

# EAST COCALICO TOWNSHIP

100 Hill Road, Denver, PA 17517

717-336-1720 · www.eastcocalicotownship.com

## ZONING HEARING BOARD APPLICATION

### 1. APPLICANT:

Name: Rodney Brubacker

Address: 195 Chestnut Hill Road, Stevens, PA 17578

Phone: 717-335-2809 Cell: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name: Patrick A. Deibler, Esq. / Kling, Deibler, & Glick LLP

Address: 131 W. Main Street, New Holland, PA 17557

Phone: 717-354-7700 Cell: \_\_\_\_\_ Email: patrick@newholland.law

### 4. PROPERTY INFORMATION:

Address/Location: Lot No. 2 Steffy Road, Stevens, PA 17578

Lot Size: 9.9 acres Width: \_\_\_\_\_ Depth: \_\_\_\_\_

Zoning District: Conservation Tax ID No. 080-87574-0-0000

Present Use: Vacant land / woodland

Proposed Use/Purpose for Which Hearing is Sought: Variance of Sec. 220-39 for the construction of a single family residence. The subject property does not have public or private road frontage but is accessed via a right of way and permitted driveway (Permit 23-188D).

### 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. 780-23 Date Complete Application Received: 11/14/23

Zoning Hearing Board Hearing Date(s): \_\_\_\_\_

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: 220-39
- (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: The subject property is a vacant tract of woodland surrounded by single-family residences. The subject property is now accessed via a 30' deeded easement and a recently constructed driveway, approved by Permit # 23-188D. The property was formerly accessed via a deed easement granted in 1990 and prior to your applicant's purchase of the property and prior to the 2003 adoption of the existing Code of Ordinance.

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: Any permitted use within the Conservation Zone is contingent upon access onto a public or private street. The property has access via an easement and driveway. Your Applicant seeks a variance to build a single-family dwelling on the property which is a permitted use itself in the Conservation Zone

4. Explain why the unnecessary hardship has not been created by the applicant: Your applicant did not create the hardship as the original right of way was deeded and granted in 1990 prior to their purchase.

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: Single family dwellings are permitted with the Conservation Zone and surround the property, and therefore will not alter the character of the neighborhood.

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): The subject property has vehicular access and said access has existed since 1990. Granting this variance will result in simply allowing the construction of a single family dwelling which is already a permitted use within the Conservation Zone.

*(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.**

**The Zoning Hearing Board generally meets on the second Wednesday of each month. Applications to the Zoning Hearing Board must be received at the Township Building no later than the first business day of the month prior to the month of the hearing (*read: about six weeks before the meeting*).**

**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).*

*Remy E. Brown*  
Applicant Signature(s)

11-7-23  
Date

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

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

\_\_\_\_\_  
Date

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

## ADDENDUM TO ZONING HEARING BOARD APPLICATION OF

**Rodney E. Brubacker**

**Lot No. 2 Steffy Road, Stevens, Pennsylvania 17578**

### Background

Rodney E, Brubacker (“Applicant”) is the owner of Lot No. 2 Steffy Road, Stevens, East Cocalico Township, Pennsylvania 17578, Parcel #: 080-87574-0-0000, having purchased the property in April of 2021. The property consists of approximately 9.9 vacant and mostly wooded acres. The property is located within the Conservation Zone (C). Your Applicant seeks to build a single-family dwelling on the subject property, which is a permitted use within the Conservation Zone (C). The property is not located along a public or private road, but is accessed through two recorded right of way easements and permitted driveways. The number of the driveway permit is 23-188D. Your applicant seeks a variance to Section 220-39 to allow the dwelling to be built with the easement as it’s ingress and egress point rather than a public or private road.

The erection of single family dwellings is itself a permitted use within the Conservation Zone (C). The subject property has been accessed through a driveway easement recorded in 1990, which is prior to the adopt of the existing Code of Ordinance in East Cocalico Township in 2003. Your Applicant purchased the property in 2021 with the intent to construct a single family dwelling and thus had no role in creating this hardship of the nature of the property. The property lies amidst numerous other single family dwellings and would not alter the character of the neighborhood or surrounding area.

Specifically, your Applicant seeks the following:

1. A variance of Sec. 220-39 Required Vehicular Access for the erection of a single family dwelling on the subject property.

The Applicant meets the requirements for their requests as follows:

### **§ 220-142.**

D. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer, which shall at least include the following:

(1) Filing requirements. In addition to the required zoning permit information (see § 220-148), each variance shall include the following: [Amended 10-1-2008 by Ord. No. 2008-03]

(a) Names and addresses of adjoining property owners, including properties directly across a public right-of-way;

i. **Argument:** A list of adjoining land owners is included as an exhibit with this application.

(b) A scaled drawing (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 this chapter; and

i. **Argument:** A site plan is included as an exhibit with this application.

(c) A written description of the requested variance, along with a description of the hardship that is being alleged, and all reasons why the variance should be granted;

i. **Argument:** This written addendum addresses the necessity of the requested variance.

(2) General criteria. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or zone in which the property is located;

i. **Argument:** This application, addendum and supporting documentation demonstrates the need for a variance in that the property is not located on a public or private road.

(b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, and that the authorization of a variance is therefore necessary to enable reasonable use of the property;

i. **Argument:** Your Applicant seeks approval in order to construct a single family dwelling, which is a permitted use within the Conservation Zone (C). This cannot occur without the variance as every permitted building erected in East Cocalico Township following the Code's adoption in 2003 must have vehicular access through a public or private road.

(c) That such unnecessary hardship has not been created by the appellant;

i. **Argument:** The subdivision which caused the hardship occurred prior to your Applicants ownership of the property.

(d) That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;

i. **Argument:** The granting of this variance would allow for the construction of a single family dwelling which is a permitted use within the Conservation Zone (C). Further, the property is surrounded by other single family dwellings and thus, an additional dwelling would have no impact on the character of the surrounding area.

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;

i. **Argument:** The granting of this variance will simply allow your Applicant to build a single family dwelling which already adheres to the Code of Ordinance to the Conservation Zone.

(f) That variances within the Floodplain Zone shall comply with § 220-26K of this chapter; and

i. **Argument:** The property does not exist within the Floodplain Zone.

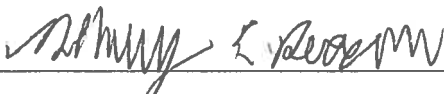
(g) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in Article VII.

i. **Argument:** Your Applicant will adhere to all conditions and safeguards that the Board may deem necessary.

VERIFICATION

I verify that the statements made in this Addendum are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 11-7-23

  
\_\_\_\_\_  
Rodney E. Brubacker



Attached to this Addendum are the following Exhibits:

1. List of adjoining land owners;
2. Deed of conveyance / Record of ownership;
3. Site/plot plan;
4. Recorded Right of Way Agreement, dated May 16, 1990;
5. Recorded Easement and Maintenance Agreement, dated November 10, 2023;
6. Driveway Permit 23-188D.

BRUBACKER  
EAST COCALICO TOWNSHIP  
EXHIBIT 1

**Adjoining Land Owners**

Lot No. 2 Steffy Road, Stevens, Pennsylvania

PARCEL: 040-07064-0-0000  
TERRY & KIM RANCK  
1092 STEFFY ROAD  
STEVENS, PA 17578

PARCEL: 040-89928-0-0000  
ERVIN S & SARAH M FOX  
1026 STEFFY RD  
STEVENS, PA 17578

PARCEL: 080-62985-0-0000  
DALE E SUMMERS  
1303 PEIFFER HILL RD  
STEVENS, PA 17578

PARCEL: 080-73351-0-0000  
ELDON S ZIMMERMAN  
1485 PIEFFER HILL RD  
STEVENS, PA 17578

PARCEL: 080-49381-0-0000  
EUGENE M & ARLENE M BRUBACKER  
195 CHESTNUT HILL RD  
STEVENS, PA 17578

PARCEL: 080-40687-0-0000  
WILLIAM E & DEBRA A SWEIGART  
177 CHESTNUT HILL RD  
STEVENS, PA 17578

PARCEL: 080-41016-0-0000  
RACHEL L RAPP  
161 CHESTNUT HILL RD  
STEVENS, PA 17578

PARCEL: 080-52603-0-0000  
RICHARD L UPDIKE, JR  
133 CHESTNUT HILL RD  
STEVENS, PA 17578

PARCEL: 080-53785-0-0000  
GALEN L & ROBERTA KAY WEAVER  
115 CHESTNUT HILL RD  
STEVENS, PA 17578

PARCEL: 080-58607-0-0000  
REUBEN R & ANNE C REDCAY  
1120 STEFFY RD  
STEVENS, PA 17578

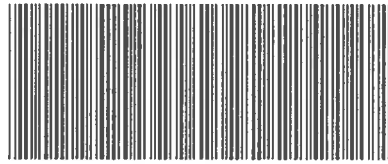
BRUBACKER  
EAST COCALICO TOWNSHIP  
EXHIBIT 2

**Lancaster County**

Ann M. Hess  
 Recorder of Deeds  
 150 N. Queen Street  
 Suite 315  
 Lancaster, PA 17603  
 Phone: 717-299-8238  
 Fax: 717-299-8393



INSTRUMENT # : 6593555  
 RECORDED DATE: 04/07/2021 10:56:13 AM



4175180-0018S

**LANCASTER COUNTY ROD****OFFICIAL RECORDING COVER PAGE**

Page 1 of 5

<b>Document Type:</b> DEED	<b>Transaction #:</b> 3982477 - 3 Doc(s)
<b>Transaction Reference:</b> eSecureFile : 11849222	<b>Document Page Count:</b> 4
<b>Document Reference:</b>	<b>Operator Id:</b> dixonj2

<b>RETURN TO:</b> (Simplifile) Lancaster County Settlement Services LLC - EAST COCALICO TOWNSHIP 131 W Main New Holland, PA 17557 (717) 354-5500	<b>SUBMITTED BY:</b> Lancaster County Settlement Services LLC - EAST COCALICO TOWNSHIP 131 W Main New Holland, PA 17557
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**\* PROPERTY DATA:**

Parcel ID #: 080-8757400000  
 Municipality: EAST COCALICO TOWNSHIP  
 (100%)  
 School District: COCALICO SD

**\* ASSOCIATED DOCUMENT(S):****FEES / TAXES:**

RECORDING FEE: DEED	\$13.00
CRC #6544	\$2.00
RIF #6543	\$3.00
WRIT TAX	\$0.50
AFF HSG #6557	\$11.50
PA SURCHARGE #6548	\$40.25
STATE RTT	\$1,950.00
EAST COCALICO TOWNSHIP	\$975.00
COCALICO SD	\$975.00
<b>Total:</b>	<b>\$3,970.25</b>

INSTRUMENT # : 6593555  
 RECORDED DATE: 04/07/2021 10:56:13 AM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Lancaster County, Pennsylvania.



**Ann M. Hess**  
 Recorder of Deeds

# PLEASE DO NOT DETACH

## THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always controls.

\*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT AFTER RECORDING FOR ADDITIONAL INFORMATION.

Prepared by and Return to:

Lancaster County Settlement Services, LLC  
131 West Main Street  
New Holland, PA 17557  
717-354-7700

File No. 91621.99101

Parcel ID # 080-87574-0-0000  
Real Estate Taxes are paid 100% to East Cocalico Twp

**This Indenture**, made the 31st day of March, 2021,

Between

**WILMER M. MARTIN AND JOANNE W. MARTIN, HUSBAND AND WIFE**

(hereinafter called the Grantors), of the one part, and

**RODNEY E. BRUBACKER, SINGLE ADULT INDIVISUAL**

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantors for and in consideration of the sum of **One Hundred Ninety-Five Thousand And 00/100 Dollars (\$195,000.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee, as sole owner

ALL THAT CERTAIN tract of unimproved land situated Northeasterly of Steffy Road (T-959), in Brecknock and East Cocalico Townships, County of Lancaster and Commonwealth of Pennsylvania, as the same appears as Lot No. 2 on Sketch Plan for Record prepared by Ranck & Lake, Civil Engineers and Land Surveyors, New Holland, Pennsylvania, Project No. 3134RA and recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, in Subdivision Plan Book J-172, Page 85, bounded and described as follows:

BEGINNING at the Southwesterly corner, a point on the Northerly line of a 55 foot wide access right-of-way, being located North 45 degrees 27 minutes 57 seconds West, 477.31 feet from a P.K. nail set in the middle of Steffy Road (T-959), and spike being located 1130 feet more or less Southeasterly of the intersection of Steffy Road and Church Street (SR-1044) and said beginning point being a corner of lands retained by the Grantor herein; thence along lands retained by the Grantor herein the following 2 courses and distances: (1) North 8 degrees, 52 minutes, 51 seconds West, 256.68 feet to a 3/4 inch iron pipe set on or near the Brecknock Township/East Cocalico Township line; thence (2) South 62 degrees, 02 minutes 46 seconds West, 151.31 feet to a 3/8 inch rebar found at the Southeasterly corner of lands now or late of Galen L. and Roberta Kay Weaver; thence (3) along said lands of Weaver, North 3 degrees 59 minutes 05 seconds West, 182.74 feet to a 3/8 inch rebar found at the Southeasterly corner of lands now or late of Clarence E. and Jean Y. Steffy; thence along said lands of Steffy the following 2 courses and distances: (4) North 3 degrees, 50 minutes 06 seconds West, 422.83 feet to a 3/8 inch

rebar found; thence (5) South 74 degrees 08 minutes 54 seconds West, 96.77 feet to a 1 inch pipe found at the Southeasterly corner of lands now or late of Michael E. and Erma R. Jacobs; thence (6) along said lands of Jacobs and lands now or late of William E. and Debra A. Sweigart, respectively, North 6 degrees, 48 minutes, 19 seconds West, 298.27 feet to a ½ inch rebar found in line of lands now or late of Elvin G. and Elva W. Brubaker; thence (7) along said lands of Brubaker, North 67 degrees, 49 minutes, 42 seconds East, 442.08 feet to a 1/2 inch aluminum pin found at the Northwesterly corner of lands now or late of Wilbur L. Wingenroth; thence (8) along said lands of Wingenroth and lands now or late of Clarence M. and Alma G. Summers, respectively, South 23 degrees, 54 minutes 52 seconds East, 218.49 feet to a 2 inch iron rod found at the Northwesterly corner of lands now or late of Howard Lester Wolf; thence (9) along said lands of Wolf, South 25 degrees, 28 minutes, 14 seconds East 152.59 feet to a 3 foot diameter stone pile found at the Northwesterly corner of lands now or late of Arthur E. and Edna Nolt; thence (10) along said lands of Nolt, South 14 degrees 52 minutes 21 seconds East 516.72 feet to a 2 inch by 4 inch limestone found at the Northeasterly corner of lands now or late of Terry and Kim Ranck and having crossed over the East Cocalico Township/Brecknock Township line; thence along said lands of Ranck, the following 4 courses and distances (11) following along in a stone row, South 88 degrees, 26 minutes, 07 seconds West, 207.99 feet to a ¾ inch iron pipe found on or near the Brecknock Township/East Cocalico Township line; thence (12) along said Township line, South 55 degrees, 30 minutes 50 seconds West 163.74 feet to a 3/4-inch iron pipe found; thence (13) along the Easterly side of a 55 foot wide access right-of-way South 08 degrees, 52 minutes, 51 seconds East 243.58 feet to a 3/4-inch iron pipe found; thence on the Northerly line of a 55 foot wide access right-of-way; thence (14) along Northerly side of access right-of-way South 45 degrees, 27 minutes, 57 seconds West 67.69 feet to the point of Beginning.

PIN 080-87574-0-0000

BEING the same premises which Eugene Brubacker and Arlene Brubacker, husband and wife, by Deed dated 04/08/2004 and recorded 04/14/2004 in the Office of the Recorder of Deeds in and for the County of Lancaster in Instrument No. 5310381, granted and conveyed unto Wilmer M. Martin and Joanne W. Martin, husband and wife, as tenants by the entirety.

AND ALSO BEING the same premises which Anne Marie Martin, by Quit Claim Deed dated 04/30/2004 and recorded 05/19/2004 in the Office of the Recorder of Deeds in and for the County of Lancaster in Instrument No. 5322212, granted and conveyed unto Wilmer M. Martin and Joanne W. Martin, husband and wife, as tenants by the entirety.

SUBJECT TO the responsibility to maintain a detention basin and other storm water facilities within an easement for stormwater management facilities as more fully described in the Storm Erosion Control Plan submitted by Raymond L. Keifer to Lancaster County Planning Commission, prepared by Ranck & Lake, Engineers and Surveyors, New Holland, PA.

SUBJECT TO a right of way for drive through access strip of herein described premises running from Steffy Road Easterly to a fifty (50) foot wide right of way reserved for use of owner of proposed Lot No. 2. Maintenance, repair and snow removal will be shared equally by owners of Lot No. 1 and Proposed Lot No. 2.



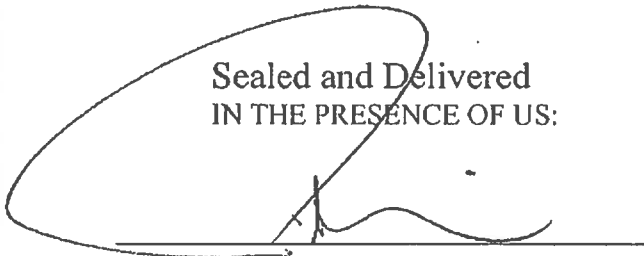
Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantors, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behoof of the said Grantee, his heirs and assigns, forever.


And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, his heirs and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, against them, the said Grantors, and their heirs, will warrant specially and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered  
IN THE PRESENCE OF US:



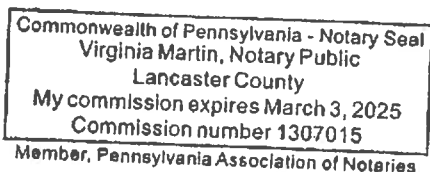
 {SEAL}  
Wilmer M. Martin


 {SEAL}  
Joanne W. Martin

Commonwealth of Pennsylvania } ss  
County of Lancaster

On this, the 31st day of March, 2021, before me, the undersigned Notary Public, personally appeared **Wilmer M. Martin and Joanne W. Martin**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

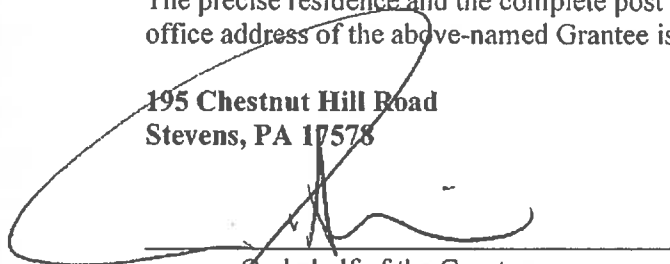
IN WITNESS WHEREOF, I hereunto set my hand and official seal.



  
Notary Public  
My commission expires 3/3/23

The precise residence and the complete post office address of the above-named Grantee is:

**195 Chestnut Hill Road  
Stevens, PA 17578**



On behalf of the Grantee

BRUBACKER  
EAST COCALICO TOWNSHIP  
EXHIBIT 3



BRUBACKER  
EAST COCALICO TOWNSHIP  
EXHIBIT 4

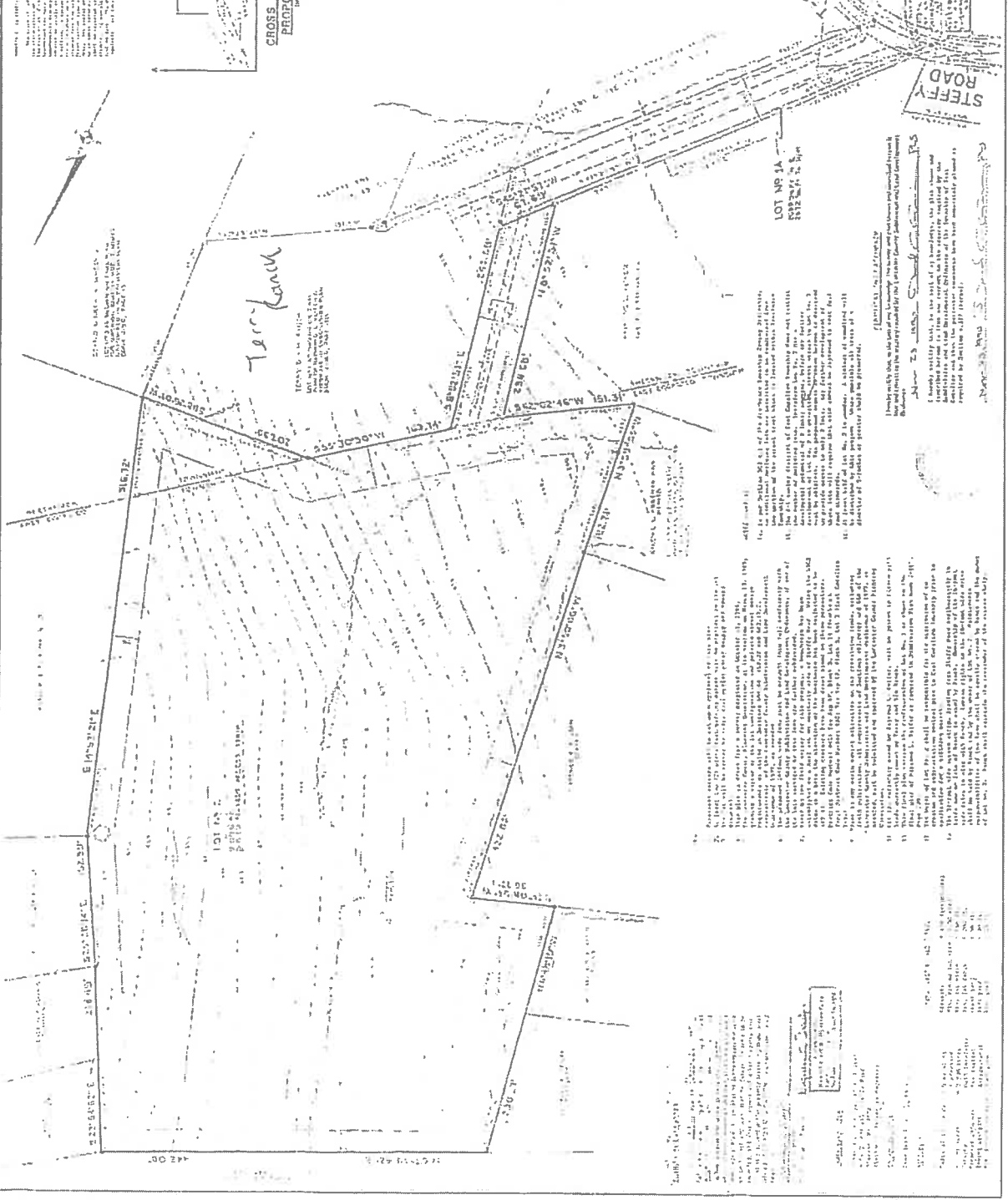


**GROSS SECTION OF PROPOSED LAKE**  
 100' TO BE MAINTAINED AS A LAKE WITH A MINIMUM DEPTH OF 10 FEET. THE LAKE SHALL BE MAINTAINED AS A LAKE WITH A MINIMUM DEPTH OF 10 FEET. THE LAKE SHALL BE MAINTAINED AS A LAKE WITH A MINIMUM DEPTH OF 10 FEET.

THE CITY OF RANCK & LAKE HAS REVIEWED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND REGULATIONS. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND REGULATIONS. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND REGULATIONS.

SKETCH PLAN FOR RECORD  
 RANCK & LAKE  
 3134 RA  
 16 MAY 1990

PROJECT NO.	3134 RA
DATE	16 MAY 1990
SCALE	1" = 50'
DRAWN BY	JMR
CHECKED BY	JMR
APPROVED BY	JMR



1. The proposed lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet.

2. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet.

3. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet.

4. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet.

5. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet. The lake shall be maintained as a lake with a minimum depth of 10 feet.

RAYMOND L. KEIFER  
 I LOT SUBDIVISION  
 RANCK & LAKE  
 3134 RA  
 16 MAY 1990

BRUBACKER  
EAST COCALICO TOWNSHIP  
EXHIBIT 5

Prepared by:  
Kling, Deibler & Glick, LLP  
131 W. Main St.  
New Holland PA 17557

Return to:  
Kling, Deibler & Glick, LLP  
131 W. Main St.  
New Holland PA 17557

Tax Parcel 080-49381-0-0000

### **EASEMENT and MAINTENANCE AGREEMENT**

This Agreement is made the 7<sup>th</sup> day of November, 2023 by and between EUGENE M. BRUBACKER and ARLENE M. BRUBACKER, husband and wife, 195 Chestnut Hill Road, Stevens, Pennsylvania 17578 ("Grantors") and RODNEY E. BRUBACKER, 195 Chestnut Hill Road, Stevens, Pennsylvania 17578 ("Grantees"):

#### **Background**

Grantors own the property shown as Lot No. 2 on a Driveway Access Easement Plan prepared by Fuehrer Associates, LTD, situate along Chestnut Hill Road, in the Township of East Cocalico, Lancaster County, Pennsylvania, being further described in Lancaster County Recorder of Deeds Book 5181, Page 391 and being tax parcel #080-49381-0-0000 ("Grantors Premises"); and

Grantees own the property shown as Lot No. 1 on a Driveway Access Easement Plan prepared by Fuehrer Associates, LTD, situate along Chestnut Hill Road, in the Township of East Cocalico, Lancaster County, Pennsylvania, being further described in Lancaster County Recorder of Deeds Instrument No. 6593555 and being tax parcel #080-87574-0-0000 ("Grantees Premises"); and

The parties desire to set forth their agreement regarding the grant of an access easement and in favor of Grantees Premises across Grantors Premises for ingress, egress and regress under the terms provided herein.

NOW THEREFORE, IN CONSIDERATION of the payment of One Dollar (\$1.00), receipt whereof is hereby acknowledged, the parties agree as follows:

1. **The Easement Area.** The easement area is 30' wide and extends from Chestnut Hill Road over Grantors Premises to the southwestern corner of Grantees Premises and is shown on the above referenced Driveway Access Easement Plan as the Future Access Drive. The premises is further described on the drawing attached hereto as Exhibit A.



2. **Maintenance** The Grantee shall be responsible for all costs involved in the construction of said Easement Area and will return Grantors Premises to the same condition as prior to construction. Future improvement of the Easement Area by adding stone or macadam will be upon agreement between the parties, with the costs being the responsibility of the owner of Grantees Premises.

3. **Obstructions.** Grantors shall not plant any shrubbery or trees, nor construct any fences or place any other obstruction in the easement area that would impede Grantees' uses provided above.

4. **Easement Appurtenant.** The easement conveyed herein constitutes an easement appurtenant. The rights, privileges, benefits and burdens thereof will run with the land of Grantors and Grantees and are binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

*Eugene M. Brubacker*

Eugene M. Brubacker

*Arlene M. Brubacker*

Arlene M. Brubacker

*Rodney E. Brubacker*

Rodney E. Brubacker

COMMONWEALTH OF PENNSYLVANIA )

) SS:

COUNTY OF LANCASTER )

On this 7<sup>th</sup> day of November, 2023 before me, a Notary Public, the undersigned officer, personally appeared Eugene M. Brubacker and Arlene M. Brubacker, as Grantors, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Twila J. Yoder*  
Notary Public

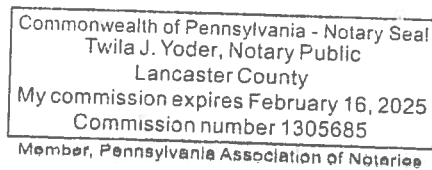
Commonwealth of Pennsylvania - Notary Seal  
Twila J. Yoder, Notary Public  
Lancaster County  
My commission expires February 16, 2025  
Commission number 1305685  
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF LANCASTER )

On this 7th day of November, 2023, before me, a Notary Public, the undersigned officer, personally appeared Rodney E. Brubacker, Grantee, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
Notary Public

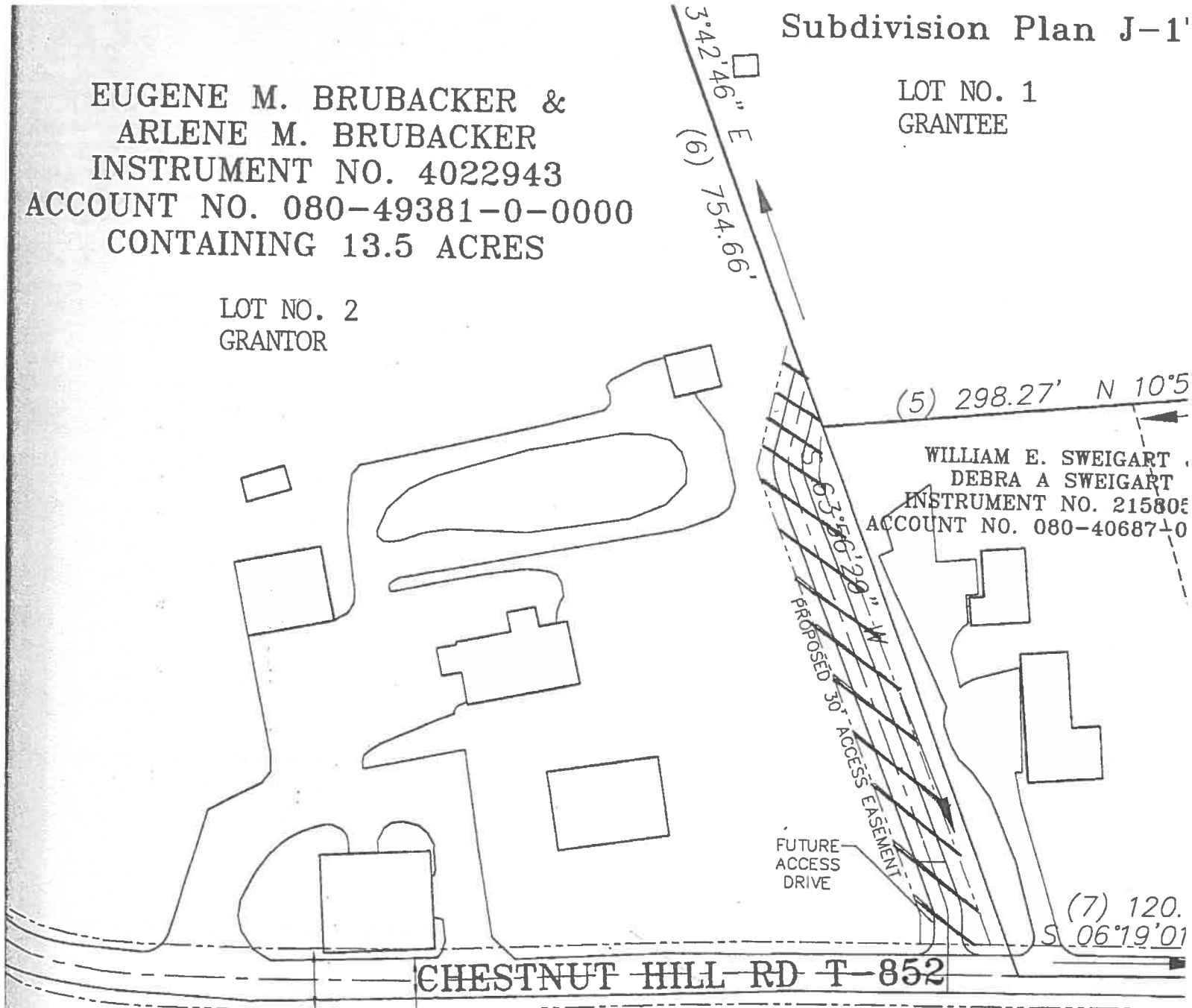


Subdivision Plan J-1'

EUGENE M. BRUBACKER &  
ARLENE M. BRUBACKER  
INSTRUMENT NO. 4022943  
ACCOUNT NO. 080-49381-0-0000  
CONTAINING 13.5 ACRES

LOT NO. 1  
GRANTEE


LOT NO. 2  
GRANTOR



This plan was developed for the purpose of providing a EASEMENT PLAN only. Fuehrer Associates, Ltd. is not responsible for misinterpretation or misuse of the plan by others beyond the specific use stated above.

**FUEHRER ASSOCIATES LTD.**  
ENGINEERING & SURVEYING  
(717)733-9658 (717)7381735 FAX  
541, 345 WEST MAIN ST., EPHRATA, PA. 17522

CLIENT:  
Easement Area



SUBJECT: **EXHIBIT "A"**  
DRIVEWAY ACCESS EASEMENT PLAN  
195 CHESTNUT HILL ROAD  
EAST COCALICO TOWNSHIP  
LANCASTER COUNTY, PA.

BRUBACKER  
EAST COCALICO TOWNSHIP  
EXHIBIT 6

# East Cocalico Township

100 Hill Road, Denver, PA 17517  
Phone: (717) 336-1720 Fax: (717) 336-1724  
E-mail: Township@eastcocalicotownship.com  
Website: www.eastcocalicotownship.com

*Permit No.: 23-188D*  
*Acct No: 080 493810 0000*

## APPLICATION FOR DRIVEWAY PERMIT

APPLICANT Rodney Brubacker

ADDRESS Chestnut Hill Road, Stevens, PA 17578

PROPERTY ADDRESS 195 Chestnut Hill Road, Stevens, PA 17578

PHONE \_\_\_\_\_ CELL \_\_\_\_\_

CONTRACTOR PERFORMING THE WORK \_\_\_\_\_

### APPLICATION IS MADE TO (CHECK A, B, OR C)

A.  CONSTRUCT A NEW DRIVEWAY

B.  ALTER AN EXISTING DRIVEWAY

C.  OTHER \_\_\_\_\_

APPROXIMATE DATE WHEN CONSTRUCTION WILL BEGIN N/A

APPROXIMATE DATE WHEN CONSTRUCTION WILL END N/A

NAME OF NEAREST INTERSECTION East Church Street

DISTANCE TO NEAREST INTERSECTION IN FEET +/- 2,000'

### PLEASE PROVIDE THE FOLLOWING INFORMATION

1. A statement giving the description of all work to be performed.
2. A plan showing the area to be affected, existing improvements presently erected or constructed thereon, and proposed improvements.
3. If the discharge or passage of surface water drainage onto or within the Right of Way area of a street will be affected, and evaluation of storm water runoff prior to and after the proposed work.
4. Information pertaining to the treatment of storm drainage and means of sediment and erosion control during and after the proposed work.

# East Cocalico Township

100 Hill Road, Denver, PA 17517  
Phone: (717) 336-1720 Fax: (717) 336-1724  
E-mail: Township@eastcocalicotownship.com  
Website: www.eastcocalicotownship.com

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5. Provide spot grades and/or contours as required to document the position flow of parallel roadway drainage across and under the driveway.
6. The location, design, and mode of construction of all driveways, and drainage facilities are subject to the approval of the Permit Officer.
7. All work shall be in strict compliance with the plans and specifications for which the permit is issued.
8. No permit will be issued for any work to be performed under the terms of the Driveway Ordinance (NO. 2004-05, dated 5/6/04) until such time as the Permit Officer shall receive from the applicant all required information and has had an adequate opportunity to investigate and research the said application.
9. A permit issued shall be valid for a period of one (1) year from the date of issuance.

  
Zoning/Permit Officer

  
Engineer

  
Road Master

EAST COCALICO TOWNSHIP

Name Rodney Brubaker Site Location 195 Chestnut Hill Rd.  
Permit # 23-188D

Listed below are the fees associated with the attached building permit:

Building Permit Fee \_\_\_\_\_

Permit review/  
Issuance \_\_\_\_\_

Zoning Permit \_\_\_\_\_

Accessibility Plan  
Review & Inspections \_\_\_\_\_

Plumbing Permit \_\_\_\_\_

Mechanical Inspection \_\_\_\_\_

Electrical Permit \_\_\_\_\_

Driveway Permit 130.00

Demolition Permit \_\_\_\_\_

On lot stormwater/inspections \_\_\_\_\_

**Permit Review and  
Inspection Total** 130.00

State Mandated  
Administrative Fee ~~450~~

**Grand Total** 130.00

*PAID  
7-20-2023  
check# 2015*

## EAST COCALICO TOWNSHIP DRIVEWAY REQUIREMENTS

### CONDITIONS TO PERMIT ISSUANCE

Brubaker, 195 Chestnut Hill Road, Permit #23-188D

1. **The scope of work approved for this permit consists of the construction of the first 50' of driveway from the occupancy point with Chestnut Hill Road and inboard to the property. Any further construction of the driveway beyond this point will require approval of a stormwater management and erosion and sediment control plan from the Township and Lancaster County Conservation District. No additional driveway shall be constructed until these approvals are obtained.**
2. Driveways shall conform to all requirements of the East Cocalico Township Zoning Ordinance Chapter 220, Section 40, driveway requirements (single-family dwelling).
3. Clear site triangles shall be maintained at all driveway entrances in accordance with East Cocalico Township Zoning Ordinance Chapter 220 Section 40 & PADOT criteria.
4. The sight distance for all driveways shall comply with the requirements for State highways prescribed by the Pennsylvania Department of Transportation, as codified at 67 P.S. §441.8. and any amendments and addenda thereto.
5. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.  
A paved swale shall be provided at the driveway entrance point with Chestnut Hill Road to maintain continuous roadside drainage along the roadway.
6. The first 20 feet of the driveway shall be paved with a minimum 2" ID-2 wearing course or equal as approved by the Township Engineer.
7. Contractor or owner must contact Township Engineer and/or Code Enforcement Officer prior to commencing driveway construction and prior to placement of paving. Failure to schedule inspection may result in corrective measures being required including but not limited to removal of improvements.
8. Contractor and owner are required to maintain E&S controls on the site as necessary (silt fence/sock, tire scrubber, rock construction entrance) such that no sediment is deposited onto the roadway or adjacent properties. Lancaster County Conservation District approval is required for this project and evidence of an adequate E&S plan is required prior to any earth disturbance beyond the scope of this permit and associated with construction of any new dwelling and prior to issuance of any building permits. A stormwater management plan approval is required prior to issuance of any building permits for this property or further expansion of the driveway beyond the scope identified in this permit.



# DRIVEWAY SIGHT DISTANCE MEASUREMENTS

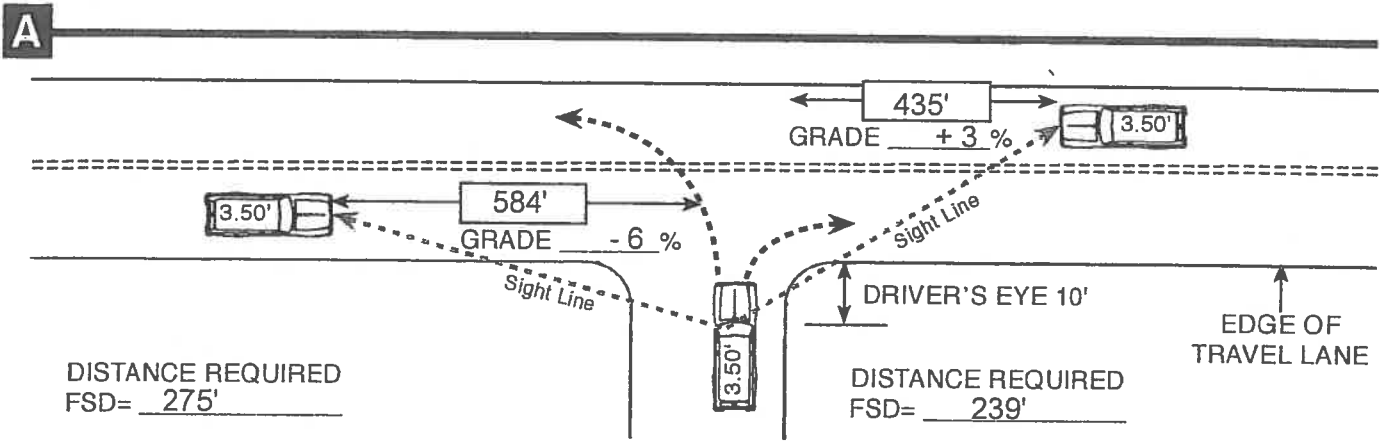
(FOR LOCAL ROADS, USE PENNDOT PUB 70)

APPLICANT Terry Ranck APPLICATION NO. \_\_\_\_\_

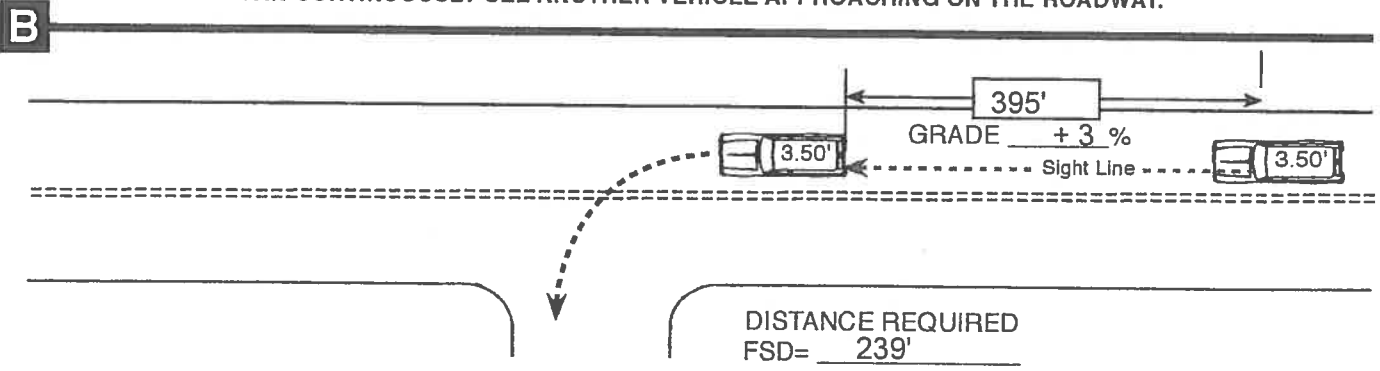
S.R. T-852 SEG. \_\_\_\_\_ OFFSET \_\_\_\_\_ LEGAL SPEED LIMIT 35 MPH

MEASURED BY \_\_\_\_\_ DATE \_\_\_\_\_

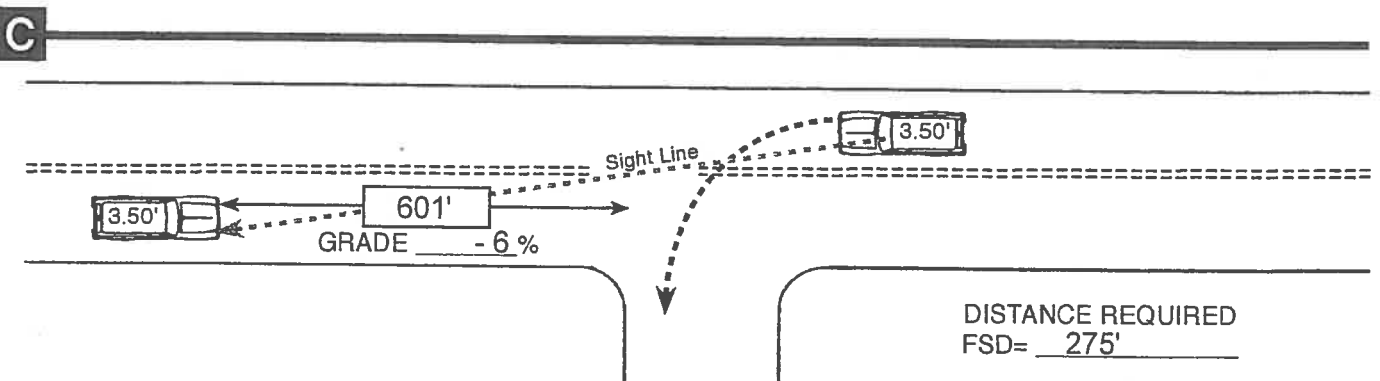
FOR DEPARTMENT USE ONLY: Safe-Running Speed \_\_\_\_\_ 85th Percentile Speed \_\_\_\_\_



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.



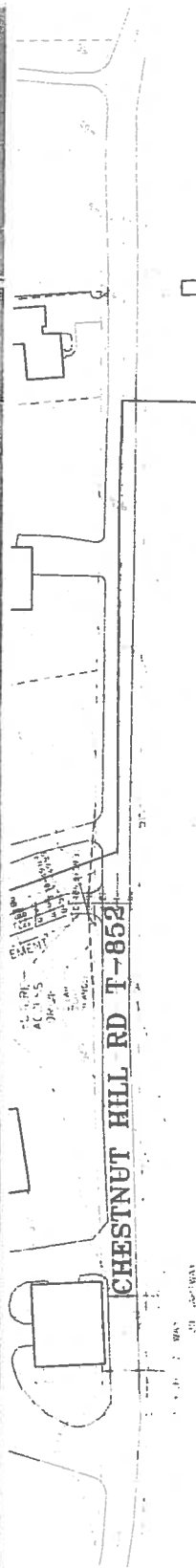
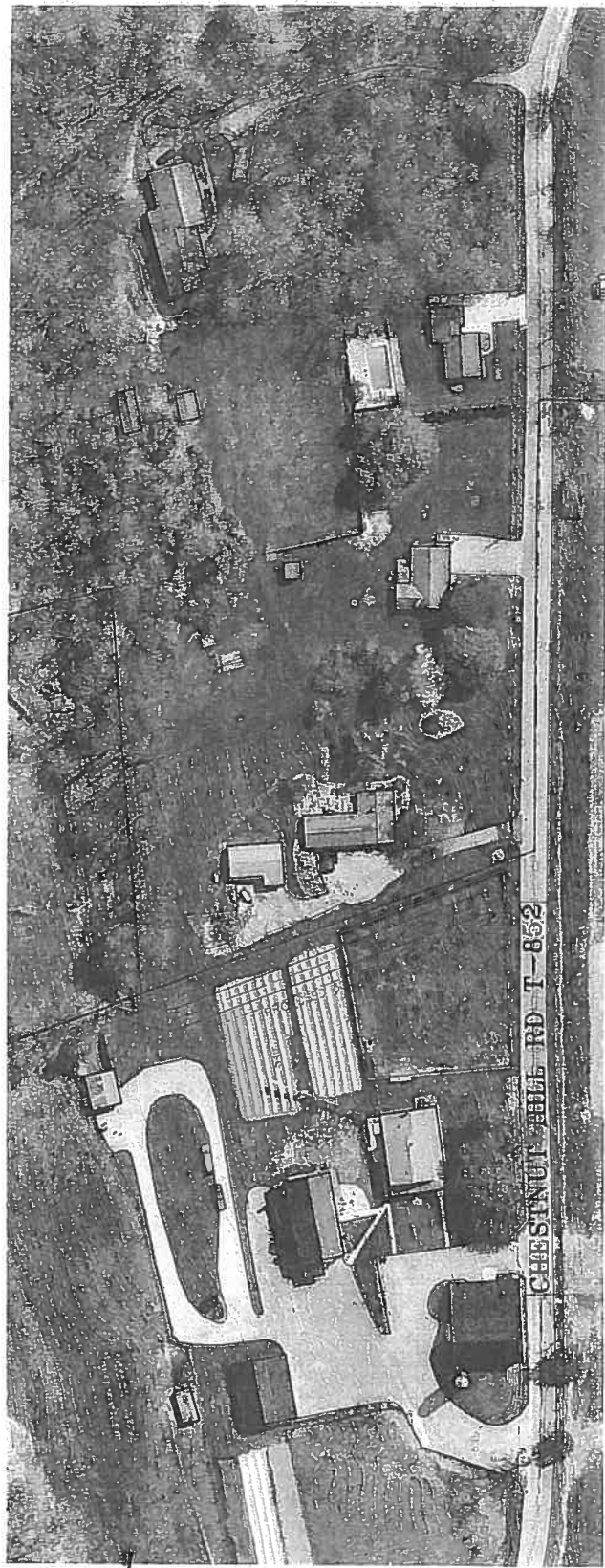
THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

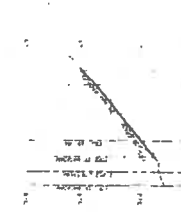
## FORMULA SIGHT DISTANCE TABLE

Speed (V) (Miles Per Hour)	Average Grade (G) (Percent)										
	<b>Use plus grades when approaching vehicle is travelling upgrade.</b>										
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
	<b>Use negative grades when approaching vehicle is travelling downgrade.</b>										
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706



DRIVEWAY SAFE LIGHT DISTANCE TABLE

DRIVEWAY WIDTH	10 FT.	12 FT.	14 FT.	16 FT.	18 FT.	20 FT.
MINIMUM LIGHT DISTANCE	10 FT.	12 FT.	14 FT.	16 FT.	18 FT.	20 FT.



PROPOSED DRIVEWAY PROFILE  
 SHOWING VERTICAL CURVE DATA

NO.	REVISIONS	DATE	BY	APP.
<p>NOTE: ALL INFORMATION IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM THE APPROPRIATE AGENCIES.</p>				
<p><b>FUEHRER ASSOCIATES, ENGINEERING &amp; SURVEYING</b>        (717) 733-9888; (717) 736-1735 FAX        BOX 849, 345 WEST MAIN ST., EPHRATA, PA. 17522</p>				
<p>CLIENT  <b>TERRY RANCK</b>        1092 STEFFY ROAD        STEVENS, PA 17578        (717) 629-8821</p>				
<p>SUBJECT  <b>DRIVEWAY ACCESS PERMIT PLAN</b>        195 CHESTNUT HILL ROAD        EAST COCALICO TOWNSHIP        LANCASTER COUNTY, PA.</p>				
<p>DATE: 2-27-07        DATE PLOTTED: 3-1-07        DATE PRINTED: 3-1-07        SHEET NO. 1 OF 2        TOTAL SHEETS: 2</p>				