

ZONING HEARING BOARD: April 10, 2018
William and Lisa Morrison
Special Exception/Variance Requests

The Providence Township Zoning Hearing Board was held on Tuesday evening, April 10, 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 fourteen (14) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 p.m. and stated there were two hearings this evening. The first hearing is the rendering of the decision on the special exception and variance requests by William and Lisa Morrison. Mr. Duvall made a motion, seconded by Mr. Hess to approve the request for a variance from the requirements of Section 202.6, 503.1.4 and 503.1.7 of the Ordinance and a request for a special exception pursuant to Section 504 of the 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 comply with all applicable building code requirements.
- c. The Applicant shall comply with all applicable requirements of the Stormwater Management Ordinance.
- d. A violation of any of the conditions contained in this Decision shall be considered a violation of the Ordinance.
- e. This Decision shall bind the Applicant, his heirs, successors, grantees, and assigns.

The motion was carried unanimously. The hearing adjourned at 7:02 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member

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**Omar Miller
Special Exception**

At 7:04 p.m. Mr. Duvall introduced the second hearing, a special exception by Omar Miller to allow a kennel at 340 Hollow Road. The property is owned by Omar K and Lydia K Miller and is zoned agricultural. Mrs. 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 March 26, 2018 and April 2, 2018, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the list of adjoining property owners were sent notification of the hearing, the adjoining property owner list was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Nicholas Gard, from Smoker Gard Associates LLP, was representing Omar and Lydia Miller. Mr. Miller was affirmed by the court reporter. Upon questioning from Mr. Gard, Mr. Miller explained the current property layout and site plan submitted with the Zoning Hearing Board application. The sketch plan from TeamAg Inc. dated February 25, 2015 was marked as App. Ex. #1. Mr. Miller stated the setbacks from the property lines and neighboring dwellings. There are currently four female adult dogs and one male adult dog. Mr. Duvall asked about the type of fence that would be used for noise control. Mr. Goodman questioned if the building was heated and ventilated and who was responsible for the care of the dogs. Mr. Hess asked if Mr. Miller had previous experience running a kennel. The Zoning Hearing Board application submitted by Mr. Miller was marked as App. Ex. #2.

There were a few public questions. Charles Litz, 351 Truce Road, asked what type of license Mr. Miller was applying for with the state and how he would handle noise. Jesse Esch, 121 Pennsy Road, asked about clarifying the license type. Dave Gerhart, 238 Sawmill Road, asked about spreading dog waste on the land with produce. Mildred Litz, 351 Truce Road, asked about proximity to her property.

There were a few public statements. Charles Litz, 351 Truce Road, was sworn in by the court reporter. Mr. Litz stated the kennel was too large for that area because of the noise. Omar Smoker, 1198 Rawlinsville Road, was sworn in by the court reporter, but not granted party status. Mr. Smoker stated favoring granting the kennel. Richard Turner, 49 Pennsy Road, was sworn in by the court reporter. Mr. Turner stated the breed of dog Mr. Miller has is not a noisy dog and presented a chart to the Zoning Hearing Board regarding E. Coli bacteria. The chart was marked as Turner Ex. #1. Leon Esch, 278 Truce Road, was affirmed by the court reporter. Mr. Esch stated he is the closest house to the proposed kennel and he does not hear the dogs. Mr. Gard made a closing statement asking for the Zoning Hearing Board to grant the special exception.

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 to render the decision at the May 8, 2018 hearing. Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 8:00 p.m.

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