

**PENN TOWNSHIP
ZONING HEARING BOARD
MINUTES OF OCTOBER 12, 2022
ATTENDANCE**

Board Members Present:

Gerald Wolfe/Chairman
Aaron Kopp
Leroy Stoltzfus
Steve Bushey
Bill Postel

Others

Richard Landis, Supervisor
Melvin Newcomer, ZHB Solicitor
Matthew Reeser, Zoning Officer
Brenda Pardun, Court Reporter

Daniel Lapp, Applicant
David Lapp, Applicant
John Williamson, Team AG
Galen & Jo Lyn Hershey, Residents

The meeting was called to order at 7:02 PM by Mr. Wolfe.

Minutes

Mr. Kopp made a motion to approve the revised minutes of August 10, 2022 as amended; Mr. Stoltzfus seconded the motion; the vote was unanimous in favor of approval by the Board.

Mr. Bushey made a motion to approve the minutes of September 14, 2022, as written; Mr. Postel seconded the motion; the vote was unanimous in favor of approval, by the Board.

All people present who might testify, were sworn in by the court reporter.

Case #220956 – Applicant Daniel Lapp has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which they request a variance from §27-302.20.C.(3) of the Penn Township Zoning Ordinance, to allow a structure used to house non-commercial large farm animals in a front yard. They also request a variance from §27-302.20.C.2 to allow 15 large farm animals on the parcel. The property that is the subject of this application is 1046 Newport Road, Manheim, PA 17545, which is located in the V-Village Zoning District, Tax ID#500-85049-0-0000.

There were no party status requests for the above application, when the audience was asked by Wolfe.

The above application was presented by Daniel Lapp, Applicant for the case.

- Lapp explained that the structure for cows had been installed in front of the dwelling
- When Chairman Wolfe asked why the Applicant was requesting a variance to be allowed to have additional large farm animals on the property, Lapp explained that the increase in the number of animals was so that he could keep the meadow vegetation “down”
- Lapp explained that he purchased the property about 3 years ago

- Supervisor Landis asked how the pasture land was maintained by the previous owner; Lapp didn't know
- A comment was made that the parcel is a "flag" lot and that the structure can't be seen from the road

After some discussion, there was a motion by Bushey, with a second by Stoltzfus to approve the variance requests; the motion carried in full by the ZHB.

Case#220957 – Applicant David B. Lapp has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which they request a variance from §27-215 Natural Resources Overlay District, more specifically §27-215.5.A.(1) & §27-215.5.B.(3), of the Penn Township Zoning Ordinance, to allow structures to remain situated within a required riparian buffer setback. The property that is the subject of this application is 94 Fairview Road, Lititz, PA 17543, which is located in the AG-Agricultural Zoning District, Tax ID#500-46544-0-0000.

There were no party status requests for the above application, when the audience was asked by Wolfe.

ZHB Case #220957 was presented by John Williamson of Team AG

Williamson entered Exhibit #1 which was a slightly modified plan which illustrates required setbacks with regards to the riparian buffer which encompasses the small creek which is located on the subject property

- Over the past few years, the Applicant has built/installed within the riparian buffer
- The small stream/creek has a small drainage area
- The farm has E&S and Manure Management Plan
- Williamson explained the conditions which must be met for a variance to be granted by the ZHB
- Williamson explained that there are existing steep slopes on the parcel, which is a hardship for the Applicant
- The parcel is prime farm land
- The subject parcel is a "flag" lot

After Williamson presented the application, Chairman Wolfe asked a few questions:

- What surface surrounds the buildings? Gravel
- Are there current stormwater measures that have been implemented? Not yet
- Can the proposed barn addition be adjusted so that it doesn't further encroach into the riparian buffer; yes

Williamson further explained:

- The Applicant is requesting relief for the existing buildings to be located within the riparian buffer, not new buildings or expansion of existing buildings
- The stream/creek is very small
- The culvert under the driveway is 30"

Wolfe explained that he finds it troublesome to be granting permission for items that were already installed

There was a motion by Bushey, with a second by Kopp to approve the application; which motion was carried in-full by the ZHB

At approximately 7:55pm, there was a motion by Bushey with a second by Stoltzfus to adjourn for the night; the motion carried in full by the ZHB

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'MR', with a long horizontal stroke extending to the right.

Matthew Reaser

Penn Township Zoning Officer