

**LOWER HEIDELBERG TOWNSHIP
ZONING HEARING BOARD (ZHB)
Minutes of the Meeting and One Hearing**

Date: December 8, 2020

Location: Virtual meeting via the Zoom format, due to restrictions and safety concerns related to the continuing COVID 19 pandemic.

Members of the Zoning Hearing Board in attendance:

Chairman Michael Roberts
Vice Chairman David Kurtz
Secretary Robert Melson

Others in attendance:

ZHB Solicitor Thomas Rothermel
Zoning Officer Andrew Kraft
Court Reporter Roxanne Weaver

It should be noted that a general business meeting, and one hearing were conducted. Additional attendees for the hearing will be noted hereafter.

Chairman Roberts called the meeting to order at 6:00 PM, and announced that a quorum was present to conduct business.

On motion by Mr. Kurtz, seconded by Mr. Melson, the ZHB members approved the minutes of the business meeting held on November 10, 2020.

**Hearing RE: Variance Application by
Andrew and Denise Stump
4156 Hill Terrace Drive
Sinking Spring, PA 19608**

Chairman Roberts called the hearing to order at 6:02 PM, and explained the purpose of the hearing. Applicants Andrew and Denise Stump joined the virtual meeting.

Solicitor Rothermel announced the ground rules and procedures for the conduct of the hearing. He emphasized that each person who desired to be heard must identify by name prior to testifying, commenting or asking a question, in order that the court reporter may accurately attribute each comment to a specific individual. He read into the record the list of exhibits, and identified each by number.

Detailed information about the exhibits, testimony and commentary incorporated into the hearing may be found in the official transcript.

At 6:08 PM, Solicitor Rothermel asked Andrew Stump to present his case for a dimensional relief variance.

Mr. Stump provided testimony to explain the need for a variance for dimensional relief to build an oblong swimming pool as well as a concrete patio partially surrounding the pool in his back yard. He based his argument on the hardship created by the irregular shape of the property, the limited portion of the lot available for construction, and the negative impact of the required 15' rear yard setback. He requested a reduction in the rear yard setback to 10'. He further stated that the pool, patio and related equipment will not encroach into the 10' side yard setback requirement. He also testified that an existing cedar fence will be replaced as part of the project.

An opportunity was provided for questions from ZHB members and other attenders.

An opportunity was provided for Zoning Officer Andrew Kraft to offer any comments in addition to those which were included in his letter to the ZHB, dated November 24, 2020.

At 6:31 PM, ZHB Chairman Roberts recessed the proceedings in order for the members of the ZHB to deliberate. A Zoom break out session followed, which was closed to the public.

At 6:52 PM, ZHB Chairman Roberts resumed the public hearing. Mr. Melson made a motion to approve the request for the dimensional variance, allowing the edge of the pool to encroach into the rear yard setback (15') no more than 5', and also allowing the edge of the concrete patio to encroach into the rear yard setback (10') no more than 3'. The relief granted also requires that any and all planning, building code and procedural requirements be followed by the applicant. Mr. Kurtz seconded the motion. A roll call vote yielded the following results:

Mr. Roberts – YES Mr. Kurtz – YES Mr. Melson – YES

The motion was unanimously approved.

Solicitor Rothermel will provide written notification of approval and conditions to the applicant within 45 days.

On motion by Mr. Roberts, seconded by Mr. Kurtz, the ZHB members voted unanimously to adjourn the meeting/hearing at 6:55 PM.

Submitted for review and ZHB approval:

Robert Melson - secretary