

**PEQUEA TOWNSHIP
ZONING HEARING BOARD
Minutes of – May 2nd, 2017**

The members of the Pequea Township Zoning Board met on May 2nd, 2017 at 19:00 hrs. 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, Tom Haas and Robert Mellinger.

ZHB Solicitor: Janice Longer

Court Reporter: Kellie Snyder

Zoning Officer: Tiffany Parry – Solanco Engineering

Old Business: A motion was made to approve the April 4th, 2017 meeting minutes by Tom Haas, seconded by Jackie Johns, with all in favor.

New Business:

Variance Consideration – A request by Michael T. Lambert IV for a property located at 250 Marticville Road, Conestoga, PA 17516, for the consideration of a Variance pursuant to Section 1403.11.A.1.a of the 2015 Pequea Township Zoning Ordinance, for the construction of an accessory structure in the front yard. The property is located within the Agricultural Zoning District.

The Hearing:

Sworn in for formal recognition:

Fred Witmer – 320 Marticville Rd., Neighbor

Gonzalo Rizo-Patron – 244 Marticville Rd. Neighbor

NOTE: During hearing ZHB was viewing aerial view of property on Google Maps via I Pad.

Tiffany Parry stated property at 250 Marticville Rd was published in the Lancaster Newspaper on 4-18-17 and 4-25-17 and the property was posted and neighbors notified.

She also stated she reviewed the application and confirmed property is in the Ag District and all requirements of the application process have been meet.

Mike Lambert addressed the ZHB Members as follows:

Owns 8.5 acres, area behind house is meadow and a small orchard and would be difficult to access due to uphill terrain.

70% of property is in front of house, biggest portion is wooded.

ms/ty

Area he wants variance for building is on downhill side right off of driveway with easy access.

Explained he has out grown existing garage and would like to move his wood shop and storage to new building and regain access to existing garage for cars.

Janice Longer addressed Mike Lambert to make sure he read and understood the criteria associated with a variance under section 1705.4 , appears current state of property is being used as intended in the Ag District and there needs to be a hardship associated with this request and Mr Lambert advised he did.

Mike Lambert stated the hardship is he is out of room for hay storage and his woodworking shop, and the layout of the land makes any other location difficult to build on.

Gonzalo Rizo-Patron addressed the ZHB as follows:

Requested definition of the variance requested which Tiffany Parry explained;

Lower part of the driveway is shared and a deeded right of way for Mike Lambert, bridge over creek has a 15 ton weight limit. Stated Mike Lambert has already brought heavy equipment across the bridge without notifying him. Stated steel plates were put down and 15 ton sign covered.

Intent of deeded right of way was for residential use.

Gonzalo has concerns when the 4 to 5 acres of fruit trees in orchard start to mature and bear fruit, will there be added traffic on the lower part of the driveway due to this. Mike Lambert testified the area is less than 1 acre and the fruit trees are for his own consumption or will possibly donate any extra to the church which he will deliver. Mike Lambert also stated he has no commercial plans what so ever for the orchard or the new shop.

Gonzalo also stated the original plot plans show an approved location for a driveway which would go thru Mike Lamberts property only, and if we grant the variance would like a condition put on it that he install his own driveway.

Gonzalo also questioned recent tree clearing, turns out this was done on Fred Witmers property, not Mike Lamberts property.

Asked what current barn to west of the house is being used for, Mike Lambert stated currently ½ is for chickens and ½ is a goat milking station. New Structure would be ½ wood working shop and ½ hay storage.

Jackie Johns questions if there were any other structures on the property and it appears there is another out building with approx 14 to 16 feet of open air area for whatever under roof and also a pump house, root cellar and solar panels which are not shown on the application.

Jackie also questioned if any of the land is in a flood plain, Mike Lambert was not sure but Tiffany Parry stated the area on both sides of the creek at the bottom along Marticville Road are in fact in the flood plain. Appears this has no effect on the variance request.

Fred Witmer then addressed the ZHB as follows:

Moved there in July of 1989 for the seclusion and privacy. He has concerns about this being disrupted and wanted to review exact location of building, after reviewing stated when the leaves are off the trees he will be looking right at the back of this building. Asked if any trees will be removed and Mike Lambert stated possibly 3 to 4 and showed Fred Witmer on the map where these are. Fred Witmer has no issue with the building being built, but requested if we grant this variance, Mike Lambert plant evergreen trees to block this view. This was his only concern.

Mark Meyer questioned electric and sewer concerns. Mike Lambert stated he will be running underground a 240 service and will get the appropriate permits. Also stated he discussed with Solanco Engineering the current sewer situation and would like to put in a bathroom for his use only. Property currently has 2 tanks, 1 500 gallon and 1 1000 gallon which is more than adequate for the additional bathroom. Would pump into existing tanks from new structure.

Tom Haas questioned future plans for property, and Mike Lambert reiterated the property is solely for his personal use and has no commercial plans.

Tom also questioned if there is excess fruit would there be people coming to pick up, and Mike Lambert stated no.

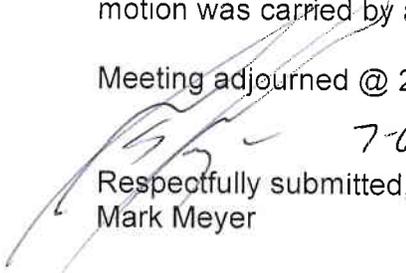
Tom also questioned if there was any plans for any living quarters in this building and Mike Lambert stated there was not.

ZHB went into executive meeting @ 19:47 hours and returned @ 19:57 hours.

The Decision:

Rob Mellinger made the motion to deny the request; hardship required for variance does not exist. There are other areas within the property which building could be built without requiring a variance. Motion was seconded by Tom Haas, motion was carried by a 5 to 0 vote.

Meeting adjourned @ 20:03 hrs.

 7-6-17
Respectfully submitted,
Mark Meyer

2017-05-02

Zoning Hearing Sign-In Sheet

Michael Herz GERZ 40 Run VALLEY Rd,
Fred Witmer (Fred Witmer) 320 Marksville Rd, Conestoga
Gonzalo Rizo-Patron ~~It~~ 246 Marksville Rd,
Jeff Kreider 13 Newswanger Rd. Conestoga PA