

**LITTLE BRITAIN TOWNSHIP**  
323 Green Lane  
Quarryville, PA 17566  
717-529-2373 x 2 (W) 717-529-6160 (FAX)

September 1, 2021

Office of Attorney General  
Commonwealth of Pennsylvania  
Attn: Robert A. Willig, Senior Deputy Attorney General  
1251 Waterfront Place, Mezzanine Level  
Pittsburgh, PA 15222

RE: Acre Request for Review - [REDACTED]

Dear Mr. Willig:

This office received [REDACTED] Zoning Hearing Application on August 19, 2021, and his hearing has been scheduled for October 13, 2021, at 7PM. The hearing will be held at the Little Britain Township Municipal Building at which time the Zoning Hearing Board will consider his request and render a decision.

Should you need any addition information, please feel free to contact my office for assistance.

Sincerely,  
[REDACTED]

**LITTLE BRITAIN TOWNSHIP**

323 Green Lane  
Quarryville, PA 17566  
717-529-2373 x 2 (W) 717-529-6160 (FAX)

November 9, 2021

Office of Attorney General  
Commonwealth of Pennsylvania  
Attn: Robert A. Willig, Senior Deputy Attorney General  
1251 Waterfront Place, Mezzanine Level  
Pittsburgh, PA 15222

RE: Acre Request for Review - [REDACTED]

Dear Mr. Willig:

This office issued a Notice of Violation to [REDACTED] on June 25, 2021, for the unlawful use of a refrigerated freight trailer, a vehicle designed to transport goods over the road, as an accessory structure for storage. A copy of said Notice of Violation is attached. I have also attached a copy of page 11 of the Little Britain Township Zoning Ordinance containing the definition of a Building and Accessory Building and pages 40-42 of the Little Britain Township Zoning Ordinance containing Section 200.3 entitled Permitted Uses.

On August 19, 2021, [REDACTED] filed a Variance Request and an Appeal of the Zoning Officer Decision.

On October 13, 2021, a Zoning Hearing was held at Little Britain Township Municipal Building at 7PM. The Zoning Hearing Board voted unanimously in support of the Zoning Officer's decision, as well as, unanimously denied [REDACTED] request for a variance. I have attached a copy of said decision for your records.

The Notice of Violation and the Zoning Hearing Board Decision both outline our reasoning for the subject violation. Should you need any addition information, please feel free to contact my office for assistance.

[REDACTED]

Enclosures: Notice of Violation, Zoning Hearing Decision & Pages 1, 40, 41 & 42 of the Zoning Ordinance.

# LITTLE BRITAIN TOWNSHIP

323 Green Lane  
Quarryville, PA 17566  
717-529-2373 (W) 717-548-3044 (H)  
717-529-6160 (FAX)

## NOTICE OF VIOLATION AND ENFORCEMENT NOTICE

Date: June 25, 2021

To:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Tax Parcel:

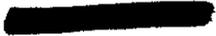
[REDACTED]

1. You are hereby notified that a violation exists under the Zoning Ordinance of Little Britain Township with respect to the above property.
2. The Township intends to take legal action against you, the owner(s) of the property for the violations.
3. The particular provision(s) of the Ordinance which is/are being violated are the following:

Specific Violation	Description of Requirements Which Have Not Been Met	Ordinance Section No.
Violation of Permitted Uses	Using a freight trailer, a vehicle designed to transport goods over the road, as an accessory structure for storage.	§200.3

4. (A) Steps for compliance must be commenced immediately.  
(B) You have thirty (30) days from the date of receipt to come into compliance with the above-mentioned section(s).
-

5. Any recipient of this notice has the right to appeal to the Zoning Hearing Board within thirty (30) days after the date of this notice and in accordance with the procedures set forth in the Zoning Ordinance.
  
6. Failure to comply with this notice within the time specified above, unless extended by appeal to the Zoning Hearing Board, constitutes a violation of the Zoning Ordinance. A violation may result in legal action by the Township before the Lancaster County Court of Common Pleas or may, in the discretion of the Township, result in a civil action commenced with the District Justice and may result in a judgement of not more than Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorneys' fees incurred by the Township. Each day that a violation continues shall constitute a separate violation unless the District Justice determines otherwise.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

[Redacted]



9590 9402 3432 7275 4848 74

2. Article Number (Transfer from service label)

7005 0390 0004 2964 8696

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

[Redacted]

- Agent
- Addressee

B. Received by (Printed Name)

[Redacted]

C. Date of Delivery

[Redacted]

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

**Building:** Any Structure having a roof supported by walls, and intended for the shelter, housing or enclosure of Persons, animals or chattel.

- a) **Accessory Building:** A subordinate Building or a portion of the main Building on a Lot, the use of which is customarily incidental to that of the main or Principal Building.
- b) **Principal Building:** A Building in which is conducted the Principal Use of the Lot on which it is located.

**Building, Front Line of:** The line of that face of the Building nearest the front line of the Lot. This face includes sun parlors and covered Porches, whether enclosed or unenclosed, but does not include steps.

**Building, Height of:** The vertical distance measured from the average elevation of the proposed Finished Grade at the front of the Building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Line:** The line of a Structure or Building existing at the effective date of this Ordinance or the legally established line which determines the location of a future Building or Structure or portion thereof with respect to any Lot Line or Street Right-of-Way Line.

**Campground:** A Lot, tract, or parcel of land upon which two (2) or more Campsites are located or established, intended and maintained for occupation by transients in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

**Campsite:** A plot of ground within a campground intended for occupation by a tent, camp trailer, travel trailer, motor home, or similar movable or temporary sleeping quarters of any kind.

**Car Wash:** A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

**Carport:** An Open Space for the storage of one or more vehicles in the same manner as a private Garage, which may be covered by a roof supported by columns or posts, except that one or more walls may be the walls of the main Building to which the Carport is an accessory building or extension.

**Cartway:** The surface of a Street, drive, or Alley available for vehicular traffic.

## ARTICLE II - DISTRICT REGULATIONS

### SECTION 200 AGRICULTURAL DISTRICT (A-1)

200.1 PURPOSE AND INTENT - The purpose of the A-1 Agricultural District is to promote the continuation of agricultural activities and the protection of agricultural land in those areas most suitable for farming. Areas included in the A-1 District have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This District also intends to protect and stabilize the Township's viable agricultural economy by eliminating Uses that are incompatible with farming, but permitting Farm occupations and limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this District must be willing to accept the impacts associated with normal farming practices and related businesses. Finally, the provisions of this District have been specifically formulated to further the objectives of the Municipalities Planning Code which provides that local Zoning ordinances shall be designed "to preserve prime agriculture and farmland considering topography, soil type and classification, and present use."

200.2 AGRICULTURAL NUISANCE DISCLAIMER - All lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience and/or discomfort arising from agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, night and weekend operations, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

Applicants for subdivision or Land Development for non-farm purposes shall include the foregoing paragraph "Agricultural Nuisance Disclaimer" as a plan note on all subdivision plans. Similarly, the issuance of building permits for non-farm purposes shall be conditioned on the Applicant's signing a statement that he/she has read Section 200.2 of this Ordinance, including the foregoing disclaimer.

### 200.3 PERMITTED USES

- A. Accessory Uses customary and incidental to Single Family Detached Dwellings.

- B. Agricultural Composting, subject to Section 403.
- C. Agricultural Uses, including the direct sale to the public of agricultural products produced principally on the Farm where the sales are occurring.
- D. Bed and Breakfast Establishments, subject to Section 408.
- E. Composting Residential, subject to Section 416.
- F. Dog Kennels with twenty (20) or fewer animals, subject to Section 419.
- G. Group Day Care facilities, subject to Section 432.
- H. Farm Dwellings, incidental to the primary agricultural use of the property.
- I. Farm-Related Businesses, subject to Section 426.
- J. Harvesting of timber grown on Premises, subject to Section 327.
- K. Home Occupations, subject to Section 434.
- L. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative materials.
- M. Intensive Commercial Livestock Operations, subject to Section 438.
- N. Keeping of Livestock on Lots under twenty (20) acres in size, subject to Section 440.
- O. Municipal Facilities.
- P. Private Shooting Range, subject to Section 452, and requiring an earthen backstop.
- Q. Public utilities.
- R. Roadside stands of agricultural products, subject to Section 448.
- S. Single-Family Detached non-farm Dwellings on a Lot of record existing as of the effective date of this Ordinance, or Lot lawfully created thereafter for Single Family Dwelling purposes pursuant to

the terms of this Ordinance, subject to Section 454 and Section 303.

- T. Structures and facilities contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the Farm where the farming is occurring, including, but not limited to the following:
  - 1. Barns, silos, corn cribs, grain and feed storage bins, poultry houses, mushroom houses, equipment and supply storage and repair buildings for the farm's equipment.
  - 2. Manure handling and storage facilities, subject to Section 442.
  - 3. Other similar Accessory Structures necessary for the proper operation of agricultural activities.
- U. Temporary Farm Employee Housing subject to Section 457.
- V. Solar Energy Systems, Small, subject to Section 456.1.
- W. Wind Energy Systems, Small, subject to Section 462.1.
- X. Geothermal Energy Systems, subject to Section 429.
- Y. Wood Furnaces, subject to Section 463.
- Z. Manure Digester, Small, subject to Section 421.

200.4 SPECIAL EXCEPTIONS (Subject to the review procedures listed in Section 606 of this Ordinance)

- A. Agricultural Businesses Engaged in the Selling, Processing or Storage of Products to be Used by Farmers in the production of crops, horses, cattle, other Livestock, and poultry, such as: fertilizer, animal feed, medical additives, animal health aids, lime, chemicals used for killing weeds, etc., subject to Section 402.
- B. Animal Hospitals, Veterinary Facilities, subject to Section 405 and Kennels subject to Section 419.
- C. Campgrounds, subject to Section 410.
- D. Conversion Apartments, subject to Section 418.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

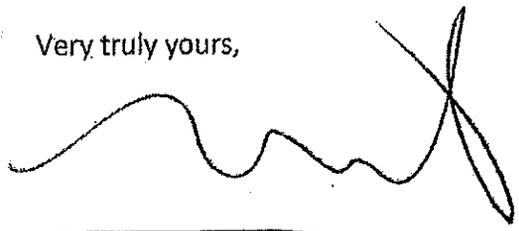
November 5, 2021

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

Enclosed is a copy of the final written decision of the Little Britain Township Zoning  
Heard Board, which I have signed on behalf of the Board. If no appeal is taken within thirty  
days of the date of this letter the decision will become final.

Very truly yours,

  
[REDACTED]



before the meeting. Further, copies of the agenda were available at the time of the hearing for the public.

9. [REDACTED] also testified respecting Board Exhibit #1, being the minutes of the Little Britain Township Planning Commission of September 28, 2021; and Board Exhibit #2, the minutes of the Board of Supervisors' meeting of October 12, 2021.

10. The Board members present were [REDACTED]s

11. At the start of the hearing [REDACTED] testified that she had originally issued a notice of violation to [REDACTED] December 30, 2020, regarding the identical situation. At that time [REDACTED] said that he would remove the trailer, which was described as a freight trailer with an integral refrigeration unit for cooling.

12. At the start of the 2021 growing season [REDACTED] moved the refrigeration trailer back onto the property. The present Notice of Violation was issued June 25, 2021.

13. [REDACTED] testified that, if a farmer wishes to have a cooler to store produce, the cooler needs to be a purpose-built structure. At a minimum, if a farmer wishes to have a refrigerated trailer remain on its axles, the trailer and axles need to be inside a fully-enclosed structure.

14. [REDACTED] stated that she had spoken to [REDACTED] and also offered him the option of removing the axles and building a structure around the trailer.

15. [REDACTED] stated that none of the three options offered to him are attractive to him financially. He stated that he is unable to comply with the Township's request for

financial reasons. He stated that he could not assure the Board that he would be able to comply if given extra time to do so.

16. [REDACTED] stated that, although several of the proposed solutions [REDACTED] gave were feasible, they all required expenditures that he is not able to make.

17. [REDACTED] stated that it is not possible to remove the axles from the trailer because he rents out the trailer during the winter months and needs the trailer to remain on the axles in order to be mobile.

18. [REDACTED] stated that there are no unique physical circumstances on the property that affect his ability to comply with the zoning ordinance. He stated that his problems are financial in nature.

19. The Planning Commission noted the application without comment. The Supervisors noted their opposition to the application and supported the decision of the zoning officer that a violation of the zoning ordinance had occurred.

20. Following the conclusion of testimony by [REDACTED] and [REDACTED], the Board conducted an executive session.

21. Following the return of the Board from executive session, the Board voted unanimously to uphold the Notice of Violation and to deny the variance request.

#### **B. CONCLUSIONS OF LAW**

1. The subject property is located in the Agricultural zone.

2. Using a freight trailer designed to transport goods over the road as an accessory structure for storage is a violation of Section 200.3 of the Little Britain Township Zoning Ordinance.

3. The notice of violation of June 25, 2021, was properly issued.

**C. DISCUSSION**

This was not an easy case for the Board, but not because the law is unclear. The Board is satisfied that [REDACTED] made a clear and convincing case that [REDACTED] was in violation. The Board is also satisfied that there was no evidence of hardship arising from unique physical circumstances on the property which could authorize the grant of a variance. The reluctance of the Board stems simply from a reluctance to appear unsympathetic to a farmer struggling to make a living. This Board did not write the ordinance and this Board did not draft the notice of violation. [REDACTED] was acting within the law, as the Supervisors correctly noted. We also note that this is the second notice of violation issued for the identical zoning violation. Economic hardship can never be an excuse for failure to comply with the zoning ordinance in an important way. The zoning ordinance applies to all persons, regardless of their means. The Board is sympathetic to Applicant's situation, but not to the point where it can ignore the law.

**D. DECISION**

AND NOW, this 13<sup>th</sup> day of October 2021, Applicants' request for a variance is denied and the notice of violation of June 25, 2021, is upheld.

THE LITTLE BRITAIN TOWNSHIP  
ZONING HEARING BOARD

Date: November 5, 2021

By: [REDACTED]