



LEO S. LUTZ
Mayor

EVAN M. GABEL
Solicitor

HEATHER ZINK
Borough Council President

MARK E. STIVERS
Borough Manager

COLUMBIA BOROUGH ZONING HEARING BOARD
Paul W. Myers Council Chamber, 308 Locust Street, Columbia
February 22, 2023 - 7:00 p.m.

Final Agenda

This meeting will be live streamed to the Borough's Facebook page as a convenience and is not meant to replace in-person participation in the meeting.

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Announcement of Executive Session:
5. Motion to Approve Minutes: January 25, 2023
6. Rendering of Decision:
7. Verification from Zoning Officer: (properties posted & meeting advertised)
8. Hearing of Cases:
 - 451 Mill Street – Columbia Catholic Housing
 - 420 S Front Street – JG Environmental LLC
 - a. Chairman's statement of hearing
 - b. Solicitor's statement of the procedures of the hearing and identification of parties to the hearing
 - c. Applicant's presentation of their case
 - d. Statement from Zoning Officer
 - e. Presentation from parties to the hearing
 - f. Other testimony and evidence
 - g. Zoning Hearing Board's cross-examination
 - h. Solicitor's cross-examination
 - i. Concluding remarks
 - j. Consider motion to close the record
 - k. Consider motion to adjourn to an executive session
9. Consider Motion for Decision on Hearing:

10. Old Business:
11. New Business:
12. Motion to Adjourn:

Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, foul language, personal insults, threats, attacks, or any conduct that disrupts the flow of business is out of order.

If you are a person with a disability wishing to attend this meeting and require an accommodation to participate in the meeting, please contact the Columbia Borough Office at (717) 684-2467 at least 24 hours prior to the meeting.

The Zoning Hearing Board of the Borough of Columbia met on Wednesday, January 25, 2023, in the Paul W. Myers Council Chambers. Chairperson Don Haines called this meeting to order at 7:00 p.m.

Roll call was taken with the following members being present: Don Haines, Jazz Preston, David Brumbaugh, Steve White, Terry Doutrich and Alternate Nate Bunty. Also present were Josele Cleary, Solicitor; Vanessa Smith, Court Stenographer; Sharon Cino, Zoning Manager and Deb LaClair, Administrative Assistant.

There was the pledge to the flag.

David Brumbaugh motioned to approve the Zoning Hearing Board minutes from the August 31, 2022, meeting and Jazz Preston seconded. All favored the motion.

Sharon Cino, Zoning Manager, verified the property was posted, and tonight's meeting was advertised.

Josele Cleary, Solicitor, stated tonight's hearing was an appeal from a Zoning Enforcement Notice and a use variance and that the Borough would present their case first in support of the enforcement notice. Josele talked about persons being a party to the hearing and reviewed the procedures for the hearing. There were no questions about the procedures and there were no parties to the hearing except for the Borough, the Planning Commission and the applicant.

732 Chestnut Street – Josele Cleary informed everyone present that this hearing was being held tonight as an appeal from a Zoning Enforcement Notice.

Stephen McDonald, CGA Law Firm and Borough Solicitor's office, called Sharon Cino, Zoning and Planning Manager as the Borough's witness. Sharon was sworn in and testified the Zoning Enforcement Notice, ZEN, was dated November 7, 2022, and issued because the applicant was operating a short-term rental in a zoning district where the use was not permitted. She also stated the property was listed for rent on a website. After the notice was issued, Sharon did have a conversation with the property owner. The property owner also received a fine for this violation and that fine was paid. Sheila O'Rourke, Gibbel, Kraybill & Hess, LLP and attorney for the applicant, stated she had no questions for the witness. Mary Wickenheiser, Chairperson of Planning Commission, stated she had no questions for the witness. There were no questions from the audience. Steve White asked about the fine. Sharon stated she provided information to the owner and the fine was paid. Josele Cleary asked about the type of fine. Sharon stated a \$500.00 fine for unregistered rental. David Brumbaugh asked if the applicant was asked to cease operation. Sharon stated yes. Jazz Preston asked if the property was removed from the rental website. Sharon stated she believed it was not removed. Sheila O'Rourke, attorney for the applicant, stated her client filed a timely appeal from the Zoning Enforcement Notice. Josele Cleary added the ZEN was dated November 7, 2022, and the zoning application was received by the Borough on December 5, 2022. Sheila clarified the zoning application was an appeal and the zoning application. There were no further questions from the Zoning Board. Attorney McDonald had no further questions for Sharon Cino, Borough's witness.

Sheila O'Rourke, attorney for the applicant, called Dan Zecher, Awakened Properties LLC, as the next witness. Dan was sworn in and testified he was a principal owner of Awakened Properties LLC, established in 2015 and owner of 732 Chestnut Street. Dan stated they also owned High Impact Realty and several other properties, most of those in Columbia and several short-term rentals in Lancaster County. Dan talked about the staff at the company, consisting mostly of family. He introduced Justin and Krista Lewis. Dan testified there was a failure in the zoning process with regards to this property.

Sheila presented applicant's exhibit #1, a plot plan of the property, exhibit #2, an aerial view of the property; and exhibit #3, a photograph of the exterior of the property and the 2 off-street parking spaces in the rear. Dan explained the property was purchased in 2022 and renovated over 5 to 6 months at the cost of \$150,000.00 to \$170,000.00 preserving the historic character of the dwelling. Sheila presented applicant's exhibit #4, before and after photographs of the interior of the property. Dan highlighted the historic features that were preserved during renovation. Dan testified they began advertising the property on the AirBnB and VRBO websites and using the property as a short-term rental in October 2022. He added his staff used an evaluation process before renting. The property had a 60% rental usage so far and Dan expects that to pick up during the summer months. Sheila presented applicant's exhibit #5, a copy of the house rules and exhibit #6, a printout from the websites showing feedback from guests who have stayed at the

property. Dan stated the property has a 4.8 rating and read some of the reviews posted by guests. Dan added there have been no issues with the conduct of guests. Sheila presented applicant's exhibit #7, copies of letters in support of the use of the property. Dan added these letters support the use because of the benefit to community businesses. Dan stated he also contacted neighbors in the 700 block of Chestnut Street but did not hear any feedback from those contacted. Sheila presented applicant's exhibit #9, showing the property location on the zoning map and proximity to the Medium Density Residential Light Business zoning district, which allows short-term rentals. Sheila questioned Dan about the short-term rental requirements, and he agreed the property met all those requirements. Sheila added, a zoning decision from a previous short-term rental zoning approval was included with this zoning application as applicant's exhibit #8. This property, located in the High Density Residential zoned district, was substantially similar to the property at 732 Chestnut Street. Attorney McDonald questioned Dan about the failure to follow the zoning process. Dan admitted staff failed to contact the Borough with regards to the zoning ordinance and requirements for short-term rentals. Dan stated he did contact the neighbors but did not receive feedback. Attorney McDonald asked if long-term rental or selling the property was an option. Dan felt the short-term rental use would preserve the historic character of the dwelling; the long-term rental option would be more profitable but there was more of a chance of having the dwelling interior destroyed. Dan added he did not realize they were in violation of the ordinance. Attorney McDonald had no further questions.

Mary Wickenheiser, Planning Commission, had no questions.

Mike Fry, 742 Chestnut Street, asked if the property was ever listed for sale. Dan stated it was listed for sale a handful of weeks but selling was not successful. Mike asked if they would consider selling at a later time. Dan stated that could happen.

Sharon Lintner, 500 Chestnut Street, asked if the property had a fire inspection. Dan stated the property was inspected through the permit process. He added a Knox box was ordered for the property.

There were no further questions from the audience.

Jazz Preston asked if there was a certificate of occupancy from the Borough for a code or fire inspection. Dan stated there was a certificate of occupancy obtained after the property was renovated and was inspected during the renovation process. Jazz asked why this issue did not come before the Zoning Board. Dan stated he thought the property was allowed to be used as a short-term rental. Jazz asked about the relationship between Dan and the persons submitting the letters of support. Dan stated they were local businesses, and some rented from his company. Jazz asked about the length of time renters were using the property. Dan stated some people rented for a short time and some rented a little longer. He explained he rented to someone for approximately 30 days until they could move into another property. Jazz asked about the off-street parking. Dan stated there were 2 off-street parking spaces to the rear of the property. Jazz asked when a copy of the zoning decision for the Locust Street short-term rental was received. Dan stated he received a copy of the zoning decision after receipt of the ZEN.

Terry Doutrich asked if Awakened Properties operated other short-term rentals in Columbia. Dan stated no, this was the first rental of this type. Terry asked why the applicant did not discontinue operating the property as a short-term rental. Dan explained he thought it was permitted to continue operation because there was an appeal filed with the Borough. Terry added the continuation was not permitted just because the fine was paid.

Jazz asked if fire protections were in place. Dan reiterated they had a certificate of occupancy.

Don Haines asked if the ZEN specifically asked for a cease of operation. Dan stated yes, but they did not cease because there was an appeal filed.

Steve White asked if staff would stay in the house while rented. Dan stated no, but renters were vetted through the review process on both websites. Steve talked about the amount of money spent on purchasing and renovating the property and thought that because of this amount, if cameras would be warranted in the property. Dan stated no, but there was documentation of the interior of the property before a rental and after a rental. Steve presented a renter disturbance scenario. Dan stated he has never had something like that happen.

Don Haines asked if people rent this property through the on-line process, then when does staff get to meet the renters. Dan stated after the renters were approved, staff would only meet those people if an issue arose. Don asked if they just rent through the on-line process. Dan stated yes, but if there would be further questions about the rental there may be a phone call to staff. Don asked how the response would be to a problem. Dan explained.

Jazz asked if there were 2 parking spaces to the rear of the property, then was there a limit to how many cars could be at the property. Dan stated there was no limit but stated there would possibly be room for 1

more car in the parking area. Jazz asked Dan if he met any of the neighbors. Dan stated he placed his contact information in the doors but did not hear from any of the neighbors.

Steve added the area was residential and there should be caution taken with renting to various people. Dan reiterated he did try to contact the neighbors.

David Brumbaugh asked about the maximum stay for renters. Dan stated there was no limit.

Steve asked if a lease to own option was considered. Jazz asked how long the property was listed for sale. Dan stated a handful of weeks.

There were no further questions from the Zoning Board.

Josele Cleary, Attorney for the Zoning Hearing Board, asked Dan if he reviewed the short-term rental ordinance before renting the property. Dan stated he didn't know. Josele asked again if the ordinance was reviewed. Dan stated no. Josele clarified that the use was started before finding out if the use was allowed.

Josele asked if the property was in compliance with Borough ordinances. Dan stated he believed the property was in compliance. Josele clarified a Knox box was ordered. Dan stated yes. Josele asked if the property was registered. Dan stated he thought there was an attempt at registration but did not know for sure. Josele asked if they registered for the County room tax. Dan stated yes. Josele asked if there was an application under the UCC. Dan stated there was a permit application submitted for the renovation.

Josele asked if the permit application was for renovation of a single-family dwelling. Dan stated yes, but that was before the decision was made to use the dwelling as a short-term rental. Josele asked if the applicant was aware the UCC use codes for single-family dwellings was different from short-term rentals.

Dan stated he did not realize there were different codes. Josele asked Dan if he had a permit for a short-term rental. Dan stated he did not know. Josele asked what type of certificate of occupancy was issued.

Dan stated the COO was issued after building permit inspections. Josele pointed out this certificate of occupancy was not presented as evidence or presented to the Zoning Hearing Board as part of the zoning submittal. Dan stated that was correct. Josele asked if the permit application was submitted before the short-term rental use. Dan stated that was correct. Josele asked about the width of the property. Dan stated he did not know the width. Josele asked if the width of the property was greater than 20 feet. Dan stated he thought the property was larger than 20 feet. Josele referred to the deed of the property stating it was 20 feet wide. Dan looked at one of the exhibits and agreed. Josele asked Dan if he checked the width of the property with regards to off-street parking. Dan stated no. Josele asked Dan if he thought there could be more than 2 cars parked side by side in the parking area. Dan stated yes. Josele asked if the zoning requirements for off-street parking were reviewed. Dan stated no. Josele explained there was a required width for parking spaces and that stacked parking was not allowed. Dan stated he didn't know that information. Josele stated that Dan testified the cost of renovations was between \$150,000.00 and \$170,000.00 and asked if the additional \$25,000.00 for the short-term rental was included or in addition to the renovation cost. Dan stated in addition. Josele Cleary stated she had no further questions.

Attorney O'Rourke stated she wanted to redirect. Before starting, she asked Dan if he would comply with the zoning ordinance regarding minimum stay requirements. Dan stated yes. Sheila asked Dan if he had inspections during the renovation process. Dan stated they had multiple inspections. Sheila asked if there were any parking issues when the property was rented. Dan stated there were no issues. Sheila asked if, as Dan's attorney, she reviewed the 25 by 9-foot parking space requirements, advised him to continue the use while appealing the ZEN and reviewed the criteria for a short term rental. Dan stated yes. He added he would register the property and has a Knox box on order. Sheila asked Dan about the review of the Zoning Ordinance. Dan stated he relied on information from his staff, after their review, regarding the short-term rental. Sheila had no further redirect questions.

Stephen McDonald stated he had no redirect questions.

Attorney Cleary asked if the Borough had any evidence to present regarding the requested use variance. Attorney McDonald stated no.

Mary Wickenheiser, Planning Commission, informed the Board they reviewed this application on January 17, 2023, with extensive discussion and questions of the applicant and applicant's attorney. Mary added the exterior of the property was not in keeping with the historic nature and the fire pit was not permitted. Mary concluded by saying the Planning Commission motioned not to make a recommendation to the Zoning Hearing Board. Attorneys O'Rourke and McDonald had no questions for Mary.

Josele Cleary asked if anyone in the audience wanted to present testimony.

Justin Rule, owner of a short-term rental located at 653 Locust Street, testified by giving an update on his short-term rental and how the neighbors didn't have an issue with this use. He added he was in favor of

short-term rentals because that was a tool to help preserve the historic homes in Columbia. The attorneys, the Board nor the audience had questions.

Mike Fry, 742 Chestnut Street, testified that he didn't know how short-term rentals would positively affect homeowners and he was concerned about his property being devalued, making it more difficult to sell. He would have preferred the property owner sell after renovation. Jazz asked Mike if he was in favor of this zoning request. Mike stated he was not in favor. Jazz asked Mike if he talked to any of the other neighbors. Mike stated no.

Steve White asked Mike about the percentage of single-family homes privately owned versus rented. Mike stated there were numerous single-family homes in the neighborhood; not rented. He did add there were some rentals across the street.

Terry Doutrich asked Mike if there was limited parking on the block. Mike stated yes, especially when the street sweeper was running. He added Avenue G was difficult to navigate with vehicles traveling at high rates of speed down the alley.

Justin Rule talked to Mike Fry about the fact the neighbors in the block where he has his rental have been very supportive and talked about research that was done regarding an increase in property value. Josele Cleary cautioned Justin he was giving testimony and not posing questions to Mike Fry. Mike stated he didn't know how to respond to Justin's comments. Mike thought the business of short-term rentals would be negative to the neighborhood. Sheila O'Rourke asked Mike if he would prefer the property be a long-term rental. Mike stated he understood the difference between the rentals, but the original plan was to sell the property.

Frank Doutrich asked Mike if he knew most of the neighbors. Mike stated yes. Frank asked if his concerns were people he didn't know going in and out of the property. Mike stated yes.

Josele Cleary asked if there was further testimony. There was no further testimony.

Attorney O'Rourke provided closing statements for the case.

Attorney McDonald provided closing statements for the case.

David Brumbaugh motioned to close the record for the hearing regarding 732 Chestnut Street and Jazz Preston seconded. All favored this motion.

Attorney Cleary stated the Board could take this matter under advisement and render a decision at the February meeting or render a decision tonight.

Don Haines called for an executive session at 9:05 p.m. with the meeting to be reconvened.

Don Haines reconvened the meeting at 9:15 p.m.

Jazz Preston motioned to deny the appeal of the Zoning Ordinance Enforcement Notice dated November 7, 2022, and affirm the enforcement notice in all respects and David Brumbaugh seconded. A roll call vote was taken with the following Board members voting in favor of the denial: Preston, Haines, White, Brumbaugh and Doutrich. Motion carried.

Jazz Preston motioned to deny the application of Awakened Properties for a use variance to convert 732 Chestnut Street to a short-term rental and Steve White seconded. A roll call vote was taken with the following Board members voting in favor of the denial: Haines, White, Brumbaugh, Doutrich and Preston. Motion carried.

Steve White motioned to adjourn the meeting and Jazz Preston seconded. All favored this motion.

There being no further business, this meeting of the Columbia Borough Zoning Hearing Board was adjourned at 9:15 p.m.

Respectfully submitted,

Sharon Cino
Zoning Manager



LEO S. LUTZ Mayor
 HEATHER ZINK Borough Council President
 EVAN M. GABEL Solicitor
 MARK E. STIVERS Borough Manager

February 7, 2023

Columbia Catholic Housing for the Elderly
 400 Union Street
 Columbia, PA 17512

Re: Application 23-026
 451 Mill Street

To Whom It May Concern:

We have received your zoning application for 451 Mill Street requesting special exception(s)/variance(s) to construct a parking area as a principal use on the vacant lot located in the High Density Residential (HDR) zoned district.

The Borough of Columbia Zoning Ordinance, Chapter 220, Section 220-25 – Table of Permitted Uses-Primarily Residential Districts, states a parking lot as a principal use is permitted by special exception in the High Density Residential (HDR) zoned district.

Because your Zoning Permit Application regarding this issue was denied, it was necessary for you to appeal or apply to the Zoning Hearing Board for such relief as may be available to you under the law.

Your application may require additional variances, special exceptions and/or conditional uses beyond what is documented in this denial letter. The Borough of Columbia is not responsible to provide legal advice. For a complete interpretation of your submission requirements relative to the Zoning Ordinance, you may wish to seek the services of a legal counsel.

Your appeal will be heard at the Zoning Hearing Board's public hearing on Wednesday, February 22, 2023 at 7:00 p.m. in the Municipal Building, 308 Locust Street, Columbia, PA, to hear the application and to consider your appeal for a variance and/or special exception. Please plan on attending the Zoning Board hearing. The Zoning Hearing Board will not approve any appeals unless the applicant is in attendance or represented by authorized agent or attorney.

The Zoning Hearing Board operates in a formal environment with its legal counsel, the Board's secretary, and a court stenographer present. You may wish to seek the services of a legal counsel and/or land planner, surveyor, architect, or engineer depending on the nature of your application.

The Zoning Hearing Board allows affected parties to appear in person or be represented by agent or attorney and allows all parties so affected the opportunity to be heard.

The Columbia Borough Planning Commission will hold their public meeting on Tuesday, February 21, 2023 at 7:00 p.m. in the Municipal Building, 308 Locust Street, Columbia, PA, at which time they will review your application and may offer their recommendation to the Zoning Hearing Board regarding your request.

Please feel free to call with questions.

SC:dl

Cc: Solicitors

Respectfully,

Sharon Cino, Zoning Manager

APPLICATION FOR ZONING HEARING
COLUMBIA BOROUGH
LANCASTER COUNTY, PENNSYLVANIA

Date 12/16/2022

Permit # _____

Request for variance _____

Special Exception _____

Appeal from determination of Zoning Officer _____

Validity Challenge _____

1. Name of property owner COLUMBIA CATHOLIC HOUSING FOR THE ELDERLY

2. Address of property owner 400 UNION ST. COLUMBIA, PA 17512

3. Telephone number of property owner 717-437-7176

Complete questions #4 -#7 only if applicant is different than property owner.

4. Name of applicant COLUMBIA CATHOLIC HOUSING FOR THE ELDERLY

5. Interest of applicant _____

6. Address of applicant 400 UNION ST. COLUMBIA, PA 17512

7. Telephone number of applicant 717-437-7176

8. Address of property affected 451 MILL ST

9. Present use of property VACANT

10. Proposed use of property PARKING LOT

11. Current Zoning District HOR

12. Brief description of proposed work TO CONSTRUCT A PARKING

LOT TO SERVE THE TRINITY HOUSE APARTMENTS

BUILDING

continued

13. Identify all special exceptions being requested, including the specific Sections of the Zoning Ordinance authorizing such special exception . _____

SECTION 220-25 → ATTACHMENT 1 → PARKING LOT AS

THE PRINCIPAL USE OF THE LOT

14. Identify all variances from requirements of the Zoning Ordinance being requested, including a reference to the specific Sections of the Zoning Ordinance.

15. Identify all determinations of the Zoning Officer from which an appeal is being made, including the specific reason for the appeal.

16. Include with the application three sketches of the project outlining :

- A. Lot lines and dimensions
- B. Current building dimensions
- C. Proposed new building dimensions

17. The following may be submitted by an applicant in support of the application: signed statements from each adjoining property owner indicating that applicant has informed the person signing the statement of the applicant's proposal and whether the person signing the statement has no objection to the application; photographs of the property at issue; drawings (including dimensions) of proposed signs; and similar information that the Board will be able to fully understand the proposal. _____

continued

APPLICATION FOR ZONING HEARING - page 3

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted in conjunction with my application are true to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Muller", written over a horizontal line.

Signature

12/21/22

Date



ARRO Consulting, Inc.
Corporate Headquarters
108 West Airport Road
Lititz, PA 17543
P: (717) 569-7021

January 10, 2023

Mr. Don Haines, Chair
Columbia Borough Zoning Hearing Board
308 Locust Street
Columbia, PA 17512

RE: Columbia Catholic Housing for the Elderly
Supplemental Zoning Narrative
ARRO #11259.00

Dear Chairman Haines:

The Applicant herein is Columbia Catholic Housing for the Elderly, owner of the property located at 451 Mill Street, Columbia, PA 17512 ("Property"). The Property is a vacant lot located in the HDR – High Density Residential Zoning District in the Borough.

The Applicant proposes to construct a parking lot on the Property. A Schematic of the proposed parking lot is attached hereto as exhibit A.

The existing vacant lot is approximately 146 ft. x 97 ft., providing a total lot area of 14,162 square feet. The Applicant proposes to construct a parking lot on the lot to support the Trinity House Apartments, with an approximate footprint of 5,400 square feet, and an access drive measuring 18 ft. x 20 ft.

No public utilities are proposed for the Property.

The Applicant has requested a Special Exception for the principal use of the Property to be a parking lot, in accordance with Attachment 1 of Section 220-25 of the Columbia Borough Zoning Ordinance.

The Applicant will provide additional evidence, including testimony and supporting documentation, at the time of the Zoning hearing.

Please call me at 717.205.4581 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed J. Van Arsdale", with a horizontal line extending to the right.

Edward J. Van Arsdale, III, PE
Project Manager

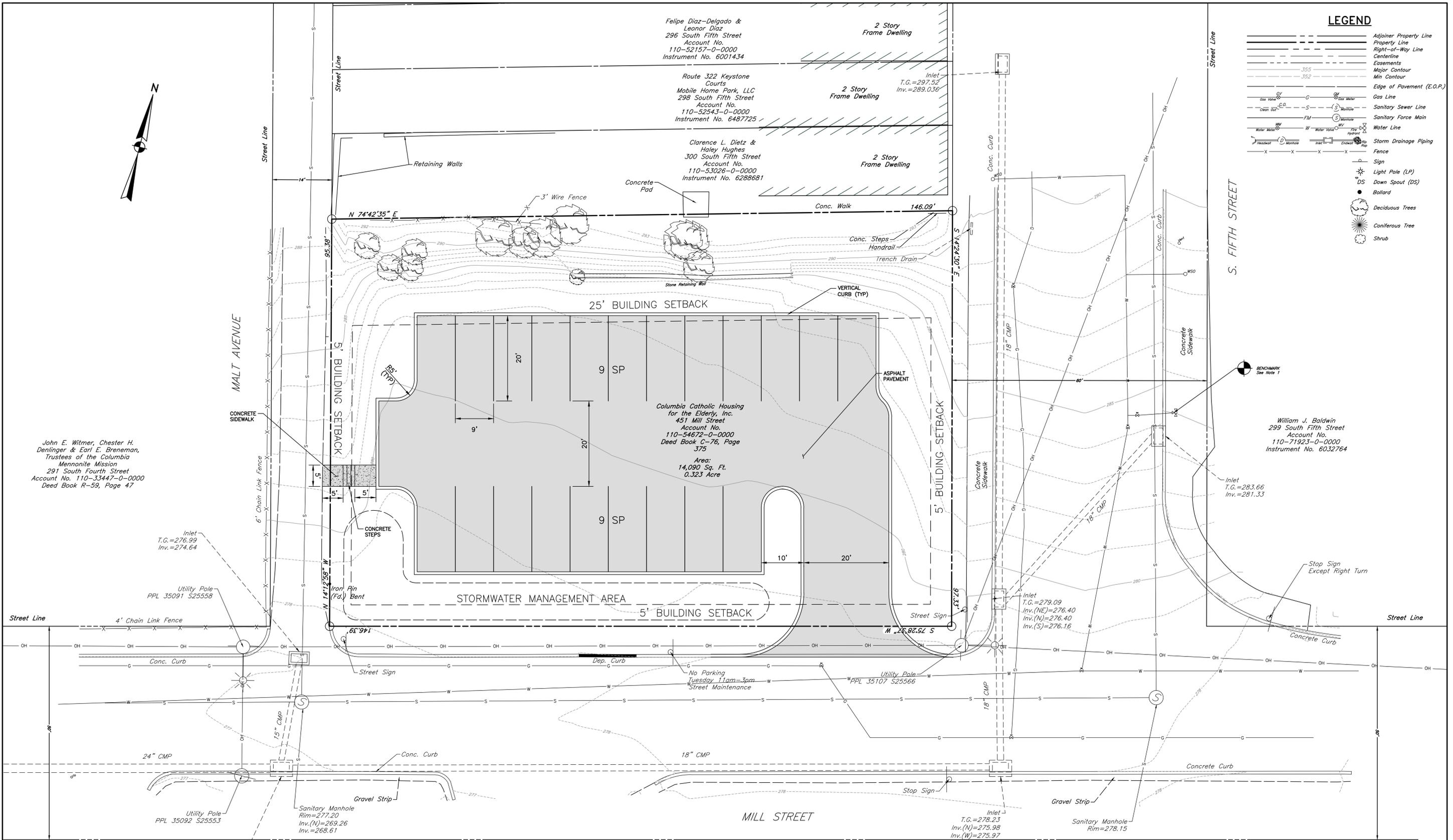
www.arroconsulting.com

OUT-IN-FRONT. EVERY STEP OF THE WAY.



LEGEND

- Adjoiner Property Line
- Property Line
- Right-of-Way Line
- Centerline
- Easements
- Major Contour
- Minor Contour
- Edge of Pavement (E.O.P.)
- Gas Line
- Sanitary Sewer Line
- Sanitary Force Main
- Water Line
- Storm Drainage Piping
- Fence
- Sign
- Light Pole (LP)
- Down Spout (DS)
- Bollard
- Deciduous Trees
- Coniferous Tree
- Shrub



John E. Witmer, Chester H. Denlinger & Earl E. Breneman, Trustees of the Columbia Mennonite Mission
291 South Fourth Street
Account No. 110-33447-0-0000
Deed Book R-59, Page 47

Felipe Diaz-Delgado & Leonor Diaz
296 South Fifth Street
Account No. 110-52157-0-0000
Instrument No. 6001434

Route 322 Keystone Courts
Mobile Home Park, LLC
298 South Fifth Street
Account No. 110-52543-0-0000
Instrument No. 6487725

Clarence L. Dietz & Haley Hughes
300 South Fifth Street
Account No. 110-53026-0-0000
Instrument No. 6288681

Columbia Catholic Housing for the Elderly, Inc.
451 Mill Street
Account No. 110-54672-0-0000
Deed Book C-76, Page 375
Area: 14,090 Sq. Ft. 0.323 Acre

William J. Baldwin
299 South Fifth Street
Account No. 110-71923-0-0000
Instrument No. 6032764

Columbia Catholic Housing for the Elderly, Inc.
400 Mill Street
Account No. 110-56977-0-0000
Deed Book N-64, Page 823

<p>MICHAEL J. BINGHAM</p> <p>RELEASED BY: DESIGN LML CHECKED</p> <p>DRAWN LML CHECKED</p> <p>DATE VALUE SURVEY DATE VALUE FIELD BOOK VALUE</p>										SEAL	SEAL	<p>CLIENT & PROJECT</p> <p>COLUMBIA CATHOLIC HOUSING FOR THE EDERLY 308 LOCUST STREET COLUMBIA, PENNSYLVANIA 17512</p> <p>TRINITY HOUSE PARKING 451 MILL STREET COLUMBIA BOROUGH, LANCASTER COUNTY, PA</p>		<p>108 West Airport Road Lititz, Pennsylvania 17543 Tel 717.569.7021</p>		<p>TITLE</p> <p>ZONING SPECIAL EXCEPTION EXHIBIT</p>		<p>SCALE</p> <p>AS SHOWN</p>		DWG. NO.
NO	REVISION	DATE	BY	APP.	NO	REVISION	DATE	BY	APP.	PROJECT NO.	SHEET NO.	REV.	DWG. NO.							
										011259	1 OF 1									



LEO S. LUTZ
Mayor

EVAN M. GABEL
Solicitor

HEATHER ZINK
Borough Council President

MARK E. STIVERS
Borough Manager

February 7, 2023

JG Environmental LLC
202 Greenfield Road
Lancaster, PA 17601

Re: Application 23-028
420 South Front Street

To Whom It May Concern:

We have received your zoning application for 420 South Front Street requesting special exception(s)/variance(s) to permit a solid waste transfer facility to process non-hazardous waste in the General Industrial (GI) zoned district.

The Borough of Columbia Zoning Ordinance, Chapter 220, Section 220-25 – Table of Permitted Uses-Primarily Nonresidential Districts, states a solid waste transfer facility or waste to energy facility is permitted by special exception in the General Industrial (GI) zoned district and Section 220-30(39) additional requirements for specific principal uses – solid waste transfer facility.

Because your Zoning Application regarding this issue was denied, it was necessary for you to appeal or apply to the Zoning Hearing Board for such relief as may be available to you under the law.

Your application may require additional variances, special exceptions and/or conditional uses beyond what is documented in this denial letter. The Borough of Columbia is not responsible to provide legal advice. For a complete interpretation of your submission requirements relative to the Zoning Ordinance, you may wish to seek the services of a legal counsel.

Your appeal will be heard at the Zoning Hearing Board's public hearing on Wednesday, February 22, 2023 at 7:00 p.m. in the Municipal Building, 308 Locust Street, Columbia, PA, to hear the application and to consider your appeal for a variance and/or special exception. Please plan on attending the Zoning Board hearing. The Zoning Hearing Board will not approve any appeals unless the applicant is in attendance or represented by authorized agent or attorney.

The Zoning Hearing Board operates in a formal environment with its legal counsel, the Board's secretary, and a court stenographer present. You may wish to seek the services of a legal counsel and/or land planner, surveyor, architect, or engineer depending on the nature of your application.

The Zoning Hearing Board allows affected parties to appear in person or be represented by agent or attorney and allows all parties so affected the opportunity to be heard.

The Columbia Borough Planning Commission will hold their public meeting on Tuesday, February 21, 2023 at 7:00 p.m. in the Municipal Building, 308 Locust Street, Columbia, PA, at which time they will review your application and may offer their recommendation to the Zoning Hearing Board regarding your request.

Please feel free to call with questions.

SC:dl

Cc: Solicitors

Respectfully,

Sharen Cino, Zoning Manager



LEO S. LUTZ
Mayor

EVAN H. GABEL
Soforo

HEATHER ZINK
Borough Council President

MARK E. STIVERS
Borough Manager

**APPLICATION FOR ZONING HEARING
COLUMBIA BOROUGH
LANCASTER COUNTY, PENNSYLVANIA**

**\$400.00 RESIDENTIAL OR \$700.00 COMMERCIAL APPLICATION
FEE DUE WHEN APPLICATION IS SUBMITTED**

Date 2/2/2023 Permit # _____
Request for Variance ^x _____
Special Exception ^x _____
Request for Modification of Zoning Decision _____
Appeal from Determination of Zoning Officer _____
Validity Challenge _____
Zoning Map Amendment _____
Zoning Text Amendment _____

- 1. Name of Property Owner Borough of Columbia
- 2. Address of Property Owner 308 Locust St Columbia 17512
- 3. Telephone Number of Property Owner 717-684-2467

Complete questions #4 - #7 only if applicant is different than property owner.

- 4. Name of Applicant JG Environmental LLC
- 5. Interest of Applicant Tenant/Leaseholder
- 6. Address of Applicant 202 Greenfield Rd, Lancaster PA 17601
- 7. Telephone of Applicant 717-945-5080
- 8. Address of Property Affected 420 S. Front St
- 9. Present Use of Property Municipal
- 10. Proposed Use of Property Solid Waste Transfer Facility
- 11. Current Zoning District G1

12. Brief Description of Proposed Work _____

See attached

13. Identify all special exceptions being requested, including the specific Sections of the Zoning Ordinance authorizing such special exception. _____

See attached

14. Identify all variances from requirements of the Zoning Ordinance being requested, including a reference to the specific Sections of the Zoning Ordinance. _____

see attached

15. Identify all determinations of the Zoning Officer from which an appeal is being made, including the specific reason for the appeal. _____

see attached

16. Include with the application three (3) sketches of the project outlining:
- a. Lot lines and dimensions
 - b. Current building dimensions
 - c. Proposed new building dimensions

17. The following may be submitted by an applicant in support of the application:
- a. Signed statements from each adjoining property owner indicating that applicant has informed the person signing the statement of the applicant's proposal and whether the person signing the statement has no objection to the application
 - b. Photographs of the property at issue
 - c. Drawings (including dimensions) of proposed signs
 - d. Other information that would allow the Board to fully understand the proposal

FOR ZONING MAP AMENDMENT – COMPLETE THE FOLLOWING:

Property Address _____

Tax Map No. _____ Owner of Record _____

Owner's Address _____

Equitable Owner (if applicable) _____

Equitable Owner's Address _____

Current Zoning District _____ Proposed Zoning District _____

Proposed Use _____

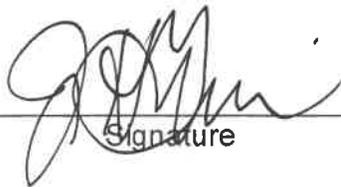
FOR ZONING TEXT AMENDMENT – COMPLETE THE FOLLOWING:

Zoning Districts Affected by Amendment _____

Section Numbers Affected by Amendment _____

Proposed Text Amendment (attach separate sheet if necessary) _____

I hereby certify that all of the above statements and the statements contained in the any papers or plans submitted in conjunction with my application are true to the best of my knowledge and belief.



Signature

2/2/2023

Date

**Borough of Columbia
Zoning Hearing Board
Zoning Application Supplement**

Date: 2/2/2023
Applicant: JG Environmental LLC (current tenant)
Property: 420 S. Front St – 110-86079-0-0000
Owner: Borough of Columbia
Zone: GI – General Industrial

Zoning Relief Requested:

1. Special Exception from Section 220-25 to permit a Solid Waste Transfer Facility to process non-hazardous waste on the Property; AND
2. Variance from Section 220-30 (39)
 - (a) allowing for modified setback; and
 - (g) allowing use on less than 5 acres
3. Any other zoning relief the Zoning Hearing Board deems appropriate

Proposed Use of Property:

Applicant proposes to use the existing structures on the Property as a Solid Waste Transfer Facility. Interiors of the existing municipal building will be modified to accommodate processing non-hazardous waste into form able to be transferred to the landfill or incinerator. Modifications will include the installation of solidification pits inside the building. All processing will occur indoors. Applicant proposes no modifications to the footprint of existing structures on the Property. The use of the Property will be regulated by required DEP permits for up to 500 tons per day. Up to ten (10) employees will work on the Property. Hours of operation will be between 7am to 9pm.

Necessity for Zoning Relief:

Solid Waste Transfer Facilities are permitted by Special Exception in the GI zone pursuant to Section 220-25 of the Zoning Ordinance. The Property is part of a contaminated superfund site that is regulated by Pennsylvania's Department of Environmental Protection ("DEP"). The Property adjoins and shares access with a former municipal wastewater treatment plant. Due to these factors and others, potential uses of the Property are limited, but the Property remains ideally suited for waste treatment and processing under the oversight of DEP and other federal and state regulatory agencies. The Property and the adjoining former municipal wastewater treatment parcel are leased to Applicant by the Borough of Columbia for use as a waste treatment/processing facility. The Property improvements are designed for truck and heavy equipment access, and has adequate parking and loading zone areas. The proposed use of the Property is in keeping with the intent of the zoning district and poses no material detriment to surrounding properties or neighborhood.

Variances are warranted for the proposed use because the existing structures are ideal for the proposed use but do not meet the setback requirements from lot lines required by the Zoning Ordinance. The Property is surrounded by a parcel under common ownership to the east, a river to the south, a railroad bed tract to the north, and a municipal property to the west. Buildings on the Property are inward facing and therefore pose no impediment or nuisance to any of the adjoining parcels or the public.

The size of the Property does not meet the minimum five (5) acres required by the Zoning Ordinance for a Solid Waste Transfer Facility (if the Property is considered separate from the immediately adjoining 6+ acre parcel under common ownership and leased by Applicant). The Property's location in a contamination zone subject to DEP regulation, compounded with the existing location of the buildings and lot size and configuration, create a physical circumstance that makes use of the Property in strict conformance with the Zoning Ordinance and DEP restrictions/regulations impossible. Applicant did not create or cause any of the hardships related to the prior contamination or configuration of the Property. The variances requested are the minimum necessary to allow reasonable use of the Property.

In light of the above, Applicant's proposed use of the Property meets all the relevant Special Exception and Variance criteria detailed in the Zoning Ordinance necessary for Zoning Hearing Board approval.

Reservation of Rights:

Applicant reserves the right to provide additional testimony and exhibits at the hearing.

ALTERATIONS TO THE EXIST. BLDG.FOR: J.G. ENVIRONMENTAL COLUMBIA BOROUGH, LANCASTER CO.



architecturalresources, inc.
a.r.
architectural
resources
planning
514 church street
landisville, pennsylvania 17033
tel (717) 892-2780
fax (717) 892-2782
email design@archresources.biz

61 Church Street
Landisville, PA 17033
Phone (717) 892-2780
Fax (717) 892-2782
E-mail: info@agood.com

61 Church Street
Landisville, PA 17033
Phone (717) 892-2780
Fax (717) 892-2782
E-mail: info@agood.com

REVISIONS:
DATE: <input type="checkbox"/>

SHEET TITLE:
EXISTING SITE -
ZONING INFORMATION
DRAWING FROM:
PRE-DESIGN

DRAWN: LRP CHECKED: LRP
DATE: SCALE: 1" = 40'-0"

ALTERATIONS TO THE EXISTING BUILDING FOR:
JG ENVIRONMENTAL
420 SOUTH FRONT ST, COLUMBIA PA 17512
COLUMBIA BOROUGH, LANCASTER COUNTY

JOB NUMBER:
772

SHEET NUMBER:
SP1.0

2/2/2023 - NOT FOR CONSTRUCTION

