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IN RE: PETITION OF : ZONING HEARING BOARD  
LEON E. ZIEGLER & : MILLCREEK TOWNSHIP  
DONNA L. ZIEGLER : LEBANON COUNTY, PENNSYLVANIA  
: Case No. 2022-01

DECISION OF THE ZONING HEARING BOARD

A hearing on the case was held on March 1, 2022. The Petitioner filed a petition for a special exception to allow a doctor's office / clinic use on the subject premises.

Appearing for the Petitioner were the Petitioner's themselves, and a proposed tenant of the subject premises, Dr. Joel Yeager. There were no neighbors that objected to the granting of the special exception.

FINDINGS OF FACT

1. Leon E. Ziegler and Donna L. Ziegler are the Petitioners and Owners of the subject premises located at 211 Reistville Road, Myerstown, Millcreek Township, Lebanon County, Pennsylvania.
2. The subject premises contains 4.56 acres of land, is currently improved by a Church and a shed and is located in the A-Agricultural Use .
3. The Petitioners' proposed to change the use of the subject premises from that of a church use to that of a doctor's office/clinic use. The Owners have entered into a lease agreement for the use of the subject premises as a doctor's office / clinic with Dr. Joel Yeager.

4. The proposed use is permitted as a special exception under section 6.05 F of the Zoning Ordinance if certain conditions thereon are met by the Petitioners.
5. Proper notice of the zoning hearing was given pursuant to the Zoning Ordinance and the Pennsylvania Planning Municipalities Planning Code.

### RELEVANT LAW

Section 6.04F permits the establishment of a hospital and a clinic subject to conditions under which special exceptions under Section 21.02 could be granted by the Zoning Hearing Board

### CONCLUSIONS

The immediate prior use of the subject premises was that of a church although it has not been operated as that use recently and the building has been vacant for several months. The Petitioner's tenant proposes to establish a doctors office and clinic in the structure whereby the prior use was that of a church. Dr. Yeager proposes to staff the facility with 2 Doctors and employees and would serve approximately 40 to 50 patients a day at the clinic and would be open 5 days a week from 8:00 a.m. until approximately 4:30 p.m. The surrounding uses of land are basically that of agricultural uses. There is availability of approximately 35 to 50 parking spaces for motor and none motorized vehicles. Access from the nearest public road is by means of a 25' wide driveway constructed of loose stone and gravel type substance. The lane is currently used for tractor access purposes incident to the surrounding use of the properties as agricultural.

The Zoning Hearing Board finds that satisfactory provisions and arrangements have been made concerning the ingress and egress to the property, off street parking areas, refuse and services areas, utilities, screening and buffering, required yards and other open space and that it comports with the general compatibility with adjacent properties and other properties in the use

district upon compliance with the special conditions attached to the granting of this special exception as hereinafter set forth.

The reason set forth in the application and the presentation of the matter before the Zoning Hearing Board justify the granting of the special exception and will make possible the reasonable use of the subject property.

The Board is concerned, however, about access to the property now by a barely improved driveway, being used by vehicles and horses and buggy's and concerning safety of travel in and out of the subject premises and therefore the Board attaches conditions to the granting of the Special Exception.

### DECISION OF THE BOARD


For the above reasons, the Zoning Hearing Board of the Township of Millcreek hereby unanimously grants the special exception applied for by the Petitions and their tenant to utilize the subject property as a clinic, however, attached are the following conditions to the grant as follows:

1. The driveway from the public road to the structure shall be of a width that permits 2 motor vehicles to safely pass each other.
2. The maximum speed limit on the drive way from the road to the clinic shall be 15 MPH and there shall be a sign stating the same.
3. The construction of the road shall be a minimum of an oil and chip type construction.
4. The Petitoiner's and tenant shall comply with all of the building codes and health and safety regulations of the Township and Commonwealth as may be required under said laws, ordinances, laws and regulations.

Voting for the granting of the special exceptions and the restrictions attached thereto,  
were Zoning Hearing Board Members Robert Beisel, Scott Sweigart and Timothy Bartow.

Dated March 30, 2022

HENRY & BEAVER LLP

By:   
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Solicitor for Millcreek Township  
Zoning Hearing Board

## CERTIFICATE OF SERVICE

I, Dorothea R. Butkus, of the firm of Henry and Beaver, LLP, do hereby certify that I have forwarded a certified true and correct copy of the Decision of the Zoning Hearing Board by Regular First-Class Mail, postage prepaid, on March 30, 2022, to the following:

Millcreek Township  
81 East Alumni Avenue  
Newmanstown, PA 17073

Mr. Leon E. Zeigler  
Mrs. Donna L. Zeigler  
801 Weavertown Road,  
Myerstown, PA 17067

  
Dorothea R. Butkus