had been served. Questions had been asked, about previous permit applications and approvals that may have been applied for and or approved by Township, prior to Mr. Morrison purchasing the property. The Zoning Officer explained that the only previous permits and approvals that had been granted by Township, related to Residential accessory uses and structures being placed on the property. The Solicitor asked if there had been any prior applications or approvals having been requested by prior property owners, and may have subsequently been granted by Township. Questions were asked of the Zoning Officer relating to current and prior Township Ordinances, that related to permitted uses in the district. It was affirmed by Mr. Reeser that both prior and current Ordinances required that permission be granted by Township, prior to changing the use of a residential property to that of a non-residential use, even though the Zoning District had changed. Ms. Cleary provided documentation that Mr. Reeser had contacted and spoken with Mr. Morrison on several occasions prior to the Enforcement Notice being sent, explaining that the use of the property was in violation of Ordinance, and formal enforcement would be initiated, if the non-permitted use did not cease. It had been verified by Mr. Reeser, that even having had explained the issues with the subject property to the owner, Mr. Morrison did nothing to attempt to bring the property into compliance, and that this was the reason that the formal Zoning Enforcement Notice had been served. After Ms. Cleary's questions for the Zoning Officer, Mr. Reeser was asked a few questions by the Applicant's Council that related to the property, and past Zoning District changes and that change timing. After this line of questions for the Zoning Officer, Mr. Marines asked questions of the applicant regarding the current uses for the property, and also questions about what would specifically occur on the property, if the Special Exception request and variance were granted by the ZHB.

After discussion and some questions by the ZHB, a motion was made by Mr. Bushey and seconded by Mr. Rohrer, to deny the appeal of the Enforcement Notice which had been issued by Township. Upon voting by the Board, a unanimous decision was made, that the appeal to the Enforcement Notice was denied. After further discussion and questions by the ZHB, regarding the Special Exception and variance request of Mr. Morrison, a motion was made by Mr. Wolfe and was seconded by Mr. Rohrer, to deny the Special Exception and variance due to a lack of information supplied by the applicant. When placed to a vote, the decision was not unanimous to deny the Special Exception and variance requests. Mr. Wolgemuth and Mr. Bushey were not in favor of the denial. Mr. Wolfe, Mr. Rohrer, and Mr. Hammond, were in favor of the denial of the Special Exception and variance request. The Special Exception approval, and variance request, were denied by a split vote of the ZHB.

Adjournment

Motion was made by Mr. Wolgemuth and seconded by Mr. Bushey, to adjourn the meeting at 9:20 PM; the vote was unanimous in favor of the motion.

Respectfully submitted,



Matthew Reeser
Township Zoning Officer