

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

Date: February 19th, 2025

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:

- ZHB Solicitor Thomas Rothermel
- Zoning Officer Glenn Kraft
- Township Manager Brian Cole
- Court Reporter, CRS

Mr. Kurtz called the meeting to order at 19:06, led by the pledge of allegiance, and announced quorum was present to conduct business.

On Motion by Vice Chairman Melson, seconded by Secretary Yoch, the ZHB members approved the minutes of the meeting held on April 11th, 2024 by majority vote.

On Motion by Chairman Kurtz, seconded by Secretary Yoch, the ZHB members approved the minutes of the meeting held on November 21st, 2024 by majority vote. Vice Chairman Melson abstained.

Solicitor Rothermel confirmed the status of the term appointments for the members of the ZHB:

- The appointment for Mr. Melson expires in January 2026.
- The appointment for Mr. Kurtz expires in January 2027.
- The appointment for Mr. Yoch expires in January 2028.

Solicitor Rothermel opened the nomination and approval process for purposes of reorganizing the ZHB. By unanimous vote, the Board was reorganized by slate vote, to retain the current Officer positions.

On motion by Mr. Kurtz, seconded by Mr. Melson, the ZHB members voted unanimously to accept votes cast as presented and are as follows:

- Chairman David Kurtz
- Vice Chairman Robert Melson
- Secretary Christopher Yoch

**Hearing RE: Variance Application by
Motus Development 7, LLC
4889 Penn Ave.
Sinking Spring, PA 19608**

Chairman Kurtz called the hearing to order at 19:08, and Solicitor Rothermel explained the purpose of the hearing. The hearing of the case is in reference to multiple variances listed on an amended application for the vacant property located at the intersection of Penn Ave. and Krick Lane.

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 19:09, Solicitor Rothermel read into the record the list of exhibits, and identified each by number.

Greg Adelman, Esq. was present on behalf of the applicant of Motus Development, LLC.

At 19:15, Solicitor Rothermel asked Charles F. Frantz III to be sworn in and present his case. Charles F. Franz III was acknowledged as an expert in field of engineering and presented the information regarding the property and administering testimony for all six variances asking for relief.

Motus Development, LLC is the applicant and legal owner of the property at 4889 Penn Ave. Sinking Spring, PA 19608. Charles F. Franz III testified as to the bases for appeal and are seeking variance relief under the

Southwestern Berks County Zoning Ordinance of 2009. The six variance relief requests are as follows:

1. Section 415.4- variance to allow a maximum building height of 45' or 3 stories on Unit A where 35' or 2.5 stories is required.
2. Section 530.20.a- variance to allow 1.75 parking spaces per dwelling unit where 2 spaces per dwelling is required
3. Section 602.2- variance from the percentage of allowable woodland disturbance per section 604.
4. Section 604.1.b.(1).- variance from the protected area requirements from very steep slope, steep slope, woodland, woodland (overlapping).
5. Section 605.8- variance from the required controls associated with disturbance of land which exceeds 25% or greater.
6. Section 605.9- variance to allow greater than 30% disturbance of slopes greater than 15% but not greater than 25%, very steep slopes (25% or over), and steep slopes (15-24%).

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

At 20:08, Chairman Kurtz recessed the proceedings in order for the ZHB members to deliberate.

At 20:39, ZHB members returned from deliberations, and Chairman Kurtz resumed the public hearing. On motion by Chairman Kurtz , seconded by Vice Chairman Melson, the ZHB unanimously approved the variance requests listed above numbers 1,3,4,5, and 6. Variance request number 2 motion made by Chairman Kurtz, seconded by Secretary Yoch to approve was made. Motion carried by majority 2 to approve 1 to deny (Vice Chairman Melson).

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 20:41, on motion by Chairman Kurtz, seconded by Secretary Yoch, the ZHB members voted unanimously to adjourn the meeting/hearing.

Submitted for review and ZHB approval: Christopher Yoch- Secretary