

**Lower Heidelberg Township
Zoning Hearing Board (ZHB)
Minutes of the Meeting and One Hearing**

Date: January 26th, 2023

Location: Lower Heidelberg Township Municipal Building

Members of the Zoning Hearing Board in Attendance:

Chairman David Kurtz
Vice Chairman Robert Melson
Secretary Christopher Yoch

Others in Attendance:

Paul Prutzman – Township Supervisor
ZHB Solicitor Thomas Rothermel
Zoning Officer Glenn Kraft
Court Reporter Mary Ellen Valent
Elizabeth McGovern/Matthew Fessler – Applicant’s counsel
John W. Hoffert- Expert Witness
David Thun - Applicant
Donna DiMariano
Gary DiMariano
Dean Hartman
Alan Kreider
Forrest Strickler

Chairman Kurtz called the meeting to order at 7:01pm, led the pledge of allegiance, and announced quorum was present to conduct business.

On Motion by Secretary Yoch, seconded by Chairman Kurtz, the ZHB members approved the Minutes of the meeting and hearing held on September 1, 2022 by majority vote.

Chairman Kurtz turned the meeting over to the Solicitor for purposes of reorganizing the Board. Mr. Melson called for a slate of Board officer positions for 2023, to maintain the current status quo. There were no other

nominations. The Solicitor called for a vote, and the Board members of the ZHB were unanimously elected to the offices for which they were nominated. On motion of Vice Chairman Melson, seconded by Chairman Kurtz and unanimously approved, the ZHB members voted to accept the 2023 Board elections.

Hearing RE: Application for Special Exception

David Thun

ADDRESS:

**67 Evans Hill Rd.
Sinking Spring, PA 19608**

Chairman Kurtz called the hearing to order at 7:03 PM, and Solicitor Rothermel explained the purpose of the hearing. The hearing of the case is in reference to a special exception application submitted by David Thun seeking approval to subdivide a portion of his parent tract totaling 68.253 acres, in order to create two additional residential building lots totaling 1.981 acres and 2.724 acres, respectively.

David Thun and Counsel Elizabeth McGovern were present for the hearing.

All individuals present for the hearing were asked to sign in on a form provided. That form is incorporated by reference as part of the record.

At 7:04 PM, Solicitor Rothermel read into the record the list of Exhibits, and identified each by number.

At 7:06 PM, Solicitor Rothermel asked John W. Hoffert to be sworn in and present his case on behalf of Mr. Thun.

David Thun is the applicant and legal owner of the property at 67 Evans Hill Rd. John W. Hoffert testified as to the bases for special exception under Section 400.3.b. of the Southwestern Berks County Zoning Ordinance, which permits, by special exception, additional single family detached dwellings subject to the provisions of Section 400.4. of the Zoning Ordinance.

The full record in this matter was transcribed by CRS, Inc.

At 7:35 PM, Chairman Kurtz recessed the proceedings in order for the ZHB members to deliberate.

Decision on Hearing

At 7:48 PM, ZHB members returned from deliberations, and Chairman Kurtz resumed the public hearing. On motion by Vice Chairman Melson, seconded by Secretary Yoch, the ZHB unanimously APPROVED the request for special exception.

Solicitor Rothermel informed the parties that a written Decision would be circulated within 45 days. The parties were further informed of their right to file an appeal within 30 days of the date of the written Decision.

At 7:49 PM, on motion by Secretary Yoch, seconded by Vice Chairman Melson, the ZHB members voted unanimously to adjourn the meeting/hearing.

Submitted for review and ZHB approval: Christopher Yoch- Secretary