

ZONING HEARING BOARD: OCTOBER 13, 2015
LEADER ENTERPRISES LLC

The Providence Township Zoning Hearing Board meeting was held on Tuesday evening, October 13, 2015, in the Township Municipal office. Members present were James Hess, Anna Hipple and Bradford Duvall. Also present were Tom Goodman, Solicitor for the Board, Connie Peiffer, Secretary and Zoning Officer, Melissa Anderson, court reporter, and six (6) observers. The meeting was brought to order by Vice Chairman, Mr. Duvall at 7:00 p.m. Mr. Duvall introduced the Board. Mr. Duvall announced the only hearing for the night was for Leader Enterprises LLC, involving property located at 2441 Beaver Valley Pike. Mr. Duvall announced the requests are as follows: 1. Convert an existing single-family dwelling into a single family semi-detached dwelling, 2. Locate an automobile service and repair facilities, inclusive of repair of commercial trucks and heavy equipment and an office for the business and 3. Locate an excavation business on the property with an office and equipment parking. The property is zoned Commercial. Mr. Duvall then turned the proceedings over to the solicitor, Tom Goodman.

Constance Peiffer, Zoning Officer, was sworn in. Upon identification by Mrs. Peiffer, the proof of publication was labeled ZHB Exhibit No. 1. The notification document was identified and labeled as ZHB Exhibit No. 2. Mrs. Peiffer testified that the property had been properly posted. David Holzhauer and Bob Work were sworn in. There was discussion of the size of the parcel at 2441 Beaver Valley Pike. The parcel is approximately one acre in size. Currently, there is a single family dwelling and an abandoned garage located on the property. The ZHB application submitted by Leader Enterprises was labeled Applicant Exhibit No. 1. Mr. Work and Mr. Holzhauer are the owners of Leader Enterprises LLC. Lori Holzhauer was sworn in. A google map, submitted with the application, was labeled as App. Ex. No. 2. A proposed floor plan for the existing dwelling to be renovated to be a semi-detached dwelling was labeled as App. Ex. No. 3. The deed for the property was labeled as ZHB Ex. No. 3.

Mr. Goodman stated the proposed use of the single family dwelling to a semi-detached dwelling would be considered a use variance request, under Section 205.2 of the 2014 Providence Township Zoning Ordinance. The request for an automobile repair shop is a special exception request under Section 205.4.5. Mr. Holzhauer stated they would propose to use the existing garage for automobile repairs and repairs of heavy equipment. Mr. Goodman stated the heavy equipment repair is a use variance request under Section 205.2, in the Commercial District. Mr. Work stated he would like to locate his excavation business on this property also. Mr. Work employs ten (10) people. The business is currently located in Quarryville, PA. A previous June 2006 ZHB decision for this property was labeled as ZHB Ex. No. 4. A decision from September 2003 for this property was labeled ZHB No. 5. A 1987 decision from ZHB was labeled ZHB Ex. No. 6. The property was previously zoned Residential R-2.

It was testified that the existing detached garage structure is approximately 7800 s.f. It is one story and has a concrete floor. A second google map was labeled Appl. Ex. No. 4. The property has public sewer and well water to the dwelling. The proposed semi-detached dwelling would be rental unit. There would be no fuel tanks on the property. The sight distance when exiting the property was discussed. The surrounding properties were discussed. Members of the Zoning Hearing Board had several questions for the applicants.

Joanne Gregg, 2437 Beaver Valley Pike, was present with her attorney, Robert Hallinger. Mr. Hallinger stated that to be granted a variance a hardship has to be shown. Mr. Hallinger stated Ms. Gregg is concerned with the noise and traffic with so many uses being proposed. Sam Ruffing was also present. Mr. Ruffing owns property with addresses of 2442 and 2440 Beaver Valley Pike. Mr. Ruffing stated his concerns with so many uses being proposed on this lot. Mrs. Peiffer pointed out Section 304 of the Zoning Ordinance.

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There being no further questions or comments, a motion was made by Mr. Hess and seconded by Ms. Hipple to close the testimony. The motion was carried unanimously. Mr. Hess then made a motion, seconded by Ms. Hipple, to deny the use variance requests under Section 205.2 for the excavation business and also deny the request for heavy equipment repairs. The motion was carried unanimously. Mr. Hess made a motion, seconded by Ms. Hipple, to grant the special exception request to allow an automobile repair facility on the property, subject to the following conditions: 1. The applicant shall comply with its plans and promises as presented to the Zoning Hearing Board, 2. The automobile service and repair facility shall be limited to three employees, 3. The applicant shall comply with all requirements of Section 410 of the Ordinance and there shall be no outdoor storage of parts, equipment or lubricants in connection with the business, 4. The hours of operation shall be limited to 6:00 am to 6:00 pm, Monday through Friday, and 6:00 am to 12:00 pm on Saturday, 5. A violation of any of the conditions of this decision shall constitute a violation of the ordinance and 6. The decision shall bind the applicant, its successors, grantees and assigns. The motion was carried unanimously. Mr. Hess then made a motion to grant the use variance request to allow the single-family detached dwelling to be converted into a two-unit single family semi-detached dwelling unit. Ms. Hipple seconded the motion and it was carried unanimously. The hearing was adjourned at 8:26 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford Duvall, Vice Chairman

James Hess, Member

Anna Hipple, Alternate Member

Constance Peiffer, Secretary