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IN RE: PETITION OF
COLD SUMMIT DEVELOPMENT

: ZONING HEARING BOARD
: MILLCREEK TOWNSHIP
: LEBANON COUNTY, PENNSYLVANIA
:
: Case No. 2021-01

DECISION OF THE ZONING HEARING BOARD

A hearing on the case was held on February 23, 2021. The Petitioner filed a petition for a variance to construct a proposed building to exceed the maximum height regulations of the Zoning Ordinance.

Appearing for the Petitioner were representatives of the Petitioner's company. There were no neighbors who owned property nearby, nor anyone for that matter, that objected to the use and establishment of the building and the petition for a variance. Attorney Andrew J. Giorgione, Esquire appeared at the hearing to represent the Petitioner.

FINDINGS OF FACT

1. Cold Summit Development is the Petitioner in the matter pursuant to an agreement of sale for the purchase of real estate from the legal owners of the subject property Raymond H. Zimmerman and Alma Z. Zimmerman, his wife.
2. The subject premises is located at 121 North Ash Road, Newmanstown, Millcreek Township, Pennsylvania and contains 141 acres of real property.
3. The subject premises is located in the I1 and C2 use districts.

4. Petitioners proposal to build its project is permitted by right under the zoning ordinance.
5. Petitioners propose to construct and operate a cold storage facility, as known in the commercial trade as a high cube warehouse, which will contain food being stored therein and which has racking and storage systems that will be 150 feet in height.
6. Proper notice of the zoning hearing was given pursuant to the Zoning Ordinance and the Pennsylvania Planning Municipalities Planning Code.

RELEVANT LAW

Section 11.02 of the Zoning Ordinance permits the establishment the petitioners proposed use in the heavy industrial use district.

Section 21.03 of the Zoning Ordinance provides for conditions under which variances from the term of the zoning ordinance could be granted by the zoning hearing board.

Section 11.03-C, heavy industrial district, provides for height regulation for construction in the use district and circumstances under which mechanical appurtenances can exceed the established height regulations.

CONCLUSIONS

The subject premises is being developed by Petitioner as an industrial complex for cold storage and food processing and distribution and for use as a farming preserve which are permitted uses in the I1 and C2 use districts.

Petitioner, as to the industrial portion of the use, will utilize a racking and storage system known in the industry as a high cube warehouse. Part of the proposed facility will be 150 feet in height which exceeds the Zoning Ordinance permitted maximum for a main building which is 75 feet and also exceeds 125 feet which is permitted under Section 11.03(C) of the Zoning Ordinance as it applies to appurtenances.

Petitioners proposal utilizes automatic computer-controlled systems that places and retrieves loads with great accuracy and speed which increases the accuracy of the utilization of the floor space which is energy efficient.

As to the construction vis a vis the topography of the tract, the placement of the structure establishes that the visibility to the neighbors and the public will be at a minimum.

The Board accepts the reasoning and rationale of the construction of the high cube portion of the project to exceed the height requirements and finds that a literal enforcement of the Zoning Ordinance will result in an unnecessary hardship to the Petitioner.

The Board finds that the considerations to be dealt with as set forth in 21.03(A) of the Ordinance have been met.

The Board finds that the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The reasons set forth in the application and presentation before the Zoning Board justify the granting of the variance that will make possible the reasonable use of the subject property and proposed structures.

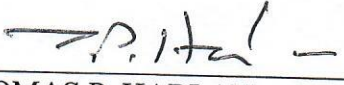
DECISION OF THE BOARD

For the above reasons, the Zoning Hearing Board of the Township of Millcreek hereby unanimously grants the request for the variance as presented.

Voting for the granting of the variance were Board Members Robert Beisel, Scott Sweigart and Timothy Bartow.

Dated April 9, 2021

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