

ZONING HEARING BOARD: September 26, 2017

Jesse Esch Special Exception

The Providence Township Zoning Hearing Board was held on Tuesday evening, September 26, at 7:00 p.m., in the township municipal office. Members present were James Hess, Chairman, Bradford Duvall and Albert Warfel. Tom Goodman, Zoning Hearing Board Counsel, Connie Peiffer, Secretary/Zoning Officer, Melissa Anderson, court reporter, and sixteen (16) observers were also present.

Mr. Hess brought the hearing to order at 7:00 pm. The first hearing is a request for a special exception to allow a kennel at 121 Pennsy Road, a continuance from the September 12, 2017 hearing. The property is owned by Jesse and Elizabeth Esch and is zoned agricultural. Zoning Officer, Constance Peiffer, was sworn in by the court reporter. Upon questioning by Mr. Goodman, Mrs. Peiffer confirmed that the property had been properly posted. Zoning Officer, Mrs. Peiffer made a statement on behalf of the Providence Township Board of Supervisors stating the supervisors are opposed to the granting of the special exception to allow the kennel at 121 Pennsy Road.

Jesse Esch was affirmed by the court reporter. Mr. Goodman questioned Mr. Esch about the property. Mr. Esch stated it is a farm with 64 acres. The property contains a dwelling, dairy barn, tobacco shed, equipment shed and two (2) heifer barns. Mr. Esch has owned the property since 2003. Mr. Goodman presented the Zoning Hearing Board Application submitted by Mr. Esch and the original application was marked as App. Ex. #1. Mr. Goodman presented the plan submitted with the application indicating the kennel will be in the existing dairy barn. The plan showed the following setbacks: 900' from Pennsy Road, 600' and 400' from side property lines and 1200' from the rear property line. The plan was marked as App. Ex. #2. A copy of the GIS map was presented by Mr. Goodman and was marked as ZHB Ex. #3. A deed showing Mr. Esch as the property owner as of February 27, 2003, obtained by Mr. Goodman was provided and marked as ZHB Ex. #4. Upon questioning from Mr. Goodman, Mr. Esch stated he has four (4) adult dogs, one (1) male and three (3) females. Mr. Esch has applied for a K2 license with the state, which allows him to have 51-100 dogs in a calendar year. Mr. Esch will bury deceased animals within 24 hours. The waste will be spread on Mr. Esch's own cropland and Mr. Esch has no nutrient management plan. Mr. Esch stated he will sell the dogs on a website and there will be no sign. The dogs are German shepherds and the oldest dog, Mr. Esch has had for three (3) years. Mr. Esch stated the kennel will not change the neighborhood because there is little traffic from the kennel and no outdoor lighting necessary. Mr. Esch explained the non-commercial license is a small kennel. Mr. Esch described the makeup of the 4' by 8' state approved pens. Mr. Esch currently has the business and sells the puppies when they are eight (8) weeks old. There are fans and heat nearby.

Mr. Goodman opened the hearing to public questions. Brian Longenecker, 163 Sawmill Road, asked why Mr. Esch now wanted to apply for a kennel and wanted more explanation on waste disposal. Barry Longenecker, 315 Fairview Road, asked about the number of dogs with the license type. Barry Longenecker also questioned Mr. Esch on whether or not he had an exercise plan. Mr. Esch replied that he has a vet approved exercise plan. Barry Longenecker questioned the plan for nonproductive adult dogs, would Mr. Esch keep them or would they be adopted. Mr. Esch mentioned he is working with someone to adopt the dogs. Elam Esch, 366 Cinder Road, asked what stream the water goes to.

After the public questions, public statements were then heard. Richard Turner, 49 Pennsy Road, was sworn in by the court reporter, and made the statement there is no noise or problems from the kennel. Brian Longenecker stated he was still concerned on the canine waste on the field because of disease. Barry Longenecker handed out a paper on canine waste. Barry Longenecker requested the Zoning Hearing Board consider placing restrictions on the kennel if it is approved.

Mr. Hess made a motion to close testimony. The motion was seconded by Mr. Warfel and carried unanimously. Mr. Hess made a motion to continue the hearing until October 10, 2017 to render a decision with no more testimony being heard. Mr. Duvall seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:44 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Constance Peiffer, Secretary

James Hess, Chairman

Bradford Duvall, Vice Chairman

Albert Warfel, Member

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ZONING HEARING BOARD: September 26, 2017
Benjamin Esch
Variance Requests

At 7:47 p.m. Mr. Hess introduced the second hearing, variance requests to allow a proposed horse carriage with one horse on a lot with less than the one (1) acre minimum lot area and to reduce the rear yard setback to twenty (20) feet for this structure at 330 Cinder Road, a continuance from the September 12, 2017 hearing. The property is zoned agricultural and is owned by Daniel and Malinda Stoltzfus. Mr. Goodman was not in attendance for this hearing.

Mrs. Peiffer confirmed the property had been properly posted and surrounding property owners were notified. An Entry of Appearance form was presented for Benjamin Esch. Mrs. Peiffer explained that the land previously had over one (1) acre until the previous owner, Roger Leed, did a lot add-on plan in 2010 changing the lot to be eight tenths of an acre (.8). Parcel viewer was not updated with the acreage change since new deeds were not recorded.

Benjamin Esch was affirmed by the court reporter. Mr. Esch is the contractor for the project representing Mr. Stoltzfus, the current property owner. Upon questioning from the Zoning Hearing Board, Mr. Esch stated there is a field behind the property owned by Leroy Stoltzfus. The horse is used for transportation. The horse and carriage structure will be an enclosed pole barn.

Mr. Hess opened the hearing to public questions and comments. Amy Feilmeier, 59 Schoolhouse Road, asked to see the plot plan to see the location of the structure.

Mr. Duvall made a motion to grant the variance requests to allow a proposed horse carriage with one horse on a lot with less than one (1) acre minimum lot area and to reduce the rear yard setback to twenty (20) feet at 330 Cinder Road, with the following conditions:

- a. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but 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.
- 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.
- d. This Decision shall bind the applicant, his heirs, successors, grantees and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:57 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Constance Peiffer, Secretary

James Hess, Chairman

Bradford Duvall, Vice Chairman

Albert Warfel, Member

ZONING HEARING BOARD: September 26, 2017
Robert Weaver
Variance Request

At 8:00 p.m. Mr. Hess introduced the third hearing, a variance request to allow a transfer of land between farms, causing one farm to contain less than ten (10) acres at 44 Truce Road and tax parcel #520-31218-0-0000, also on Truce Road. This hearing also is a continuance from the September 12, 2017 hearing. Mr. Goodman was not in attendance. The properties are zoned agricultural and owned by Robert S. and Glenda M. Weaver.

Mrs. Peiffer confirmed the properties had been properly posted. An Entry of Appearance form for Greg Strausser, from Strausser Surveying and Engineering, Inc. was presented. Mrs. Peiffer explained the variance request regarding Section 200.5.4, transferring of land between farms.

Greg Strausser, from Strausser Surveying & Engineering, Inc., was sworn in by the court reporter. Mr. Strausser explained the proposed plan for Lot 6 and Lot 7. The proposed plan reduces the acreage of Lot 7 to 1.562 acre, Robert Weaver would then build a dwelling on the new Lot 7.

There were no public questions or comments.

Mr. Hess made a motion to grant the variance request to allow a transfer of land between farms, causing one farm to contain less than ten (10) acres at 44 Truce Road and tax parcel #520-31218-0-0000, also on Truce Road, 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.
- 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.
- d. This Decision shall bind the applicant, his heirs, successors, grantees and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 8:14 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Constance Peiffer, Secretary

James Hess, Chairman

Bradford Duvall, Vice Chairman

Albert Warfel, Member