

The members of the Pequea Township Zoning Board met on September 4th 2012 at 1900 hours in the conference room of Pequea Twp Municipal Building. The meeting was called to order by Chairlady Johns.

Members Present: Jackie Johns, James Haines, Mark Meyer, Robert Mellinger and Tom Haas.

Old Business: A motion was made to approve the August 7st 2012 minuets by Mark Meyer, seconded by Robert Mellinger, with all in favor.

In the absence of a Court Reporter, all parties agreed to tape recording of the meeting. A copy will be saved and added to Mr. Elam Miller's file.

New Business: The Board will hear a request for a use variance for a residence and barn on a tract that shares Agricultural and Industrial zoning known as lot #12 and #13 as depicted on the final plan for the Millwood Industrial Park of record at subdivision plan book J-202, Page 20.

The Hearing: Zoning Officer Mark Deimler testified to the following:

- Lot has Ag Zoning with vested rights of Industrial Zoning.
- The 1980 Ordinance does not allow for residential use in Industrial zones, thus the variance is needed in the Industrial district because it also shares Agricultural Zoning.
- The Twsp. is in support of this application.
- Use Variance request is for a residence and horse barn
- Due to wetlands, retention basins, and a PPL right away on said lots, only about 6 + acres are useable out of the 13 acres.

Attorney William McCarty as council for Mr. Miller testified to the following:

- The proposed industrial building will be 12,000 square feet.
- A 20' paved driveway with access off of Millwood Road would serve the property with paved parking on either side of the building.

Mr. Elam Miller testified to the following:

- He has an agreement of sale for the property.
- Products are to be sold wholesale and retail sales would be minimal.
- Products are either delivered or picked up by the customer.
- Signage would be minimal and in compliance with the Twsp Ordinance.
- Finished products as well as lumber products would be stored outside under extended eaves on the building.
- The residence on site would accommodate his family needs.
- He has been in business for 5 years and has no plans to change his product line.

Roger Frey, registered surveyor testified:

- Proposed Driveway would require permitting from **PENN DOT** on Millwood Road.
- The house and barn would be similar in use to the surrounding properties.

The Decision: A motion by James Haines to approve the application of Elam Miller for a variance to permit a house and barn on the lot designated as tax parcel 510-24323-0-0000 and seconded by Chairlady Johns with all in favor was approved, subject to the following conditions:

1. There shall be no further subdivision of the lot.
2. Residential use is limited to one house and one barn.
3. The parcels shown as lots 12 and 13 on the subdivision plan for Millwood Industrial park (recorded at J-202-20) shall be combined and considered a single lot.
4. All dumpsters and all trash areas shall be screened.
5. All exterior lighting shall be full cutoff lighting.

Respectfully submitted

Thomas A Haas

Tom Haas