

July 28, 2021

[REDACTED]
[REDACTED]
[REDACTED]
Codorus Township
Property [REDACTED]

RE: ACRE Review Request – Article X Zoning Hearing - Decision

Dear Attorney Willig,

We are requesting an ACRE review of Codorus Township's Zoning Ordinance Article X Zoning Hearing Board Section 1004 Powers and Duties, Section 1006 Appeals, Section 1007 Special Exception with special attention given to Section 1017 Decision Procedure and 1018 Records and how they were applied to our August 12, 2013 Zoning Hearing. Admittedly the hearing was quite some time ago and the hearing itself was not appealed. Upon recent discovery there appears to be a misrepresentation in the written decision composed by Zoning Hearing Board (ZHB) [REDACTED] in comparison to the findings of facts and the Transcript of the Decision Proceedings. It also appears that Codorus Township [REDACTED] Zoning Officer [REDACTED] and possibly the Board of Supervisors, members of the ZHB and ZHBs Attorney [REDACTED] were aware of the misrepresentation and intentionally did not disclose their findings. Doing so adversely effected our agricultural operation [REDACTED]. The misrepresentation has been used to prevent permitting, initiate legal action, revoke an issued permit, used for denial of our 2016 Zoning Hearing and consequent York County Appeal Hearing each referencing the *2013 Zoning Hearing Decision*. The zoning hearing board is a quasi-judicial body that has the power to assure the fair and equitable application of the zoning ordinance. Allowing a hearing and or its decision to be manipulated or influenced is an abuse of power.

The written decision neglected to mention the ZHB's approval of Horticultural uses as stated in the Findings of Facts and in the Transcript. Under Section 505 Use and Lot Area Requirements Use #2 states Horticultural uses related to: a. Raising, propagating and selling of trees, shrubs, flowers and other vegetative materials is permitted.

In January 2002 we were given permission to operate [REDACTED] as a garden market utilizing custom built potting sheds by the Board of Supervisors and then Zoning Officer [REDACTED]. [REDACTED] was a supervisor at that time and continues today in the position of Chairman. In 2008 we were given a permit to build a clear roof pavilion to house and grow plants, garden accessories and potting sheds. Under misinformation we enclosed the building not knowing the guidelines for the newly enacted Uniform Construction Code (UCC) and how it effects public access. In March 2013 we applied to put an addition on the enclosed pavilion and requested a possible change of use, at that time we were informed of the error and moved forward with correctional measures as directed by the ZO. The Application for Change of Use and the 2013 Zoning Hearing transcript are provided. The Zoning Hearing was held in August. The Decisional Hearing was held several weeks later in September. There were very few people in attendance at the September 9, 2013 Decision Hearing. Our attorney was not present and as I recall neither was [REDACTED]. When I recently filed the RTK for the Decisional Hearing Transcript my intent was to review the comments made by [REDACTED]. After piecing several dates and documents together, I realized the discrepancy between the written decision and transcript. By not including the Approval of Horticultural Uses in the written decision has caused an enormous amount of confusion and communication breakdown between us and

the township. The latest discovery of not disclosing the misrepresentation is devastating. Our permit was issued by [REDACTED] based on the findings of fact and what appears to be conversations with [REDACTED]. The same permit was Revoked by now [REDACTED] using only the Order of the Written decision and what appears to be an unannounced meeting with the Board of Supervisors. The issuance of a permit based on findings of facts and then using only the order to revoke said permit without inspection, violation or any due diligence is in violation of Section 1201 Interpretation: It is not to interfere with any permits previously issued by the township which are not in conflict.

For eight years, eight long years Codorus Township seems to have an ongoing conspiracy to sabotage our farm operation. There is a direct connection to this "misrepresentation", revoking our permit and the subdivision issue. Codorus Township has gone to extremes in order to break up the family farm for what they *imagine* our intentions are for the property. It has been exhausting and costly bearing the weight of their biased actions.

We ask that the Office of Attorney General review the attachments for how it relates to ACRE and forward to any appropriate department within the Office of Attorney General that could better address this complaint.

If you recall, we filed an ACRE complaint on October 7, 2016. We have had some correspondence and it is possible the previous complaint is still pending according to your email dated July 5, 2018. I reached out again on February 26, 2020 to request a revisit of our previous complaint. I would like to again request the revisit and to add these latest findings to any previous information provided you. Additional beneficial documentation can be provided upon request.

While much has transpired since the 2013 Zoning Hearing this latest discovery is the most concerning. The misrepresentation and it's handling by the powers that be is the basis for everything that has transpired including the Subdivision Issue that is the topic of additional ACRE complaint. This complaint's focus will be solely on the misrepresentation.

Thank you for your time & consideration,

[REDACTED]
[REDACTED]
[REDACTED]

History Provided by Attachments:

August 12, 2013 Zoning Hearing Written Decision Order Attachment #3

#1. Applicant's appeal from the zoning officer's enforcement notice is denied.

September 9, 2013 Decisional Hearing Transcript – Recently obtained June 3, 2021 Attachment #2

Page 18 Mr. Hengst: Page line 6-16. Motion Carried unanimously.

"I'll make a formal motion to uphold the zoning officer's decision as far as the uses for the property with Use 2, horticulture uses, with the stipulation that propagation and selling of vegetative material and containers incidental to the effective sales, said material *would be allowed.*"...

Also noted in the transcript was public comments prior to the decision. Not only allowed but requested by The Chairman Page 8 Lines 12-16. Page 9 Lines 15-17 [REDACTED] did clarify that