

Manheim Township Board of Appeals Meeting Minutes
November 15, 2004 at 7:00 PM at the Municipal Building Board
Room

Members Present:

Dave Lobb
Steven Kelley
Edwin Short

Members Absent:

Lori Dropik
George Hauber

Appellants:

Greg Struassser of Strausser Engineering
Bob Wolf of Kissell Hill LP

Secretary to the Board

Donald C. Forry

Call to Order: 7:05 PM

Kissel Hill Commons Apartments Appeal:

The Appellant's representatives were informed that because there were not five Board members present, they had the right to postpone the meeting. Mr. Strausser and Mr. Wolf elected to continue the hearing.

Don Forry summarized the background and code provisions of the appeal including the correspondence from the project architect John Yoder and a letter dated October 20, 2004 from the developer Barry Hogan. He explained the Township's interpretation of section 1107.4. 2, Accessible Dwelling Units, as found in the 1996 BOCA National Building Code. 42 dwelling units were required to be accessible according to the Township's application of the Code, taking into account the exception numbers 1 and 2 as part of section 1107.4. 2. Mr. Forry explained there is a conflict between the 1996 BOCA Code and the Pennsylvania Department of Labor & Industry Rules and Regulations, and when there is a conflict between regulations the more restrictive applies.

Bob Wolf indicated there were corrections to the October 20, 2004 letter from Barry Hogan. The letter was modified to reflect the changes. This information contained in Mr. Hogan's letter was the basis of the appeal.

Gregg Strausser presented the case for the Appellants. He summarized the history of the planned residential development project and their intentions to comply with Township ordinances while providing an aesthetically pleasing development. Taking into account the existing site conditions the developers can practically provide 21 accessible units.

Bob Wolf also spoke concerning the appeal. He reiterated the fact that the Pennsylvania Department of Labor & Industry approved the construction of 21 accessible units. He also stressed the importance of promoting the goals of the planned residential development which include features such as neotraditional neighborhoods; enhanced spatial and visually pleasing development, mixed use development and more efficient use of open space.

The Board discussed the 1996 BOCA Code Section 1107.4.2 and suggested the Appellant recalculate the number of accessible dwelling units. The Code requires all accessible units to be handicapped accessible with exceptions. According to Code Exception Number 3, the percentage of ground floor type B dwelling units shall be equal to the percentage of buildings on the entire site having site grades of 10% or less. When calculating the total number of accessible units, applying Code Exception Numbers 1 and 2 to reduce the total number of type B dwelling units to 42, and then multiplying it by 73% (8 buildings with site grades 10% or less divided by 11 total buildings per exception 3), results in 31 type B required accessible dwelling units. Type A dwelling units can be included as part of the type B.

The Board voted 3 to 0 to deny the appeal to provide 21 Type B accessible dwelling units. The motion was made by Steve Kelley and seconded by Ed Short.

Adjournment: 8:40 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

Distribution: Barry Hogan and Bob Wolf, Kissel Hill LP Appellants
Gregory Strausser, Appellant representative
Code Appeals Board Members (5)
Public Safety Commissioners, Harry Ritter & Carol Simpson
James M. Martin, Township Manager
Board of Appeals file

