

# Zoning precedents exist, property owner claims

By ANN POEPPERLING  
Post Correspondent

Roy W. Evans' goal to sell crafts after his retirement seems to be a hard sell to residents living near the proposed site at the corner of Holcomb Road and North Memorial Highway in Shavertown.

The Kingston Township Planning Commission voted to recommend that supervisors deny his request to rezone the property from residential (R-1) to commercial (B-2), but Evans says he will continue with the process.

Evans feels he has valid arguments for each of the objections presented by the planning commissioners at their Dec. 5 meeting, which he was unable to attend because of work.

The commissioners' objection that this would encourage spot zoning really isn't valid, he feels, because "there's B-2 zoning right across the street where there is an accountant's office," he said. "And there's B-1 zoning belonging to Hill the Florist which borders the rear of my property."

Evans also recalls, "There was a lawn mower repair shop in the garage on my lot for over 10 years, apparently without a permit being issued."

As for the health, safety and general welfare objection voiced by the commission, Evans says he knows how it is for people with children and has considered the safety feature of diverting traffic from Holcomb Road. "There would be no business access off Holcomb Rd. — that driveway would be blocked off with a security gate reserved for employees and owners only. All business traffic would only be allowed from North Memorial Highway (Rt. 309)."

Kingston Township's engineer felt that the state Department of Transportation (PennDOT) would not allow a driveway permit off the highway, but Evans says, "There's already access off the highway from Ellis Avenue." However, he says he will ask PennDOT to remove a little more of the curbing to allow customers to get in and

out more safely.

Evans says he is also concerned with the welfare of the community because this is where he was raised and where he would like to retire. His grandparents, Samuel and Freda Green, lived on Mt. Airy Rd. and owned "Sam Green's Restaurant and Service Station," on Route 309, which was a popular gathering spot for folks after square dances in Kunkle. Evans spent much of this time as a youngster there, and "it's from where I learned to run and operate a business," he said.

Evans is currently a U.S. Army Captain stationed in Rochester, New York and living in Canandaigua. He says he's received 20 Army medals during his career, including a bronze star given to him in Saudi Arabia, which he describes as "one of the highest combat medals awarded during the Desert Storm Operation."

Evans plans to become a major before he retires in September, 1997, which is when he would like to devote some of his time to the craft shop. He got the idea when he saw a shop in the Finger Lakes region, on which he would like to pattern his store. "I would use the existing structures on the lot for about 10 years," he said, "and then I would like to build a log cabin shop like the one in New York. That would blend nicely with the beautiful pine trees and enhance the appearance of the property as well."

He plans to name the shop "Donna's Dolls and Christmas Home," which his wife Donna would operate full time. Evans would like to limit his own hours to part time, saving some time for teaching, having received his state teaching certification in several subjects.

The inside of the shop would have several sections, Evans said. One would have glass cases like a museum, to hold fine porcelain dolls. Customers wanting to buy a doll would have to sign an adoption certificate. Another area would be reserved for handmade goods crafted by low-income, disadvantaged and disabled persons, including veterans. Yet another

# Craft shop

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The commissioners unanimously agreed to recommend against rezoning the land, not only because they felt it would be detrimental to the health, safety and general welfare of the community, but also because it would "encourage spot zoning."

Benjamin R. Jones III, the



Roy Evans wants to turn this property at 20 N. Memorial Highway, Shavertown into a craft shop, but neighbors object.

would carry miscellaneous craft and hobby items, including model trains.

Evans hopes he will see his dream realized. As a precaution, however, he has the property, which he purchased in October, for sale in case the rezoning falls through. "Currently the lot is listed for \$95,000 as a residential property," he said.

Someone was interested in buying the property and constructing a 3-story insurance office on it, Evans said. "But that would have involved cutting down the beautiful pine trees," he said. The parties couldn't come to an agreement and the sale fell through.

Evans has just rented the house to a family with children and will wait for a decision. He says one of the most important reasons for rezoning the property is the children. "By allowing the property to remain residential, children are allowed access to play in the front yard, only inches from the highway, and therefore are in danger," he said.

group's solicitor, explained the role of the planning commission in the rezoning process. "The commission only renders opinions and recommendations to the Board of Supervisors, which makes the ultimate decision," he said.

He added that a public hearing on the matter would be held in

January after first being advertised ahead of time. Following the public hearing, the matter is again heard by the supervisors, from whose decision an appeal can be taken to the courts.

A rezoning of the Evans lot to B-2 could encompass much more than a craft shop. B-2 zones allow anything from restaurants, banks and shopping centers to billiard halls, taverns and research and testing facilities, according to zoning officer Ben Gorey.

B-2, the "general commercial

district," is the least restrictive of the commercial zones, compared to B-1, the "neighborhood commercial district."

Other items on the agenda, approved for recommendation, were:

- Geneva school application for a zoning conditional-use to conduct a private religious school in an agricultural (A-1) district.
- Colarusso minor subdivision.
- Pleshalla minor subdivision.
- Molesky/Nardone minor subdivision.

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## Browdie to speak to seniors Dec. 14

The Honorable Richard Browdie, Secretary of the Commonwealth of Pennsylvania Department of Aging, will be guest speaker at the Charles T. Adams Senior Center, 5 East Market Street, Wilkes-Barre, December 14 at 2:30 p.m. Secretary Browdie will address issues and concerns facing Pennsylvania's older residents.

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