

ZONING HEARING BOARD: AUGUST 9, 2016
JONAS A. ESH

The Providence Township Zoning Hearing Board meeting was held on Tuesday evening, August 9, 2016, at 7:00 pm, in the Township Municipal office. Members present were James Hess, Bradford Duvall and Albert Warfel. Tom Goodman, solicitor, Connie Peiffer, Secretary/Zoning Officer, Michelle Parke, court reporter, and eleven (11) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 pm and introduced the Board members. Mr. Duvall announced the first hearing was for Jonas Esh, 557 Sawmill Road, requesting a special exception to allow a rural occupation of re-conditioning silo parts and a variance request to allow employees who do not live on the property to work at this silo business. Mr. Duvall then turned the proceedings over to Tom Goodman, Solicitor. Constance Peiffer, Zoning Officer, was sworn in by the court reporter. Upon questioning by Mr. Goodman, Mrs. Peiffer confirmed the hearing had been advertised in the Lancaster Newspapers on July 25, 2016 and August 1, 2016, with proof of publication being on display. That proof of publication was marked ZHB Ex. #1. Mrs. Peiffer also confirmed the list of adjoining property owners had been notified of the hearing. That list was marked as ZHB Ex. #2. Mrs. Peiffer testified the property had been properly posted.

Jonas Esh and John Coldiron affirmed to tell the truth. Mr. Goodman then had a series of questions for Mr. Esh. Mr. Esh said the property has 19.4 acres and he lives on the property. Mr. Esh stated he takes down silos and then either takes those parts to another location and sets the silo up again or he brings the parts of the silos back to his property. Mr. Esh started the silo business in 2015. Mr. Esh also has a chain business on the property. Both businesses are run out of portions of an old veal barn on the property. Mr. Esh would use 1000 square feet of the veal barn for the silo business. He does store silo parts outside, in an area around 500 square feet in size. Mr. Esh has two fulltime employees and 5 part time employees, inclusive of a driver. He does no work on Sunday. His hours of work are 6:00 am to 9:00 pm. There are no retail sales. Waste material is put in a dumpster. Flat bed trucks and roll back trucks bring in and take out the silo parts. There is no sign or lighting. A forklift is also used in the business. The access to Mr. Esh's property is off of Sawmill Road and then accessed by a shared private drive. The drive is around 10-12 feet wide. There are the parts of two silos at the property now, being stored outside.

Carol Fryberger, 575 Sawmill Road, had numerous questions for Mr. Esh. She asked questions concerning dogs, timbering, greenhouses, sewage disposal and other topics. June Lengacher, 66 Smithville Road, had a few questions.

Shirley Dickson, 555 Sawmill Road, had comments on noise from various motors running and on the truck traffic. Carol Fryberger, 575 Sawmill Road, had a comment on the number of trucks coming in and out on the private driveway. Ms. Fryberger also had comments on the other criteria set forth in Section 460. John Coldiron commented that Mr. Esh is trying to make a living for his family.

ZHB: AUGUST 9, 2016
JONAS ESH

At this time a motion was made by Mr. Duvall and seconded by Mr. Hess to close the testimony. The motion was carried unanimously. After a brief discussion, a motion was made by Mr. Hess and seconded by Mr. Warfel to render a decision at next month's meeting, to be held on September 13, 2016. No further testimony will be taken at that time. The motion was carried unanimously. The hearing was adjourned at 8:00 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford D. Duvall, Chairman

James D. Hess, Vice Chairman

Albert L. Warfel, Member

Constance Peiffer, Secretary

ZHB: AUGUST 9, 2016
GEORGE & LORETTA WANNER

The Board reconvened at 8:05 pm to consider a variance request for George and Loretta Wanner, 162 Miller Road, to allow the construction of a two-story garage addition to the existing dwelling, within the side yard setback area. Mrs. Peiffer stated the hearing had been advertised in the Lancaster Papers on July 25, 2016 and August 1, 2016, with proof of publication being on display. Mrs. Peiffer also confirmed the list of adjoining property owners had been notified of the hearing and the property had been properly posted. Mr. Wanner had completed an Entry of Appearance form, indicating he was appearing on his own behalf.

George Wanner and Loretta Wanner were sworn in by the court reporter. The property was identified as being within the Rural Residential R-1 district. The required side yard setback in that zoning district is 25 feet. The variance request is to allow the addition to be fifteen (15) feet from the side yard property line. The addition would be used as a garage and residential storage space. There would be no business operated in the addition. The structure would have no basement. Some photographs of the proposed site of the addition were presented.

There were no questions or comments from anyone in attendance at the hearing. Mr. Hess then made a motion to grant the variance, as requested, with the following conditions: a. The two-story garage addition to the dwelling unit may be located as close as, but no closer than, fifteen (15) feet from the side property line as shown on the accompanying plot plan, b. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but not limited to, the plans, materials and testimony submitted at the hearing, c. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations and d. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code. The motion was seconded by Mr. Warfel and carried unanimously. The hearing was adjourned at 8:11 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford D. Duvall, Chairman

James D. Hess, Vice Chairman

Albert L. Warfel, Member

Constance Peiffer, Secretary

ZHB: AUGUST 9, 2016
PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS
FAIRVIEW 2 TRAIL PARKING AREA

The Board reconvened at 8:15 pm to consider several variances of design criteria for a proposed parking area for the Enola Low Grade Trail Linear Park. The proposed parking area is located near property with an address of 106 Fairview Road and is owned by Providence Township. The tax account number is 5207866000000 and the property is zoned Agricultural. Vicki Eldridge, Township Manager, was present to represent Providence Township. Ms. Eldridge was sworn in by the court reporter.

The various variance requests pertained to Section 300, access drive requirements, Section 313, off street parking, and Section 320, screening and landscaping requirements. The variance requests were reviewed, along with the plot plan submitted with the application. Ms. Eldridge stated this proposed parking area is intended to be used by the local people using the trail. The main parking area at another location on Fairview Road is often filled on the weekends. Ms. Eldridge stated there would be no lighting.

John Schroeder stated he feels this variance request should be treated as any other variance request of a resident.

There were no other questions or comments from anyone in attendance. Mr. Hess made a motion to grant the variances, as requested and referenced in the application, as follows: **SECTION 300: ACCESS DRIVE REQUIREMENTS:** Section 300.6, Surfacing: The parking area may remain a stoned surface and Section 300.7, Access drive width: The access drive width may be fifteen (15) feet. **SECTION 313: OFF-STREET PARKING:** Section 313.5, Surfacing: Same as above 300.6: The parking area may remain a stoned surface, Section 313.6, Separation from streets and sidewalks: The installation of curbs is not required, Section 313.7.11, Requirement for painted lines, arrows and dividers: The parking area is not required to have painted lines, arrows and dividers, Section 313.7.12, Cross section of the parking compound: The parking area may remain a stoned surface, Section 313.9, Marking of parking spaces: The parking areas do not have to be marked, Section 313.12, Speed bumps and traffic calming devices: Speed bumps and traffic calming devices are not required to be installed, Section 313.18 and all sub-sections and Section 320, Landscaping and screening requirements: All landscaping and screening requirements are not required, and Section 313.19 & 313.19.1, Number of spaces required: The creation of 11 parking spaces and one additional ADA approved parking space is permitted. The variances are granted with the following conditions: a. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but not limited to, the plans, materials and testimony submitted at the hearing, b. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations and c. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code. The motion was seconded by Mr. Warfel and carried unanimously. The hearing was adjourned at 8:26 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford D. Duvall, Chairman

James D. Hess, Vice Chairman

Albert L. Warfel, Member

Constance Peiffer, Secretary