

ZONING HEARING BOARD: March 13, 2018
William Morrison
Special Exception and Variance Requests

The Providence Township Zoning Hearing Board was held on Tuesday evening, March 13, at 7:00 p.m., in the township municipal office. Members present were Bradford Duvall, Chairman, James Hess and Albert Warfel. Tom Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter, and nineteen (19) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 p.m. and stated there were three hearings this evening. The first hearing is a special exception request for William H and Lisa M Morrison to allow an expansion of an accessory structure with a dimensional nonconformity and the following variance request: to allow the building height to exceed the 20' maximum and a use variance to allow the storage of business equipment in the accessory structure at 646 Lancaster Pike. The property is owned by William H and Lisa M Morrison and is zoned Rural Residential (R-1) and Residential (R-2). Mr. Duvall turned the hearing over to Mr. Goodman. Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on Monday, February 26, 2018 and Monday, March 5, 2018 with proof of publication being displayed and marked as ZHB Ex. #1. A list of adjoining property owners who were sent notice of the hearing was confirmed by Mrs. Martinez and marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Caroline Hoffer, from Barley Snyder LLP, William H Morrison and Lisa M Morrison were sworn in by the court reporter. Mrs. Hoffer requested amending the zoning hearing board application, after explaining the background information of the property. Mrs. Hoffer requested a special exception to allow a substitution or replacement of a nonconforming use and a variance of Section 206.2 for the height of the structure. Mrs. Hoffer presented and explained App. Ex. #1 through App Ex. #22. Mr. Hess asked Mr. Morrison questions pertaining to fuel tanks, employees, sight distance, a flat roof, a business sign and who lives in the dwelling. Mr. Duvall asked about existing electric, water and sewer and if the building would be occupied. Mr. Hess asked about storage of equipment inside or outside. Mr. Warfel asked if anything was stored in the front of the building.

There was one public question. Vivian Cheng, 636 Lancaster Pike, asked about the noise, business hours and safety.

There were public statements. Vivian Cheng, 636 Lancaster Pike, was sworn in by the court reporter and stated her safety concerns for the bus stop location, the size of the building, and sight of child from dump truck. Shawn Sheehan, 642 Lancaster Pike, was sworn in by the court reporter and stated the bus stop was moved to that location and the noise of jay breaking is most likely from the trucks on Lancaster Pike.

Mr. Hess made a motion, seconded by Mr. Warfel to close testimony. The motion carried unanimously. Mr. Hess made a motion to continue the hearing till April 10, 2018 to render a decision. Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 8:25 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member

ZONING HEARING BOARD: March 13, 2018
Beaver Creek Home Improvements
Special Exception and Variance Request

At 8:28 p.m. Mr. Duvall introduced the second hearing, a special exception to allow the expansion of a single family dwelling with a dimensional nonconformity and a variance request to allow the expansion to be closer to the center of the road than the existing dwelling at 1361 Byerland Church Road. The property is owned by Emanuel S and Suvilla S Glick and is zoned agricultural. Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on February 26, 2018 and March 5, 2018, with proof of publication being displayed. Mrs. Martinez confirmed that the property was properly posted and adjoining property owners were notified. Mrs. Martinez explained the situation with the permit that was issued.

Daniel Beiler, from Beaver Creek Home Improvements, was affirmed by the court reporter. Mr. Beiler stated it was an oversight in measurement because of material in the way. Mr. Hess made a statement to the contractor to follow regulations in the future and make sure measurements are accurate.

There were no public questions or statements.

Mr. Hess made a motion to grant the special exception to allow the expansion of the single family dwelling with a dimensional nonconformity and a variance request to allow the expansion to be closer to the center of the road than the existing dwelling, 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 8:35 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member

ZONING HEARING BOARD: March 13, 2018

Paul Zook

Variance Request

At 8:37 p.m. Mr. Duvall introduced the third hearing, a variance request to allow a second principal use of a single family dwelling at 250 Buck Heights Road. The property is owned by Paul S and Martha K Zook and is zoned agricultural. Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on February 26, 2018 and March 5, 2018, with proof of publication being displayed. Mrs. Martinez confirmed that the property was properly posted and adjoining property owners were notified.

John Coldiron and Paul Zook were affirmed by the court reporter. Mr. Coldiron stated that Mr. and Mrs. Zook live across the street. The property currently has a tractor repair business. Mr. Coldiron said there will be no subdivision of land and no vehicular increase. Mr. Duvall asked if they are currently renting where they live, how many employees the business has and are there any residential buildings on the property now.

There was one public question. Melvin Pittman, 224 Buck Heights Road, asked if the property was in Providence Township.

There were no public statements.

Mr. Hess made a motion to grant the variance request to allow a second principal use of a single family dwelling, with the following conditions:

- e. 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.
- f. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations.
- g. 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.
- h. 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 8:50 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member