

**SADSBURY TOWNSHIP ZONING HEARING BOARD DECISION**

IN RE: Application of Mervin L. King for a special : **SDT.2022.ZH.001**  
exception for property located at 1021 Gap Road in : No. 2022-01  
Sadsbury Township :

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**I. FINDINGS OF FACT**

1. Applicant is Mervin L. King, an adult individual residing at 1021 Gap Road, Kinzers, Pennsylvania 17535.

2. The property which is the subject of this zoning application is located at 1021 Gap Road, Kinzers, Pennsylvania 17535, and is in the Agricultural (A) Zoning District.

3. Applicant is the owner of the subject property.

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4. On or about December 8, 2021, Applicant filed a zoning application with the Sadsbury Township Zoning Hearing Board ("Board") seeking a special exception pursuant to Section 503 of the Sadsbury Township Zoning Ordinance to expand and/or alter an existing non-conforming structure in order to allow for the demolition of a portion of a barn on the subject property and the construction of an addition to that barn in the general location of the demolished portion of the barn.

5. Applicant's application was properly advertised and the property posted as required by law.

6. The Board held a public hearing on Applicant's application on January 19, 2022.

7. The subject property is a farm which has several outbuildings, including a barn which is located, at its closest point, approximately 14 feet from the paved edge of Gap Road.

8. The closest point of the barn consists of an old tobacco shed that will be demolished and replaced by a two-story addition to the barn.

9. Applicant indicated that the closest point of the new addition would be approximately 27 feet from the edge of the paved roadway.

10. The addition will be two stories in height and will accommodate horses on the first floor, with the second floor being used for the storage of hay and tobacco.

11. The new addition will have approximate dimensions of 36 feet by 53 feet, 10 inches, plus a small extension built on the north side of the addition.

12. Although slightly larger than the existing portion of the barn that is being demolished, the addition will be farther from the road because it will extend farther north than the existing barn and addition.

13. The existing barn is a non-conforming structure because it does not meet the minimum front yard setback requirement.

14. Because the barn is dimensionally non-conforming and Applicant is voluntarily demolishing a portion of it, Applicant is required to obtain a special exception pursuant to Section 503.1 to ~~construct the new addition, even though it is farther from the road~~ than the existing structure.

15. Applicant has satisfied the requirements for the grant of a special exception for the demolition of a portion of the barn and the construction of an addition to the barn.

16. Michele Neckerman, Township Manager, was present at the hearing and indicated that the Township had no opposition to the requested special exception.

## **II. CONCLUSIONS OF LAW**

1. Applicant's application was properly filed, advertised and the property posted as required by law.

2. The subject property is located in the Agricultural (A) Zoning District.

3. Applicant is required to obtain a special exception pursuant to Section 503.1 of the Zoning Ordinance to demolish a dimensionally-nonconforming portion of the barn and construct an addition which does not comply with the minimum front-yard setback requirement.

4. Applicant has satisfied his burden of proof in establishing the right to the requested special exception, subject to the imposition of certain conditions.

### **III. DECISION**

Based on the testimony presented at the hearing, the Board hereby grants to Mervin L. King a special exception pursuant to Section 503.1 of the Sadsbury Township Zoning Ordinance to allow Applicant to demolish a portion of the barn on the subject property at 1021 Gap Road, Kinzers, Pennsylvania 17535, and to build a two-story addition to the barn in the same general location as the portion that was removed. The grant of the special exception is subject to the following conditions:

1. Applicant shall adhere to all of the testimony presented at the public hearing on January 19, 2022, unless the testimony shall be inconsistent with the Conditions of this Decision. In the event of any inconsistency between the testimony and the Conditions of this Decision, the Conditions shall apply.

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2. Applicant shall be required to obtain all other necessary governmental approvals and permits for the intended use for the property and shall comply with applicable governmental rules, regulations, statutes and ordinances affecting the property and the intended use.

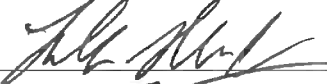


3. Any violation of the conditions of this Decision shall be deemed to be a violation of the Zoning Ordinance and shall be subject to the remedies and sanctions set forth in the Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

4. This Decision shall be binding upon the Applicant, his heirs, executors, administrators, successors and assigns.

5. The closest point of the new addition to the barn shall be no closer than 25 feet from the edge of the paved roadway of Gap Road.

This written Decision has been issued this 16 day of ~~February~~ *March*, 2022, and confirms the oral decision rendered by the Board on January 19, 2022.

**SADSBURY TOWNSHIP ZONING HEARING BOARD**

  
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