

ZONING HEARING BOARD: JULY 12, 2016
DECISION: AMOS K. ESH JR.
DECISION: JOHN M. ESH
JOHN STOLTZFUS/DUTCH SELECTIONS HEARING

The Providence Township Zoning Hearing Board meeting was held on Tuesday evening, July 12, 2016, at 7:00 pm, in the Township Municipal office. Members present were James Hess, Bradford Duvall and Anna Hipple. New member Albert Warfel was also present. Tom Goodman, solicitor, Connie Peiffer, Secretary/Zoning Officer, Michelle Parke, court reporter, and fourteen (14) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 pm and introduced the Board members and turned the proceedings over to Tom Goodman, Solicitor. Mr. Goodman announced the first order of business was for the Board to render a decision on the Amos K. Esh Jr. requests. Mr. Duvall made a motion to grant the special exception, pursuant to Section 205.4.9 and variances from Sections 205.6.4, 205.12, 205.15, 310.6.2, 312.3, 313.18.3 and 439.6 to allow the construction of a home improvement and building supply store at 748 Truce Road, with the following conditions: A. The applicant shall comply with his plans and promises as presented to the Zoning Hearing Board, B. The applicant shall file and have approved a land development plan, C. The applicant shall comply with all applicable provisions of the storm water management ordinance, D. The applicant shall obtain any necessary building and zoning permits from the zoning officer, E. The only outdoor storage associated with the business shall be trusses which shall be located to the rear of the premises, F. A violation of any of the conditions of this decision shall constitute a violation of the Ordinance, G. This decision shall bind the applicant, his heirs, successors, grantees and assigns. Mr. Hess seconded the motion and it was carried unanimously. The decision was signed by all members present. Amos Esh was handed his decision, as he was present at the meeting.

Next the decision for the John Esh requests, pertaining to property at 54 Cinder Road, was announced. Mr. Duvall made a motion to grant the variance requests of Sections 2.02 and 3.02 of the Floodplain Ordinance and Section 321.7 of the Zoning Ordinance, with the following conditions: A. The applicant shall comply with his plans and promises as presented to the Zoning Hearing Board, B. The applicant shall obtain any necessary permit from the Lancaster Conservation District and any necessary permits from DEP with regard to the stream reshaping, C. The Providence Township Zoning Hearing Board will notify the applicant in writing that: (1) the granting of a variance may result in increased premium rates for flood insurance; and (2) such variances may increase the risk to life and property. The correspondence will be mailed to the applicant in accordance with Section 8.02F of the FP Ordinance, D. A violation of any of the conditions of this decision shall constitute a violation of the ordinance and E., This decision shall bind the applicant, his heirs, successors, grantees and assigns. Mr. Hess seconded the motion and it was carried unanimously. Mr. Duvall then made a motion to deny the appeal of the enforcement notice sent by the zoning officer, dated April 25, 2016. Mr. Hess seconded the motion and it was carried unanimously.

At this time, the alternate Board member, Anna Hipple, was replaced by the new member of the Board, Albert Warfel. The Board next addressed the variance request from John Stoltzfus/Dutch Selections, located at 793 Lancaster Pike. The request is for a variance to allow the addition of impervious area, which will further increase the lot coverage over the maximum allowed lot coverage of 55%. The property is zoned commercial. Constance Peiffer, zoning officer, was sworn in by the court reporter. Mr. Goodman had several questions for Mrs. Peiffer. The proof of publication was marked as ZHB Ex. #1 and added to the record. The list of adjoining property owners who were notified of the hearing was marked ZHB Ex. #2 and added to the record. Mrs. Peiffer stated the property had been properly posted. Brian Masterson, from Register Associates, was present to represent Mr. Stoltzfus. Mr. Masterson and Mr. Stoltzfus affirmed to tell the truth. Mr. Goodman had several questions for Mr. Masterson and Mr. Stoltzfus. Currently there is an existing structure on site which contains a furniture store named Dutch Selections. Currently the lot coverage is 60.1%. Mr. Masterson presented

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a plan entitled "Dutch Selections" and that plan was marked as Applicant Ex. No. 1 and entered into the record. A packet with 12 photographs of the property and the structure was introduced by Mr. Masterson and marked as Appl. Ex. No. 2 and entered into the record. Mr. Masterson explained to the Board the request which involved the location of a new access drive to the second floor of a portion of the existing building. Mr. Masterson stated that storm water management plans would have to be submitted and approved for the property, if the variance is granted. The surrounding properties were discussed. Maye Hohenwarter, in the audience, stated she felt it was a good plan. After further review and discussion, Mr. Warfel made a motion to close the testimony. Mr. Hess seconded the motion and it was carried unanimously. Mr. Duvall then made a motion to grant the variance of Section 205.5 of the zoning ordinance, as presented, to allow the maximum lot coverage to be increased to 67.4%, at 793 Lancaster Pike, with the following conditions: A. The applicant must comply with his plans and promises as presented to the Zoning Hearing Board, B. The applicant shall comply with all applicable provisions of the Providence Township Stormwater Management Ordinance, C. A violation of any of the conditions of this decision shall constitute a violation of the ordinance, and D. This decision shall bind the applicant, his heirs, successors, grantees and assigns. Mr. Hess seconded the motion and it was carried unanimously. The hearing was adjourned at 7:35 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford D. Duvall, Chairman

James D. Hess, Vice Chairman

Albert L. Warfel, Member

Constance Peiffer, Secretary

Anna Hipple, Alternate Member

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MARY G. FISHER & ELIZABETH G. FISHER HEARING

The Board reconvened at 7:40 pm to address a variance request for Mary G. Fisher and Elizabeth G. Fisher, of Section 442.4 of the zoning ordinance, to allow a fence for enclosure of a horse to be located as close as one (1) foot from the property line. The property is located at 257 Mt. Airy Road and is zoned Residential R-2.

Mrs. Peiffer stated the hearing had been properly advertised in the Lancaster Newspapers on June 24, 2016 and July 1, 2016, with proof of publication being on display. The property had been properly posted. An Entry of Appearance had been signed by Mary Fisher and Elizabeth Fisher. Both Mary Fisher and Elizabeth Fisher affirmed to tell the truth.

The Fishers have recently bought the house at 257 Mt. Airy Road and obtained a permit to build a barn on the property to house one horse. The horse would be used for their transportation. Section 442.4 of the Zoning Ordinance set forth a ten (10) foot setback for fences for pasture area for carriage horses. The Fishers would like to locate the fence as close as one (1) foot from the property line. They will maintain the area on the other side of the fence. The property is 1.1 acre in size. The Fishers stated they know where the property lines are located.

Maye Hohenwarter was in favor of granting the request. John Schroeder also commented that he felt the variance should be granted. Mr. Schroeder stated he feels a person should be able to use their own property as they see fit.

There being no further comments or questions, a motion was made by Mr. Hess to grant the variance, as requested, to allow a fence for enclosure of a horse to be located as close as one (1) foot from the property line, with the following conditions: 1. The fence may be located as close as, but no closer than, one (1) foot from the property lines as shown on the accompanying plot plan, 2. 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, 3. The applicant must obtain all other permits, licenses, and approvals pursuant to any all applicable federal, state and local laws, rules and regulations, 4. 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. Mr. Warfel seconded the motion and it was carried unanimously.

Mr. Hess stated he thought the Board of Supervisors should consider changing that ten (10) foot setback requirement. The hearing was adjourned at 7:50 pm.

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