

# EAST COCALICO TOWNSHIP

100 Hill Road, Denver, PA 17517  
717-336-1720 · www.eastcocalicotownship.com

## ZONING HEARING BOARD APPLICATION

### 1. APPLICANT:

Name: Forino Properties Penn II LLC  
Address: Mountain Home Road, Sinking Spring, PA 19608  
Phone: 6106702200 Cell: \_\_\_\_\_ Email: NPletscher@forino.com

### 2. OWNER (if other than applicant):

Name: Forino Properties Penn II LLC  
Address: Mountain Home Road, Sinking Spring, PA 19608  
Phone: 6106702200 Cell: \_\_\_\_\_ Email: NPletscher@forino.com

### 3. APPLICANT'S ATTORNEY/REPRESENTATIVE, IF APPLICABLE:

Name: Alexander Elliker  
Address: 316 W Main St, Kutztown, PA 19530  
Phone: 4843328318 Cell: \_\_\_\_\_ Email: aje@ellikerlaw.com

### 4. PROPERTY INFORMATION:

Address/Location: N Reading Rd Lots 2 & 3  
Lot Size: app 2ac/lot, 4ac combined Width: Lot 2 315' x 277' Depth: Lot 3 - 266' x 327'  
Zoning District: C-1 - General Commercial Tax ID No. 080-83886-0-0000; 080-07872-0-0000  
Present Use: Vacant land - shed  
Proposed Use/Purpose for Which Hearing is Sought: \_\_\_\_\_  
Mini-Warehouses (Self Storage Units) on Lot 2. Office and Shop Building on Lot 3 as permitted.  
Mini-Warehouses are permitted by special exception in the C-1 Zoning District.

### 5. APPLICATION IS MADE FOR:

- ☒ A. Variance from Requirement(s) of the Zoning Ordinance - *see page 2*  
☒ B. Special Exception under the Zoning Ordinance - *see page 3*  
☐ C. Appeal Zoning Officer Determination or Enforcement Notice - *see page 3*  
☐ D. Other Type of Appeal, as provided for by the PA Municipalities Planning Code - *see page 3*

#### FOR TOWNSHIP USE

ZHB Case No. 769-23 Date Complete Application Received: 3/10/23  
Zoning Hearing Board Hearing Date(s): 4/12/23  
Date of Zoning Hearing Board Decision: \_\_\_\_\_  
Date of Written Decision: \_\_\_\_\_  
Date Decision Mailed to Applicant(s): \_\_\_\_\_

**A. VARIANCES** – The following information shall be provided for variance applications:

1. Include:
  - (a) The Zoning Ordinance section(s) from which relief is sought: Sections 220-42(C)(2) and 220-106(A-B, F)
  - (b) A written description of the requested variance, along with a description of the hardship that is being alleged, and reasons why the variance should be granted, and
  - (c) A site plan with sufficient detail and accuracy so as to present the nature of the request and the unique site conditions that create hardship to strict compliance with the Zoning Ordinance.
  - (d) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
2. Describe the unique physical circumstances or conditions of the property, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, that create an unnecessary hardship that prevents it from being used in a manner that is consistent with the Ordinance: See Addendum  

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3. Describe how because of such unique physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the Ordinance, and therefore the granting of a variance is necessary to enable the reasonable use of the property: See Addendum  

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4. Explain why the unnecessary hardship has not been created by the applicant: See Addendum  

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5. Explain why the variance, if granted, will not alter the character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare: See Addendum  

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6. Describe how the variance, if granted, will represent the minimum variance that will afford relief, and will represent the least modification possible of the relevant Ordinance provision(s): See Addendum  

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*(attach additional sheets of paper if necessary)*

**B. SPECIAL EXCEPTIONS** – An application for a special exception must demonstrate compliance with the general requirements of Section 220-142.C(2) below, as well as any use-specific requirements.

1. Include:
  - (a) Ground floor plans and elevations of proposed structures,
  - (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way,
  - (c) A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance, and
  - (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance.
2. The proposed use shall be consistent with the purpose and intent of this chapter;
3. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
4. The proposed use will not substantially change the character of the subject property's neighborhood;
5. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, solid waste disposal, vehicular access, etc.)
6. The proposed use shall comply with those criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations contained in this chapter;
7. The traffic generated by the proposed use shall be safely and adequately accommodated during peak and nonpeak periods, or improvements made by the applicant shall be made in order to effect the same;
8. The proposed use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design, as required by this chapter and any other federal, state or local ordinance, law or regulation;
9. The proposed use will not have deleterious impact on adjoining properties or the neighborhood, due to impacts and/or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.;
10. The proposed use will not substantially impair the integrity of the Comprehensive Plan; and
11. For development within the Floodplain Zone, the application shall comply with those requirements listed in § 220-19 of this chapter.

**C. APPEAL OF ZONING OFFICER DETERMINATION OR ENFORCEMENT NOTICE** – These include, but are not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot. Attach copies of enforcement notices or other relevant documentation.

**D. OTHER TYPE OF APPEAL** – The PA Municipalities Code gives municipal Zoning Hearing Boards the jurisdiction to hear appeals and render decisions on the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (landowner curative amendments) and 916.1(a)(2) (validity of ordinance).

2. Appeals from a determination by a Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
3. Appeals from the determination or any officer or agency charged with the administration of any transfers of development rights (TDRs) or performance density provisions of the Zoning Ordinance.
4. Appeals from the Zoning Officer's preliminary determination (MPC Section 916.2).
5. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not relating to land development or planned residential development.

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Please submit seven (7) copies of the application, plans, list of adjoining property owners, photographs, all other supporting documentation, and the correct application fee to the East Cocalico Township Office. Note the Township must receive a complete application package and correct fee to be scheduled for a hearing.

Zoning hearings are generally conducted the 2<sup>nd</sup> Wednesday of the month; the Zoning Hearing Board schedule can be confirmed on the Township calendar, available at the Township office or on the website. Return complete application and fee four (4) weeks in advance of the hearing.

**THIS IS A LEGAL PROCEEDING; YOU MAY WANT TO CONSIDER HAVING AN  
ATTORNEY REPRESENT YOU AT THE HEARING.**

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*To the best of my/our knowledge and belief, all information submitted herein is true and complete.  
NOTE: The application MAY NOT be signed by an agent, but MUST be signed by the applicant(s)  
and/or owner(s).*

  
\_\_\_\_\_  
Applicant Signature(s)

3/10/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Print Applicant Name(s)

  
\_\_\_\_\_  
Owner Signature(s)

3/10/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Print Owner Name(s)

ZONING HEARING BOARD APPLICATION ADDENDUM FOR  
N READING RD LOTS 2 & 3  
EAST COCALICO TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA

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Date: 03/10/2023

Applicant: Forino Properties Penn II LLC

Owner: Forino Properties Penn II LLC

Address: N Reading Rd Lots 2 & 3 (collectively, the "Property")

Property IDs: 080-83886-0-0000; 080-07872-0-0000

Zoning District: C-1 General Commercial

Current Use: Vacant lots with shed

Proposed Use: Mini-Warehouses (Lot 2); Office with Shop Building (Lot 3)

Relief Requested: Special Exception pursuant to Section 220-21(C)(15) to permit Mini-Warehouses (Self-Storage Units) in the C-1 General Commercial Zoning District as generally shown on attached concept plan; Variances from Sections 220-42(C)(2) and 220-106(A-B) to permit parking as generally proposed and parking/driving lanes at 24 feet wide; Section 220-106(F) interpretation that buffering/screening remedies restriction on door openings facing certain zoning districts, if not, variance requested.

*Proposed Concept Plan Attached*

**SPECIAL EXCEPTION**

The Property, which consists of two adjoining and vacant lots, with the exception of an existing shed, is located in the C-1 General Commercial Zoning District. Applicant proposes to develop the vacant Property into Mini-Warehouses (storage units) on Lot 2, the lot to the west ("Mini-Warehouses"), and an office building with a shop building on Lot 3, the lot to the east. The proposed office building and shop building are permitted under the Township Zoning Ordinance. The Mini-Warehouses are a use permitted by special exception in the C-1 District. To facilitate the best access to the Mini-Warehouses, Lot 3 would be used to access Jason Avenue for the Mini-Warehouses. As such, Lot 3 is referenced as part of this application.

The Mini-Warehouses satisfy the Township Zoning Ordinance criteria for special exceptions:

The Mini-Warehouses are consistent with the purpose and intent of the Township Zoning Ordinance.

The Mini-Warehouses will not detract from the use and enjoyment of adjoining or nearby properties.

The Mini-Warehouses will not substantially change the character of the Property's neighborhood.

Adequate public facilities, namely electricity, are available to serve the Mini-Warehouses due to its location on N Reading Rd.

The Mini-Warehouses will comply with those criteria specifically attached to it under Zoning Ordinance Section 220-106, subject to the variance requests. Additionally, the Mini-Warehouses will comply with all other applicable regulations contained in the Township Zoning Ordinance.

The traffic generated by the Mini-Warehouses will be safely and adequately accommodated during peak and nonpeak periods, or improvements made by the Applicant will be made in order to effect the same.

The Mini-Warehouses are properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design, as required the Township Zoning Ordinance and any other federal, state or local ordinance, law or regulation.

The Mini-Warehouses will not have deleterious impact on adjoining properties or the neighborhood, due to impacts and/or by-products of its use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.

The Mini-Warehouses will not substantially impair the integrity of the Township's Comprehensive Plan.

The Mini-Warehouses are not located in the Township's Floodplain Zone.

## **VARIANCES**

Variances from Sections 220-42(C)(2) and 220-106(A-B) are requested to permit Mini-Warehouse parking as generally proposed on the attached concept plan in the parking/driving lanes and to permit Mini-Warehouse parking/driving lanes of 24 feet width. An interpretation is requested that proper buffering/screening would remedy Section 220-106(F)'s restriction on storage unit door openings facing certain zoning districts, but if not, an additional variance to that section is requested.

The Property has unique physical circumstances or conditions, including but not limited to its frontage on N Reading Rd, its layout and topography including the embankment on N Reading Rd, and a drainage easement to the south, and its buffering location with proximity to both commercial businesses and residences, which create an unnecessary hardship that help prevent development in strict conformity with the provisions of the Township Zoning Ordinance. Additionally, to ensure a safe access given the size and characteristics of Lot 2 and its embankment, the Mini-Warehouses will use Lot 3 to access Jason Avenue instead of a direct access on N Reading Rd.

Given the location and layout of the Property, the proposal, and industry standards for Mini-Warehouses, authorization of the proposed variances is necessary to enable the reasonable use of the Property. The proposed variances would also facilitate a more efficient use of Lot 2.

The unnecessary hardship, including the Property's layout, location, drainage easement, and embankment, have not been created by the Applicant. The requested zoning relief, if authorized, would not alter the essential character of the neighborhood or district, nor substantially impair the appropriate use or development of adjacent property, nor be detrimental to public welfare, is appropriate for the C-1 zoning district, and improves the character and layout of the neighborhood. The Property has sat vacant, unused for decades, and the proposed development would improve the area and neighborhood.

The Mini-Warehouses would all be electronically accessed through a gate, limiting the need for full-time employees, and compared to other C-1 permitted uses, its intensity of use and impact to surrounding properties is minimal.

The zoning relief, if authorized, would represent the minimum variance that will afford relief and would represent the least modification possible of the regulations in issue. The proposal would meet any other reasonable conditions and safeguards imposed by the Zoning Hearing Board.

Therefore, Applicants satisfy the conditions for the requested variances.

#### **Adjoining Properties:**

Owner: Jeffrey and Esther Snader  
Property: 2683 N Reading Rd, Denver, PA 17517  
Mailing Address: 1377 Hilltop Rd, Narvon, PA 17555

Owner: Peter and Donna Glover  
Property: 20 Kurtis St, Denver, PA 17517

Owner: Scott and Tracy Willey  
Property: 22 Kurtis St, Denver, PA 17517

Owner: Wayne and Laurie Fisher  
Property: 24 Kurtis St, Denver, PA 17517

Owner: Charmaine Garman  
Properties: 10 Jason Ave, Denver, PA 17517;  
13 Jason Ave, Denver, PA 17517;  
15 Jason Ave, Denver, PA 17517.  
Mailing Addresses: 529 Stevens Rd, Ephrata, PA 17522

Owner: Charles Leid  
Property: 12 Jason Ave, Denver, PA 17517

Owner: David and Charlene Hogg  
Property: 8 Jason Ave, Denver, PA 17517

Owner: Black Diamond Real Estate LLC  
Property: 6 Jason Ave, Denver, PA 17517  
Mailing Address: 110 Royal Horse Way, Reinholds, PA 17569

Owner: Titus Properties LLC  
Property: 2750 N Reading Rd, Reinholds, PA 17569  
Mailing Address: 106 Mustang Trail, Reinholds, PA 17569

Owner: John Koller  
Property: 2740 N Reading Rd, Reinholds, PA 17569

Owner: Michael Weir  
Property: 2736 N Reading Rd, Reinholds, PA 17569

Owner: Rick Reinecker  
Properties: 2726 N Reading Rd, Reinholds, PA 17569;  
N Reading Rd (080-76204-0-0000)  
Mailing Address: 2726 N Reading Rd, Reinholds, PA 17569

Owner: David and Elizabeth Reynolds  
Property: 2720 N Reading Rd, Reinholds, PA 17569

Owner: Patrick and Shannon Marion  
Property: 2710 N Reading Rd, Reinholds, PA 17569

Owner: Marmy LLC  
Property: Old Lancaster Pike, Reinholds, PA 17569 (080-47248-0-0000)  
Mailing Address: 528 Cheltenham Ct, Lititz, PA 17543



SCOTT C. WILLEY and  
TRACY L. WILLEY, husband and wife  
NEEN 6062 PG 0200

PETER M. GLOVER and  
DONNA K. GLOVER  
INSTRUMENT #6320511

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