



Lycoming County Zoning

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David Hubbard
County Zoning Administrator

Fred A. Holland, J.D.
Zoning Hearing Board Solicitor

LYCOMING COUNTY ZONING HEARING BOARD MEETING MINUTES
Third Street Plaza, 6th Floor Board Room
February 28, 2024
6:00pm

I. CALL TO ORDER

Chairman, Bill Klein, called the meeting to order at 6:00pm.

II. ROLL CALL

Members Present: Bill Klein, Leslie Whitehill, Dan Clark, Stephan Brady, Howard Fry, III

Members Present via Conference Call: None

Members Absent: George (Herman) Logue

III. MINUTES OF PREVIOUS MEETING

The January 18, 2024 meeting minutes were approved, Dan Clark motioned to approve, Stephan Brady second to motion. Motion carried.

IV. NEW BUSINESS

A. ZHB Case 2024-003
Tower Co.
Moreland Township
Special Exception

Seated Members: Bill Klein, Leslie Whitehill, Dan Clark, Stephan Brady, Howard Fry, III

David Hubbard presented to the Zoning Hearing Board case number 2024-003 in Moreland Township. The applicant, Tower Co. is requesting a special exception approval to permit the construction of a 185-foot tall monopole tower with three equipment cabinets and a back-up generator to be mounted on a 10x26 concrete pad. A 6-foot high chain link fence topped with 1 foot of barbed wire will enclose a 50 foot by 50-foot compound site. Communication towers (Section 3240Q) are permitted by special exception in the Agricultural (AG) zoning district. The subject property tax parcel # 36-395-117. C is in the Agricultural (AG) Zoning District and owned by Randy and Edith Sones. The property contains approximately 74.92 acres. The Parcel is currently farm and woodlands with a Single-Family Dwelling and agricultural outbuildings.

CONCLUSIONS: General Standards for Special Exception are listed in the Lycoming County Zoning Ordinance, Section 10310. A-C.

David Hubbard reviewed the following Communications:

1. Variance application received December 26, 2023
2. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Moreland Township Supervisors, Zoning Hearing Board Members and the Applicant
3. Legal notice published in Sun-Gazette 2/13/2024 and 2/20/2024
4. Property posted on January 14, 2024

David Hubbard read Shannon Rossman's letter at the meeting.

The following are exhibits presented by David Hubbard:

- Z#1 – Zoning Hearing Packet
- Z#2 – Shannon Rossman's Letter
- Z#3 – Published Legal Advertisement
- Z#4 – Posted Notice
- A#1 thru A#8 – Applicant Exhibits

DISCUSSION: - David Hubbard stated that easements, compliance, a non-reflective antenna, will be part of the land development. Michael Grab presented on behalf of the applicant a packet that was submitted as Exhibits A#1 – A#8 that included the lease agreement between TowerCo and the property owner, signed zoning drawings, FAA report, Tower Design Report, Radio Frequency Coverage Map, Radio Frequency Design Report, Electromagnetic Frequency Report, a Non-Interference Report. Andrew Peterson and Matthew Graubart provided details of the project as described in Exhibits A#1 – A#8. Bill Klein asked if any other cellular antennas in the area. Andrew Peterson stated that the closest is 2.1 miles away. Stephan Brady questioned the exposure levels, which were explained in more detail by Andrew Peterson. Stephan Brady questioned the number of antennas. Matthew stated that Verizon is one set of antennas, but the tower is designed to accommodate at least three other sets of antennas. Bill Klein questioned the house south of the site. David Hubbard stated that under a special exception that residents within 300 feet need notified and that there were none for this case.

Mr. Holland stated the consensus of the board is to grant the Special Exception with compliance of the ordinance requirements including non-reflective materials. Stephan Brady motioned to approve, Leslie Whitehill second the motion. Motion carried.

B. ZHB Case 2024-004

**John Shively
Lewis Township
Variance**

Seated Members: Bill Klein, Leslie Whitehill, Dan Clark, Stephan Brady, Howard Fry, III

Heather George presented to the Zoning Hearing Board case number 2024-004. The applicant, John Shively is requesting a variance from front yard set-backs for a Single-family Dwelling located at 9 Fink Road, Lewis Township owned by Shively Primary Res & Asset Prot Trust. The existing

structure fronts Lycoming Creek Road, a collector road. Relief is being sought to allow a change of use zoning application for an existing accessory structure to be a Single-Family Dwelling. Table 4140A Conventional Single-Family Standards of the Lycoming County Zoning Ordinance calls for minimum required front yard setbacks to be 75 ft. from the front property line of a Collector road. Variance request is as follows: The existing building being 44 ft from the front property line of a collector road will require relief of 31 ft. The subject property of tax parcel# 24-269-127.D contains approximately 2.5 acres, and is located in the Countryside (CS) Zoning District in Lewis Township. The property currently consists of an accessory structure with recreational use. Septic and water currently exists on the lot. Access to the property is off state route 15 to Fink Road.

CONCLUSIONS: General Standards for a Variance are listed in the Lycoming County Zoning Ordinance, Section 10420.

Heather George reviewed the following Communications:

1. Variance application received January 22, 2024
2. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Lewis Township Supervisors, Solicitor, Applicant and the Zoning Hearing Board
3. Legal notice published in Sun-Gazette 2/13/2024 and 2/20/2024
4. Property posted 2/13/2024

Heather George read Shannon Rossman's letter at the meeting.

Heather George presented three additional photographs of the parcel.

The following are exhibits presented by Heather George

- Z#1 – Zoning Hearing Packet
- Z#2 – Shannon Rossman's Letter along with photographs
- Z#3 – Published Legal Advertisement
- Z#4 – Posted Notice
- Z#5 – Heather's photograph of original SFD
- Z#6 – Heather's photograph of current site
- Z#7 – Heather's photograph of distance off the road

DISCUSSION: Heather George stated that the structure meets the minimal habitable space for residential use on a first floor, the structure is 23' x 30', the septic has been inspected and is working properly. Bill Klein asked if the septic was for both structures. David Hubbard stated that the SFD had been razed. Stephan Brady questioned if the house that was razed is the same distance as the new structure. Heather confirmed. Howard Fry asked if it was in (CS) when the existing house was there and questioned Shannon's comment in her letter stating that the immediate area does not have other residential structures front on the collector road and asked if the building was existing when they put the road in. David Hubbard stated that there are other single-family dwellings along old route 15. Howard Fry III stated he thinks the house was closer to the road than the current building. David stated that the house was more non-conforming than what the accessory structure is now. Bill Klein commented that the accessory structure was conforming until going to a residential structure. John Shively said he purchased the property to remodel, but the structure was in disrepair and he couldn't get rid of the smell from the hoarders. Originally was going to gut the house, but instead

make this a residence and didn't realize there would be an issue with the set-backs. David Hubbard stated the applicant wanted to place an accessory structure (garage) on the property, when he went to make his structure a dwelling he'd have a garage, make the use conforming as a residence through the Variance process.

Mr. Holland stated the consensus of the board is to grant the Variance without any conditions. Stephan Brady motioned to approve, Dan Clark second the motion. Motion carried.

C. ZHB Case 2024-005
Aldan Ely
Pine Township
Special Exception

Seated Members: Bill Klein, Leslie Whitehill, Dan Clark, Stephan Brady, Howard Fry, III

David Hubbard presented to the Zoning Hearing Board case number 2024-005. The applicant, Aldan Ely is requesting a Special Exception Hearing to permit an Agricultural Product Processing use at 2256 Oregon Hill Rd. in Pine Township. The property fronts a local road. The Lycoming County Zoning Ordinance, Table 3120 permits Agricultural Processing uses in the Agricultural (AG) Zoning district by Special Exception. The property is located on Tax Parcel# 47-145-180.A in the Agricultural (AG) Zoning district. There is an approved lot consolidation combining a 3-acre lot with a contiguous (approximate) 74.49-acre lot. The consolidation will be complete when the deed is recorded. The subject property Tax Parcel #47-145-180.A on approximately 3.0 acres and is located in the Agricultural (AG) Zoning District in Pine Township. David Hubbard stated the consolidated approval was completed and confirmed the Deed was recorded. David requested an amended that the barn (ag structure) that was original posited for demolition may not be torn down.

CONCLUSIONS: General Standards for Special Exception uses are specified in Section 10310 of the Lycoming County Zoning Ordinance.

David Hubbard reviewed the following Communications:

1. Variance application received January 25, 2025
2. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Pine Township Supervisors, Solicitor, Applicant and the Zoning Hearing Board and Charles & Patricia Essig, neighboring parcel.
3. Legal notice published in Sun-Gazette 2/13/2024 and 2/20/2024
4. Property posted on January 14, 2024

David Hubbard read Shannon Rossman's letter at the meeting.

The following are exhibits presented by David Hubbard:

- Z#1 – Zoning Hearing Packet
- Z#2 – Shannon Rossman's Letter
- Z#3 – Published Legal Advertisement
- Z#4 – Posted Notice
- Z#5 – Essig Letter

DISCUSSION: David stated Mr. Ely is a fifth-generation butcher and has the support of the municipality. David Hubbard stated that the items of concern on Shannon's letter will be addressed as we go through the land development process. Howard Fry III asked for clarification of waste, odor and noise. Colton Zimmerman (Penncore) went over the lighting, HOP, sewage design, stormwater design, buffer yard, lighting and landscaping. Aldan Ely stated the it will be a custom butcher shop, farmers bring livestock, smell will be handled effectively by scheduling pick up right after the harvesting of animals or refrigerated until pickup. Aldan Ely and his family will be living there so they will not want the odor and stated that odor while producing food is a priority along with cleanliness. Leslie Whitehill asked if there would be deer processing other than livestock. Aldan Ely stated that he may consider that for a two week pause, but not what he is focusing on. Stephan Brady asked for confirmation that there would not be truckloads of cattle. Fred Holland asked what it means, in numbers. Aldan Ely stated it would be fifteen or twenty animals a week to make it feasible. Howard Fry III asked about increased traffic. Aldan Ely stated that traffic would be minimal. Aldan Ely wants to use his trade to make a living, not industrialize. David Woelkers at 2257 Oregon Hill Rd stated the trust is 100% in favor and looking forward to this in the neighborhood.

Mr. Holland stated the consensus of the board is to grant the Special Exception with the condition of what was testified to address odor control. Howard Fry, II motioned to approve, Stephan Brady second the motion. Motion carried.

V. ACTION ITEMS/DISCUSSION - None

VI. ADJOURNMENT

Meeting adjourned at 7:56 PM
Respectfully submitted,

Sherrie Hook, Recording Secretary

Bill Klein, Chairman

DATE: _____

DATE: _____