Maidencreek Township Board of Supervisors
Maidencreek Township, Berks County, PA
Ms. Diane Hollenbach, Township Manager
1 Quarry Rd
Blandon, Pa 19510

Timothy Chrusch
73 Water Street
Fleetwood, Pa 19522
610-781-3541
timothychrusch@yahoo.com

Ms. Hollenbach and Maidencreek Township Board of Supervisors,

We are seeking an approval from the Maidencreek Township Board of Supervisors of our request for a variance of the Township of Maidencreek Zoning Ordinance 2017, Section 220-66A that states "Activities specifically not permitted for a home business include:…sales and repair of vehicles".

We are looking to operate a small auto business that would allow for myself to work out of the home and be readily available in the event my spouse, Monica Chrusch, would need assistance with our six young children all under the age of ten. Our property is secluded from neighbors and any vehicles on display (if not housed in a garage), would not be visible from the road. There will be no increase of traffic on Water Street, due to the fact that sale of vehicles will be done via the internet.

We take great pride in our property and will continue to do so once the business is operational.

Your consideration in granting the variance will be greatly appreciated.

Respectfully,

Timothy Chrusch

MAIDENCREEK TOWNSHIP ZONING HEARING BOARD

NOTICE OF APPEAL OR APPLICATION
(To be filed in triplicate with plot plan attached.)

APPEAL NO. _____

DATE _____

Appeal is hereby made by the undersigned (check one)

( ) from the action of the Zoning Officer in refusing my application for a Zoning Permit on _____, 20 .

(X) for a Variance from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Special Exception from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Conditional Use from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Rezoning from the terms of the Zoning Ordinance of Maidencreek Township.

( ) from the action of the Building Inspector in refusing my application for a Building Permit on _____, 20 .

Name of Property Owner Timothy Chrusch

Name of Applicant Timothy Chrusch

Location of Property 73 Water St

Address of Applicant 73 Water St

Interest of Applicant in property if not owner (agent, lessee, equitable, etc.) _____

Attorney (if any) _____

1. Application relates to:
Use ( ) Lot Area ( ) Yards ( ) Height ( ) Existing Building (X)
Proposed Building ( ) Area Classification ( )
Other ( ) _____

2. Description of Real Property and Location: a.) see attached
b.) residential & Ag c.) R1 d.) House
3 outbuildings

(a) Lot Size
(b) Present Use
(c) Present Zoning Classification
(d) Present Existing Improvements

3. Date Building Inspector or Zoning Officer made his determination _____

Statement of alleged error or Building or Zoning Officer _____

4. Action desired by applicant Variance of section 220-16 A to allow for operation vehicle repair/sales on premises

5. Reasons applicant believes the Board should approve the desired action (ei. To section or sections of the ordinance under which you believe the desired action may be allowed, and note specifically whether or not a hardship is being claimed) Area is secluded from neighbors and is not visable from road. No additional traffic will occur due to business

6. Has a previous appeal been filed in connection with these premises? No

7. List names and addresses of all adjoining property owners and all property owners and/or residents within 1000 feet of the location of applicant's property.

8. Attach 3 scale copies of a plot plan of the real estate affected and in question here, indicating its location, North point, scale, adjoining owners, distances, lot size, size and location of improvements now existing and the size and location of proposed improvements, show site location insert, and indicate any other changes desired or information required by the Zoning Hearing Board.

9. The undersigned being the legal or equitable owner of certain real estate, which is the subject of a zoning application which is being submitted to the Township of Maidencreek simultaneously herewith, in consideration of the Township of Maidencreek processing the aforesaid plan, agree to pay to the aforesaid Township, within thirty (30) days from the date of the Township invoice, all costs that the Township has incurred, in processing the said zoning application.

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct to the best of my knowledge, information and belief.

Date 11/21/17

Applicant

Witness:

_____

THIS APPLICATION MUST BE ACCOMPANIED WITH A CHECK IN THE AMOUNT OF $ _____
MADE PAYABLE TO: MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS.

Andrew Fenley

41 Water Street

Fleetwood, Pa 19522

Mark Marks

30 Water Street

Fleetwood, Pa 19522

C&D Zwicky llc.

220 Buena Vista Rd

Fleetwood, Pa 19522

William Hess

1430 Pleasant Hill Rd

Fleetwood, Pa 19522

Additional addresses:

Jay Tract
82 Water Street
Fleetwood, PA 19522
Property ID: 61541200857683

Ken Fulmer
28 Church Hill Road
Fleetwood, PA 19522
Property ID: 72542201062161

Michael Buchman
769 Maidencreek Road
Fleetwood, PA 19522
Property ID: 61542203034805

Rich-Maiden Golf Course
234 Richmaiden Road
Fleetwood, PA 19522
Property ID: 61542203044067

Daniel Myers
822 Maidencreek Road
Fleetwood, PA 19522
Property ID: 61541204936093

8101918070

Tax Map

File # 15118

Borrower/Client Timothy Crusch

Property Address 73 Water St

City Fleetwood County Berks State PA Zip Code 19522

Lender FULTON MORTGAGE COMPANY



APPLICATION FOR A HOME OCCUPATION OR NO IMPACT HOME BASED BUSINESS

HOME OCCUPATION QUESTIONNAIRE

Please answer the following questions:

1. Will the Home Occupation be conducted entirely within the principle residence? Yes__ No X
2. Will the Home Occupation be conducted entirely within an accessory building? Yes X No__
3. Will the Home Occupation be secondary and incidental to the residential use of the property? Yes X No__
4. Will the owner/proprietor of the Home Occupation be a resident of the property? Yes X No__
5. Will there be more than one (1) person other than immediate family members residing on the property involved in the Home Occupation? Yes__ No X
6. Will more than the equivalent of fifty percent (50%) of the floor area of the dwelling or accessory structure be used for the Home Occupation? Yes__ No X
7. Will the display of products be visible from outside the buildings in which the Home Occupation is to be conducted? Yes X No__
8. Will there be any storage of product, materials or equipment used in the Home Occupation in any place except in a fully enclosed building? Yes__ No X
9. Will any equipment be installed for the Home Occupation? If yes, list equipment. Yes__ No X
10. Will there be any outside advertising sign? Yes X No__
11. Will the Home Occupation serve patrons or attract customers, clients or students to the property? Yes X No__
12. Will the Home Occupation generate a volume of traffic that will cause congestion or affect neighboring properties? Yes__ No X
13. If the Home Occupation is to serve patrons, is there available at least two off-street parking spaces for patrons and once space for each worker not in residence, and two spaces for the residential unit? Yes X No__

14. Will the Home Occupation generate or discharge to a sewer system any waste water or effluent? Yes__ No X

15. Will the Home Occupation involve the use of explosive, flammable, caustic, hazardous or potentially dangerous materials? Yes__ No X

16. Will the Home Occupation create any noise, odor, dust, vibrations, electromagnetic interference, smoke, heat or glare perceptible at or beyond the property boundary lines? Yes__ No X

17. Has the Applicant made a written application to Maidencreek Township for any other permits? Yes__ No X

18. Is the Applicant familiar with Section 220-65 of the Maidencreek Township Zoning Ordinance? Yes X No__

19. Does this proposed Home Occupation comply with the provisions of Section 220-65 of the Maidencreek Township Zoning Ordinance? Yes X No X

20. Does this proposed Home Occupation have to do with the preparation of any type of food products? Yes__ No X

If Yes, applicant must have approval from the Department of Agriculture.

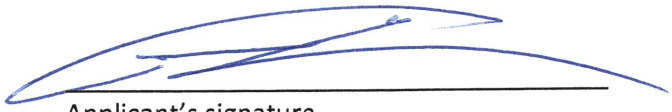
21. After you have answered all the above questions, please explain each item of noncompliance: (Applicant must attach a plot plan of the property showing all structures, parking, driveways, etc.)

#7: Display area for up to 5 vehicles will be visible from outside of garage.

By signing below and submitting the attached application for Home Occupation, the Applicant(s) certify:

That all information and statements on the attached application any documents or plans filed in this matter are true and correct to the best of the applicant's knowledge, information and belief and applicant(s) will comply with the conditions of the Maidencreek Township Zoning Ordinance.

Date: 11/21/17



Applicant's signature

Municipality: Maidencreek Township County: Berks Permit No: _____

ZONING PERMIT APPLICATION

A. LOCATION AND OWNERSHIP OF PROPOSED WORK OR IMPROVEMENT

Street and Number: 73 Water Street

Deed Owner(s)Name&Address Timothy Chrusch

Applicant(s)Name&Address Timothy Chrusch

Phone Number 610 781 3541 Cell Phone Number 610 781 3541

Zoning District (as shown on Zoning Map): R1

Present Tenant: Owner

B. PRESENT USE OF LAND X Residential ___Commercial

Present use of structure: Agricultural

Number of Families: 1

Present Building (Description): Barn / Garage

Present Use of Land: Agricultural

Is any portion of the property located in a FEMA Flood Plain? ___Yes X No

Is the site located within a Historic District? ___Yes X No

C. PROPOSED WORK OR IMPROVEMENT (check one)

___New Construction ___Addition __ Interior Alteration ___Exterior Alteration

___Fence ___Accessory Structure __ Deck Cost of Construction $ _____

___Sign (Drawing of sign must be submitted with this application)

X Change in Use Present Use _____ Proposed Use Home business

Describe proposed work: small auto repair / sales

Is the proposed structure or use located in FEMA designated flood plain __Yes X No

D. PROJECT DIMENSIONS

PLOT DIMENSIONS		SETBACKS		DIMENSIONS	
Frontage	ft.	Front	ft.	Width	ft.
Depth	ft.	Side A	ft.	Depth	ft.
Area	sq. ft.	Side B	ft.	Height	ft.
Irregular plot		Rear	ft.	Stories	

SIGNAGE:

Type: _____

Number: _____ Size: _____ sq. ft.

E. APPLICATION

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on diagram on reverse side of this sheet and/or to use the premises for the purposes described herewith. The information which follows, together with local diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, may cause refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without the approval of the Zoning Officer, shall constitute sufficient grounds for the revocation of permit.

Applicant's Signature _____ Date 11/21/17

Owner, Lessee or authorized agent for owner of subject property _____

F. PLOT PLAN SKETCH

Note: The property owner and applicant assumes the responsibility of locating all property lines, easements, rights-of-way, flood areas, etc. Property owner and applicant shall not construct or erect structures or encroach into the Municipality's right-of-ways.

G. APPLICATION AND DATES OF ACTION TAKEN (OFFICIAL USE ONLY)

Application approved: ___Yes No.___ _____ _____
Zoning Official Signature Date

If denied, Reason for Denial of Application:_____

_____

NOTE: The applicant has the right to appeal the denial of this application to the Municipality's Zoning Hearing Board within 30 days from the date of denial pursuant to procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.

Applied to Zoning Hearing Board:_____Date:_____Appeal___Yes ___No

Board's Decision: ___Granted ___Denied Date: _____

Order: _____

_____

Please note: all applications are to be submitted to and all inspections are to be called into Maidencreek Township Office at the address and phone number listed below.

Maidencreek Township
1 Quarry Road
P.O. Box 319
Blandon, PA 19510
Phone (610) 926-4920
Fax (610) 926-6314

Systems Design Engineering, Inc.
1032 James Drive
Leesport, PA 19533
Phone (610) 916-8500
Fax (610) 916-8501



A: Residential

B: garage (planned business location)

C: Barn

D: Run-in Barn

1. 440 ft
2. 190 ft
3. 323.51 ft
4. 788.7 ft
5. 691.35 ft
6. 965.25 ft

MAIDENCREEK TOWNSHIP

CERTIFICATE OF OCCUPANCY FORM

Date: 11-21-17 Fee: _____

Owner: Timothy Chrusch Phone: 610 781 3541

Property Address: 73 Water Street Fleetwood 19522

Mailing Address: Same

Lessee: _____

Existing or Former Use: Res / Ag

Proposed Use: Home business

Subdivision(if applicable): _____

Description of Use: Small auto repair / sales

NOTE: Application shall include plot plans showing dimensions of lots, location of buildings or structures on lots, dimensions of front, side, rear yards, courts and floor plans.

* If required, evidence of approval by the Commonwealth of Pennsylvania shall also be submitted.

* Misrepresentation of facts and conditions, approvals granted through malice or negligence shall not be deemed a legal permit.

I hereby certify that the information supplied and herewith is true and correct to the best of my knowledge.

Applicants Signature

11/21/17
Date

November 28, 2017

CERTIFIED MAIL
Return Receipt Requested
7017 1070 0000 1851 3429

Timothy Chrusch
73 Water Street
Fleetwood PA 19522
Property I.D. #61541204933897
And I.D #61542203040110
Re: Zoning Permit Application Denial

Mr. Chrusch:

Your zoning permit application, dated November 21, 2017, has been reviewed for the proposal of a "Home Business" or "No-Impact Home Based Business" for small auto repair and sales, to be located on your residential property located at 73 Water Street in Maidencreek Township with a mailing address of 73 Water Street, Fleetwood PA 19522. Your property is 15.37 acres in size.

Your application indicates that you are proposing to conduct auto repairs within an existing building noted as an existing garage on your map attachment to your application and also noted within your application as a barn/garage. You are also proposing a display sales area outside the garage or on your property of up to 5 vehicles.

Your property is located in the R-1 Low-Density Residential District of Maidencreek Township.

Only pertinent sections of the Zoning Ordinance have been included in this review.

The following are my findings and conclusions:

Findings:

1. R-1 Low Density Residential District. Section 220-22 A. (5)and (6) Permitted Uses: No-Impact home-based businesses and Home Occupations, and 220-22 C.(6) Uses by Conditional Use: Home Business.

2. Section 220-66 Home Business, Home Occupations, and No-Impact Home Based Business.

   A. Home Business(By Conditional Use):
   "(5) Activites Specifically ***not permitted*** for a home business include, kennels, warehousing and storage business, wholesaling, distribution businesses, ***sales and repair of vehicles***, car washes, transfer stations, gas stations, junkyards, adult bookstores, adult motion picture theaters, cabarets, self storage facilities, landfills,

hazardous waste facilities, methadone treatment facilities, bulk water extraction, mineral extraction, and buildings and uses accessory to any of these excluded uses." "(7). The home business shall be conducted within the principal residential structure or of an accessory structure on the property. No activity of the home business shall be ***closer than 100 feet from any side yard*** or rear yard or within 100 feet from any other residential building."

B. Home Occupations(Use by Right):
(2). Permitted activities for a home occupation include the following: the office of a licensed medical practitioner, or allied health field, dentist, architect, artist, baker, lawyer, accountant, insurance agent, real estate broker, teacher, tax collector, engineer, dance, music or voice instructor, dressmaker, milliner or seamstress, barber or beautician, ***or similar occupation.***

C. No-Impact Home-Based Business(Use by Right):
(1) Are permitted as an accessory use in the R-1 Zoning District.
(2) To qualify as a "no-impact home based business" the activity must satisfy the following requirements:
(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
(d) ***There shall be no outside appearance of a business use***, including, but not limited to, ***parking, signs***, or lights.

Conclusion:

Based upon the above your Zoning Permit Application for a small auto repair and sales "Home Business", "Home Occupation" or " No-Impact Home- Based Business" has been denied for not meeting the requirements of the "Zoning Ordinance of Maidencreek Township."

The following are the reasons:

1. Home Business: Conditional Use required and Non-compliance with items in 2.A.(5) and (7) as underlined above.

2. Home Occupations: Non-compliance with item 2.B.(2) as underlined above.

3. No-Impact Home-Based Business: Non-compliance with items in 2.C.(2)(a),(c), and (d) as underlined above.

Please find attached your Zoning Permit Application which has been denied.

Appeals:

You have the right to appeal this decision of denial to the Maidencreek Township Zoning Hearing Board. You have thirty (30) days from the day you receive this letter to appeal.

You may also apply for a zoning hearing and request zoning relief, through a variance, from the Maidencreek Township Zoning Hearing Board. Zoning hearing applications can be obtained at the Maidencreek Township Municipal Building, located at 1 Quarry Road, Blandon, PA 19510

If you have any questions, I can be contacted at 610-916-8500.

Sincerely,

Thomas Unger, PE
Systems Design Engineering, Inc.
Township Engineer
Maidencreek Township, Berks County

Cc: Maidencreek Township Supervisors
Diane Hollenbach, Maidencreek Twp. Manager
Gene Orlando, Jr, Maidencreek Twp. Solicitor
Joan London, Maidencreek Twp. Zoning Hearing Board Solicitor
File

Municipality: Maidencreek Township County: Berks Permit No: _____

ZONING PERMIT APPLICATION

A. LOCATION AND OWNERSHIP OF PROPOSED WORK OR IMPROVEMENT
Street and Number: 73 Water Street
Deed Owner(s)Name&Address Timothy Chrusch
Applicant(s)Name&Address Timothy Chrusch
Phone Number 610 781 3541 Cell Phone Number 610 781 3541
Zoning District (as shown on Zoning Map): R1

Present Tenant: Owner

B. PRESENT USE OF LAND X Residential ___Commercial
Present use of structure: Agricultural
Number of Families: 1
Present Building (Description): Barn / Garage
Present Use of Land: Agricultural
Is any portion of the property located in a FEMA Flood Plain? ___Yes X No
Is the site located within a Historic District? ___Yes X No

C. PROPOSED WORK OR IMPROVEMENT (check one)
___New Construction ___Addition ___ Interior Alteration ___Exterior Alteration
___Fence ___Accessory Structure ___ Deck Cost of Construction $ _____
___Sign (Drawing of sign must be submitted with this application)
X Change in Use Present Use _____ Proposed Use Home business
Describe proposed work: Small auto repair / sales

Is the proposed structure or use located in FEMA designated flood plain ___Yes X No

D. PROJECT DIMENSIONS

PLOT DIMENSIONS		SETBACKS		DIMENSIONS	
Frontage	ft.	Front	ft.	Width	ft.
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Area	sq. ft.	Side B	ft.	Height	ft.
Irregular plot		Rear	ft.	Stories	

SIGNAGE:
Type: _____
Number: _____ Size: _____ sq. ft.

E. APPLICATION
Application is hereby made for a permit to erect or alter a structure which shall be located as shown on diagram on reverse side of this sheet and/or to use the premises for the purposes described herewith. The information which follows, together with local diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, may cause refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without the approval of the Zoning Officer, shall constitute sufficient grounds for the revocation of permit.

Applicant's Signature _____ Date 11/21/17

Owner, Lessee or authorized agent for owner of subject property _____

F. PLOT PLAN SKETCH

Note: The property owner and applicant assumes the responsibility of locating all property lines, easements, rights-of-way, flood areas, etc. Property owner and applicant shall not construct or erect structures or encroach into the Municipality's right-of-ways.

G. APPLICATION AND DATES OF ACTION TAKEN (OFFICIAL USE ONLY)

Application approved: ___Yes No. X _____ 11/28/17
Zoning Official Signature Date

If denied, Reason for Denial of Application: See Attached letter dated 11/27/17.
Non-compliance with Ordinance Sections 220-66.A(5)&(7); B(2)&C(2)

NOTE: The applicant has the right to appeal the denial of this application to the Municipality's Zoning Hearing Board within 30 days from the date of denial pursuant to procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.

Applied to Zoning Hearing Board: _____ Date: _____ Appeal ___Yes ___No

Board's Decision: ___Granted ___Denied Date: _____

Order: _____

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