

# Manheim Township Board of Appeals Meeting Minutes

January 19, 2004 6:30 p.m. in the Board Room

## Members Present:

Lori Dropik  
David Lopp  
Steven Kelley  
Edwin Short  
George Hauber

## Appellants:

Marilyn Berger  
Melvin Petersheim  
Benuel Petersheim

## Secretary to the Board

Donald C. Forry

## Guest:

Harry Ritter

## Call to Order: 6:30 p.m.

## Business

Updated member information

Discussed Board of Appeals process as found in 2003 ICC Appendix B

Elected Dave Lobb as Chairperson

Scheduled 2004 bimonthly meetings as needed on the following dates:

**March 15, May 17, July 19, September 20, and November 15**

All meetings are Monday evenings at 7 p.m. in the Board Room at the Municipal Office

Discussed PA Uniform Construction Code and Township implementation process

Discussed 2003 ICC training opportunities through LanCode

## Marilyn Berger Appeal

Marilyn Berger appealed the Notice of Violation dated September 24, 2003 related to the requirement to install a unisex handicapped accessible restroom. Ms. Berger claimed the provisions of the Code did not fully apply and reiterated her position in her December 17, 2003 letter. Several sections from the 1996 BOCA National Building Code were cited in Attachment II as part of the Notice of Violation.

After presentation of the case by Mr. Forry and Ms. Berger, the Appeals Board discussed the case. Dave Lobb made a motion to deny the appeal based on the fact that the Code was properly applied. Furthermore, Ms. Berger was given 90 days to submit a plan and obtain a permit to construct and install a unisex handicapped restroom. Lori Dropik seconded the motion, which then passed unanimously 5 to 0.

## Petersheim Appeal

Melvin Petersheim appealed the decision made by the Director of Code Compliance (1) to disapprove burning on a two acre lot, (2) the construction of a concrete and steel fire pit on a two -acre lot, and (3) the burning of wood shakes and shingles. Mr. Petersheim believed the provisions of the Code did not apply and an equivalent form of construction could be used.

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Amended section F-403.3, Open Burning, of the 1996 National Fire Prevention Code as adopted by Township Ordinance 1998-5 was the applicable code reference.

Dave Lobb made a motion to conditionally deny the appeal. Subsequently, Lori Dropik seconded the motion and the Board of Appeals voted 5 to 0 pass the motion.

After consideration and discussions, the Board rendered the following decision: (1) open burning of agricultural by-products may continue on the existing site if the two contiguous properties remain under the same current ownership (such burning shall not be in the storm water management facilities or in the flood plain), (2) a steel and concrete fire pit for burning may only be constructed on Benuel Petersheim's property (Township approval is required prior to the construction of a fire pit), and (3) burning of wood shingles and wood shakes is prohibited, and only agricultural by-products may be burned under the conditions of the Fire Permit.

**Adjournment:** 8:30 PM

Please inform me of any errors or omissions in these minutes as soon as possible.

Respectfully Submitted,

Donald C. Forry  
Secretary to the Board of Appeals

Email: Code Appeals Board Members (5)  
Public Safety Commissioners, Harry Ritter & Carol Simpson  
James M. Martin, Township Manager  
Board of Appeals file – paper copy