

LITTLE BRITAIN TOWNSHIP
ZONING HEARING BOARD MINUTES
DECEMBER 18, 2024

The Little Britain Township Zoning Hearing Board met on Wednesday, December 18, 2024 at the Little Britain Township Municipal Building, 323 Green Lane, Quarryville, Pennsylvania. Prior notice was given.

The Zoning Hearing Board Chair, Laurie Topper called the meeting to order at 7:06 p.m.

Members

Laurie Topper, Chair
Jerry Emling
Jeff Wood

Others

Christine Jackson	David B. Fisher
Solicitor, Julie Miller	Levi G. Fisher
Amos Esh	Gwen Bowers
Israel S. Kinsinger	Joseph Esh
David F. Glick	Samuel S. Kinsinger
Ivan Fisher	Levi S. Kinsinger
Aaron Kinsinger	Joseph Clement
Ray Toto	Emanuel Esh
Morgan Toto	John F. Beiler

Adoption of Minutes

November 20, 2024, minutes were reviewed. Motion made by Jeff Wood, seconded by Jerry Emling and carried to adopt the minutes as presented.

Start

Solicitor, Julie Miller had the Zoning Officer/BCO sworn, and confirmed the following: 1901 Spruce Grove Road, Oxford PA 19363 and 286 Reath Road, Kirkwood PA 17536 were properly posted, the Municipal Building was properly posted, the agenda was posted on the Municipal website and posting board, legal notice was run according to the requirements and copies of minutes from both the Little Britain Township Planning Commission and Board of Supervisors have been received. Jeff Wood motioned seconded by Laurie Topper and carried to have Solicitor Miller mark and enter proof of postings, advertisements, and minutes into the record.

Solicitor Miller reviewed how the hearing would be run, explained party status, asked if anyone wished to become a party, no requests were made for either case. Attorney miller moved forward with hearing the first case.

Morgan Toto – 1901 Spruce Grove Road, Oxford PA 19363

Ray and Morgan Toto were sworn by the Court Reporter. Mr. Toto testified the property located at 1901 Spruce Grove Road was 1.55 acres of R1- Rural Residential property. They would like to house a maximum of eighteen (18) chickens on the property in a chicken coop located within a fenced 40' x 25'

run. The run has been constructed to prevent the chickens from getting out and predators from getting in. The run and coop are in the rear yard and meet a twenty-five (25) feet setback from both the rear and side yards. Any excess eggs from the chickens would be given to family or sold in a tiny 4 x 4 roadside stand (approximately 5'11" high) placed along the driveway to the home. Vehicles stopping at the stand would be parked in the driveway and not on the street. See sketch provided.

Mr. Toto continued to explain the manure will be spread on their garden and any excess manure and dirty bedding will be bagged and disposed of in their weekly trash, just as their dog waste is. A written waste management plan was presented to the Board along with photos. Jeff Wood motioned, seconded by Jerry Emling and carried to enter these items as applicants exhibits 1 & 2.

The Board asked if the Toto's had a rooster, and asked if he had spoke to the neighbors about the chickens. Mr. Toto confirmed they had one rooster and yes he had spoke to the neighbors and no one expressed any concern. The Board then asked the audience if anyone present had any questions or concerns regarding the request. Seeing none, Laurie Topper motioned, seconded by Jerry Emling and carried to closed testimony.

Attorney Miller noted that the Little Britain Township Planning Commission and Board of Supervisors supported the request.

At the conclusion of the testimony a motion was made by Laurie Topper seconded by Jerry Emling and carried approving the application of Mr. & Mrs. Toto as presented with all standard conditions applied.

Israel Kinsinger 286 Reath Road, Kirkwood PA 17536

Attorney Miller made an announcement that we had a full audience and it was important that talking among the audience be kept to a minimum to allow the Court Reporter and Board members to clearly hear what is being said by all parties. She further introduced Attorney Seth Hillard, representative for the applicant, and Attorney Angela Sanders, representative for the Township.

Attorney Miller again asked if any individual wished to become party to the case. A request from the adjoining property owner, Joseph Clement, to once again explain what party status meant. At the conclusion of the explanation he asked if he could comment without becoming a party, Attorney Miller confirmed, at which time Mr. Clement declined party status.

Mr. Kinsinger was affirmed by the Court Reporter.

Attorney Hillard explained to the Board that his client is looking to rebuild his cheese factory, which was approved by this Board via a variance and later expanded by another variance request to this Board. The need for a rebuild was because the cheese factory was destroyed by fire on November 13, 2024. During the rebuild process, Mr. Kinsinger decided to increase the height of the structure by nine (9') for air circulation and storage purposes.

Attorney Hillard then had his client present testimony regarding how long he has been making cheese, prior Zoning Hearing Board relief that had been granted for the property not only for the cheese factory, but the accessory building on the property. At this time Attorney Miller interrupted questioning procedural issues regarding how the case should move forward because the application stated they were appealing

the Zoning Officer's decision as well as requesting a variance for relief. She needed clarity on the appeal first.

Attorney Hillard stated they did not wish to appeal the Zoning Officer's Decision, they simply did not agree that all Sections listed in the violation notice were applicable. Attorney Sanders stated the Township agrees that Section 503, 506 and 508 do not apply to this property because the nonconforming use and building did not exist prior to Zoning they were created via variance relief. She did feel that Sections 200.3, 303.2 and 303.4 did apply and that the application was flawed because all needed relief was not listed, and in turn not properly advertised, posted and improper notification to adjoining.

A recess was called at 7:43PM for the Applicant and Township Attorneys to discuss concerns. At the same time, the Zoning Hearing Board and their counsel Attorney Miller held an executive session to request legal advice.

At 8PM the hearing was reconvened.

Attorney Miller said the Zoning Hearing Board had concerns, she read Section 607.2 into the record. She further explained that accordingly the Section that the applicant needs variance relief from should be listed on the application to ensure the Board and the public knows what is being requested.

Attorney Hillard replied that he felt because they had asked for a variance of Section 200.3 Permitted Uses and a variance is the highest legal standard under the Municipal Planning Code, he did not feel an amended application or readvertising should be required.

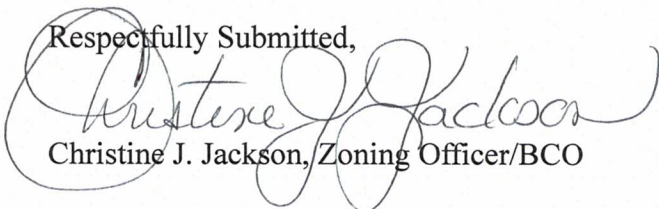
Attorney Sanders and Miller disagreed. The discussion continued in detail. The conversation concluded at 8:11 PM with the Zoning Hearing Board calling a second executive session to seek additional legal advice.

The Board reconvened at 8:25PM. Motion made by Jeff Wood, seconded by Jerry Emling and carried to continue the hearing to January 15, 2024, required the application to be adjusted adding a relief request from Section 303.2 and 303.4 along with the existing relief request from Section 200.3, readvertised, repost the property, Municipal Building and website, as well as renotify the adjoining property owners.

Adjournment

Motion made by Jeff Wood, seconded by Laurie Topper and carried to adjourn the meeting at 8:31PM.

Respectfully Submitted,



Christine J. Jackson, Zoning Officer/BCO