

ELK TOWNSHIP
952 Chesterville Road Lincoln University, PA 19352

CEASE AND DESIST

July 26, 2019

RE: [REDACTED]

Dear [REDACTED]

This letter is to inform you that you are the owner of record of the above property and in violation of the following Sections of the Elk Township Zoning Ordinance:

WHEREAS, VIOLATIONS OF:

ARTICLE XII, SECTION 1202.A OF THE ZONING ORDINANCE

ARTICLE XII, SECTION 1202.C OF THE ZONING ORDINANCE

ARTICLE XV, SECTION 1500.1 OF THE ZONING ORDINANCE

Have been found on these premises, **IT IS HEREBY ORDERED** in accordance with the above Codes that all persons cease, desist from, and

STOP WORK

at once pertaining to construction, alterations, repairs, and intensive agriculture operations on these premises known as [REDACTED]

All persons acting contrary to this order or removing or mutilating this notice are liable to arrest unless such action is authorized by Elk Township.


Zoning Officer

ELK TOWNSHIP

952 Chesterville Road Lincoln University, PA 19352

ENFORCEMENT NOTICE

July 26, 2019

[REDACTED]
[REDACTED]

RE:

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

This letter is to inform you that you are the owner of record of the above property and in violation of the following Sections of the Elk Township Zoning Ordinance:

SECTION 1202 Agricultural Land Uses

A. General Regulations.

2. Any structures used for the shelter or housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line...

C. Intensive Agricultural Uses

- Section 1202.C Intensive Agricultural Uses. Intensive agricultural uses and customary buildings associated with intensive agricultural uses shall be in accordance with the following standards:
 1. The minimum lot area for intensive agricultural uses shall be fifteen (15) acres in all districts, with the exception of the Agricultural Preservation District where the minimum lot size for intensive agricultural uses is ten (10) acres.

The definition of "Intensive Agriculture" per Article II Definitions is as follows:

AGRICULTURE, INTENSIVE – Agricultural uses involving the processing or production of agricultural products which are likely to emit frequent, recurring odors or noises considered obnoxious to a residential environment including, but not limited to, mushroom production, feedlots, mink farm, commercial piggeries, slaughter houses, and poultry houses.

Your parcel is only 10.8 acres and located in the R1 zoning district. You are raising approximately 3,200 chickens as per your own admission. You applied for a variance from the zoning ordinance and were denied your requested relief by the Elk Township Zoning Hearing Board. You are in violation of operating an intensive agricultural use (raising of poultry) within the R1 zoning district with less than 15 acres. You also have no Conservation Plan or Manure Management Plan.

SECTION 1500 Applicability and Administration

- Section 1500.A. Application
 1. Hereafter no land shall be used or occupied, and no building or structure shall be created, erected, altered, used or occupied except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.
- Section 1501. Violation of Zoning Ordinance and Notice of Violation
 - A. Failure to secure a permit prior to the change in use of land or buildings or the erection, enlargement, or alteration, demolition of a building or failure to secure a use and occupancy permit or any other permit required by this Ordinance shall be a violation of this Ordinance.

You have erected a structure to house chickens and have not obtained a zoning permit as required.

You also do not have a required "Conservation Plan" for your property. A Conservation Plan is a requirement for agricultural structures to be exempt from the Elk Township Stormwater Management Ordinance. A manure management plan also is required to be submitted.

WHAT YOU MUST DO:

- You must remove the chickens you are raising in the garage that is located approximately ten feet from the property line.
- You must remove the unpermitted structure you have erected or apply and receive a zoning permit.
- You must cease and desist any intensive agriculture operations in the R1 zoning district.

You as recipient of this notice have the right to appeal to the Zoning Hearing Board within thirty (30) days in accordance with the procedures set forth in the Elk Township Zoning Ordinance.

You will have thirty (30) days to comply with this notice of violation.

COMPLIANCE MUST COMMENCE IMMEDIATELY AND BE COMPLETED NOT LATER THAN MONDAY, AUGUST 26, 2019).

FAILURE TO COMPLY WITHIN THE TIME SPECIFIED, A CIVIL ENFORCEMENT PROCEDURE MAY BE COMMENCED AGAINST YOU RESULTING IN A JUDGMENT OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) PLUS COSTS AND ATTORNEY FEES INCURRED BY THE TOWNSHIP OF ELK. EACH AND EVERY DAY OF CONTINUED VIOLATION SHALL CONSTITUTE A SEPARATE VIOLATION.

IF YOU FAIL TO COMPLY WITH THIS WRITTEN NOTICE THE TOWNSHIP MAY TAKE CORRECTIVE ACTION TO COMPLETE COMPLIANCE, AND COSTS THEREOF, TOGETHER WITH ATTORNEY'S FEES. AN ADMINISTRATIVE FEE OF TWENTY PERCENT (20%) OF SUCH COSTS WILL ALSO BE APPLIED.

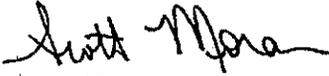
Please make every effort to comply with this Notice of Violation within thirty (30) days.

If you have any questions, or require additional information, please contact me at 610-637-1003.

David S. and Susie G. Fisher
July 26, 2019
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Sincerely,

ELK TOWNSHIP



Scott Moran
Codes Enforcement Officer

cc: 
Board of Supervisors

PUBLIC HEARING NOTICE

The Zoning Hearing Board of Elk Township will meet on Thursday, July 18, 2019, at 6:30 p.m. at the Elk Township Building, 952 Chesterville Road, Lewisville, Pennsylvania, to conduct a hearing on the Application of [REDACTED] for their property located at [REDACTED] Elk Township, Pennsylvania. The applicant is seeking a variance of the following Section of the Elk Township Zoning Ordinance of 2002, as amended:

- 1) Section 503(c) stating that agriculture, farmhouses and usual farm buildings shall be permitted without restriction, except as follows: 2) no barn lot, mushroom house, or manure storage or other operation involving an obnoxious odor or appearance or air pollution shall be established closer than two hundred (200) feet to any property line unless mutually agreed on by all landowners of land within two hundred (200) feet of the proposed site. In no instance shall be less than fifty (50) feet to any property line.

The public may attend and participate in the hearing. If you would like to review the application, or are a person with a disability and require accommodations to attend or participate in the hearing, please contact the Township secretary at 610-255-0634.

**ELK TOWNSHIP, CHESTER COUNTY, PA
PROCEDURES FOR APPLICATION
FOR A ZONING PERMIT**

A Zoning Permit shall be required prior to:

- A change in use of land or buildings.
- A change in the principal use or extension or enlargement of a nonconforming use.
- An application for development or disturbance within the Floodplain Conservation District.
- Construction or placement of a structure.
- Submission of an application for a Building Permit.

All applications for Zoning Permits shall be accompanied by the following:

- Three (3) copies of the approved land development and/or plot plan together with any other data and information required by the Zoning Officer to evaluate compliance with the Elk Township Zoning Ordinance and other existing statutes.
- Three (3) copies of detailed architectural plans for any proposed building or structure under application.
- Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer, or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approving earth moving operations. The standards set forth in the Stormwater Management Section of the Township Subdivision and Land Development Ordinance shall apply.
- Permits or certifications from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control or objectionable effects as well as any other appropriate, lawful permits as may be required by statute.
- Additional copies of any information that may be required by the Zoning Officer.
- All applicable Penn DOT Permits.

No application for Zoning Permit is complete until all necessary documents have been filed and fees have been paid.

Permits shall be granted or refused within thirty (30) days upon satisfaction of the Township that all supplemental information has been supplied.

PLEASE CONTACT TOWNSHIP ZONING OFFICER/BUILDING CODE OFFICIAL SCOTT MORAN AT 610-637-1003 IF YOU HAVE ANY QUESTIONS.

