



April 1, 2013

Jeffrey C. Fry
Regency V
1899 Lititz Pike
Lancaster, PA 17601

**Re: Regency V Application for Appeal, 1871 Santa Barbara Drive
Board of Appeals Decision at Public Hearing
Variance Denied - Township Ordinance 2004-8 and IBC Section 903**

Mr. Fry,

The Pennsylvania Uniform Construction Code (UCC) Board of Appeals (BOA) received the Application for Appeal on February 27, 2013, and subsequently scheduled a public hearing on March 21, 2013, regarding the above referenced location.

Chairman Keith Good called the hearing to order at 7:05 PM. Barbara Bieganski, Paul Frazee, Steve Kelley and Keith Good were present. Maryann Marotta was not present. Secretary to the Board, Don Forry, informed the BOA that Mr. Fry was informed that there would only be four members present to hear the appeal. Mr. Fry was given the choice to either postpone the hearing or have the hearing as scheduled. He decided to have the hearing as originally scheduled.

Scott Shonk of Beers & Hoffman Architects presented the appeal on behalf of the appellant. The appellant applied for a variance of Manheim Township Ordinance 2004-8 on the basis of it being stricter than the 2009 International Building Code Section 903. Township Ordinance 2004-8 requires automatic fire sprinkler systems in fire areas exceeding 7500 square feet. The ordinance was originally adopted in 1990 and has been carried forward in 2004 as a technical amendment to the UCC.

Mr. Shonk explained that various improvements were being made to the building which included exterior coverings, roofing, energy code enhancements, and an addition with an elevator and stairway. The building is a two-story building with a total of approximately 26,000 square feet. The building is currently unoccupied.

Mr. Forry present on behalf of Manheim Township. He stated Manheim Township Ordinance 1990-15 required fire sprinkler systems in business occupancies, was valid in accordance with

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the UCC. This code provision was carried over when the UCC was adopted and enacted by Manheim Township in 2004. The UCC permits ordinances adopted on or before July 1, 1999, to continue in effect if they contain code provisions which meet or exceed those found in the UCC. He also pointed out the importance of automatic fire sprinkler systems in buildings in terms of reducing the loss of life and injury, reducing property damage, and improving the chance for continuation of business operations if a fire were to occur.

Manheim Township Fire Chief Rick Kane also presented on behalf of Manheim Township. He stated the importance of automatic fire sprinkler systems in regard to firefighting operations and fire service personnel. He explained that manpower when responding the fire incidents is more of the problem today than in 1990 when fighting structure fires. The fire tax, which was enacted in 2010, has not reduced the manpower shortage. It only serves to keep manpower levels at a minimum. Furthermore, at a typical fire today an average of 6 to 8 fire personnel should be available. According to National Fire Protection Association standards 1710 and 1720, 32 fire personnel should be available per station to perform the various tasks at a fire scene, which requires Manheim Township to also rely on mutual aid volunteers.

The BOA convened to deliberate and render a decision on the variance appeal.

A motion was made by Steve Kelley to deny the variance request and was seconded by Barbara Bieganski. The BOA vote was 4 to 0 to deny.

The appellant has the right to appeal the Board of Appeals decision to the Lancaster County Court within 30 days from the date of this notice in accordance with 2 PA CSA Section 752.

The transcript of the proceedings is available upon request.

Please contact me at 717-569-6406 extension 117 should you have any questions.

Sincerely, Manheim Township



Donald C. Forry, Secretary to the Board of Appeals

Sent via Certified Mail

PC: Board of Appeals
Scott Shonk, AIA, Beers & Hoffman
William Murry, President, Wm. Murry & Sons
Donald Clifford, Commercial Code Official
Board of Appeals, Code Modification and Property Maintenance Files