

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT
OF PENNSYLVANIA--FRANKLIN COUNTY BRANCH**

**APPEAL FROM THE GREENE TOWNSHIP
ZONING HEARING BOARD DECISION OF
THE VARIANCE APPLICATION OF
PENN-MAR ETHANOL, LLC,**

CIVIL ACTION

APPELLANTS:

**DeETTA ANTOUN
CITIZENS FOR A QUALITY ENVIRONMENT
JOHN LUCABAUGH
KRISTI KUSCH-LUCABAUGH
FLORA LaRUE
ROBERTA REDMON
JACKIE SALMON
JOHN SCHOENBERGER
CAROL SCHOENBERGER
DUANE SCHOOLEY
GINA SCHOOLEY**

NO. 2005-1581

DEPUTY

LINDA L. DEARD
PROthonary

2005 NOV 23 PM 12:22

FRANKLIN COUNTY

PROthonary

JUDGE: RICHARD J. WALSH

ORDER OF COURT


November 22, 2005, upon consideration of the record of the proceedings before the Zoning Hearing Board of Greene Township, and of the evidence taken by the trial court on September 19, 2005, and upon further consideration of the briefs and arguments of the parties and of the law,

IT IS DETERMINED AND ORDERED THAT the applicant's proposed use is not a permitted use in the Heavy Industrial District.

IT IS FURTHER DETERMINED AND ORDERED THAT the applicant has failed as a matter of law to carry its burden of establishing the elements necessary for the granting of a dimensional variance.

Pursuant to the requirements of Pa.R.C.P. 236(a)(2), (b) and (d), the Prothonotary shall immediately give written notice of the entry of this Order, including a copy of this Opinion and Order, to each party's attorney of record or to each party, if unrepresented, and shall note in the docket the giving of such notice and the time and manner thereof.

By the Court,



Richard J. Walsh, J.

The Prothonotary shall give notice to:

- ✓ D. Reed Anderson, Esq., Counsel for Penn-Mar Ethanol, LLC
- ✓ Frederic G. Antoun, Jr. Esq., Counsel for Petitioners/Appellants
- ✓ David C. Cleaver, Esq., Solicitor for the Greene Township Zoning Hearing Board
- ✓ Welton J. Fischer, Esq., Solicitor for Greene Township