

ZONING HEARING BOARD: October 9, 2018

Tyler Dommel Variance Requests

The Providence Township Zoning Hearing Board was held on Tuesday, October 9, at 7:00 p.m., in the township municipal office. Members present were Bradford Duvall, chairman, Albert Warfel and James Hess. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and ten (10) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 p.m. and stated there were two hearings this evening. Mr. Duvall introduced the board members and counsel. Mr. Duvall turned the hearing over to Mr. Goodman. Heidi Martinez, Zoning Officer was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearings had been legally advertised in the Lancaster Newspapers on September 24, 2018 and October 1, 2018, with proof of publication on display and marked as ZHB Ex. #1. The first hearing is for Kenneth and Tyler Dommel for variance requests to allow a 1,920 sq. ft. accessory structure to be 25' in height and to reduce the rear yard setback to 15' for this structure. The property is owned by Kenneth E and Tyler J Dommel and is zoned Rural Residential (R-1). Mrs. Martinez confirmed the adjoining property owners' were notified and the notification list was marked as ZHB Ex. #2. Mr. Goodman presented the Zoning Hearing Board decision denial dated August 16, 2018 for this property. The decision was marked as ZHB Ex. #3. Mrs. Martinez read the following statement from the Board of Supervisors: the supervisors have reviewed the application and are in favor of granting the variances as presented. The statement was marked as Twp. Ex. #1.

Mr. Goodman turned the hearing over to Anthony P. Schimaneck, Esquire, from Morgan, Hallgren, Crosswell & Kane, P.C, representing Kenneth and Tyler Dommel. Mr. Schimaneck explained the change of plans from the previous hearing. Kenneth Dommel was sworn in by the court reporter. Mr. Dommel confirmed the property information and the new plan presented. The Stormwater Management plan prepared by Strausser Engineering and Surveying, Inc. was presented and marked as App. Ex. #1. Mr. Dommel explained the hardship of the property with the steep slopes and there will be no business activity with the garage. Mr. Goodman questioned if the lot to the rear was wooded and how close the dwelling on that property was. Mr. Goodman questioned the use of the garage. Mr. Duvall questioned if there will be living quarters in the garage and if the area is excavated. Mr. Hess questioned about the noise from working on vehicles.

There was one public question. Robert Ray, 287 Snyder Hollow Road, asked to see the plan and if there are plans for additional planting because of the timbering that took place last year. Mr. Ray was sworn in by the court reporter. There were no public statements.

Mr. Hess made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the variance requests of Section 201.3.20 and 201.6 of the Providence Township Zoning Ordinance, with the following conditions:

- a. The Applicants shall comply with their plans and promises as presented to the Zoning Hearing Board.
- b. The Applicants shall obtain any necessary building permits from the Zoning Officer.
- c. A violation of any of the conditions contained in this Decision shall be considered a violation of the Ordinance.
- d. This Decision shall bind the Applicants, their heirs, successors, grantees, and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:25 p.m.

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Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member

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**Alvin Lapp
Variance Request**

At 7:26 p.m. Mr. Duvall introduced the second hearing, a variance request by Alvin Lapp to allow an ECHO Housing Unit to be in the front yard setback at 59' from the center of the road. The property is owned by Alvin F and Naomi S Lapp and is zoned Agriculture. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on September 24, 2018 and October 1, 2018, with proof of publication being displayed. The proof of publication was previously marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners' were notified and the notification list was marked as ZHB Ex. #2.

Alvin Lapp was affirmed by the court reporter. Mr. Goodman questioned Mr. Lapp about the existing condition of the property. Mr. Lapp stated it is a dairy farm that has a dwelling, dairy barn, chicken house and garage. Mr. Lapp has owned the property since 2007. ECHO Housing is an accessory use in the Agriculture district subject to the requirements of Section 427. Mr. Goodman presented the Zoning Hearing Board application and the application was marked as App. Ex. #1. The plot plan that accompanied the Zoning Hearing Board application was presented and marked as App. Ex. #2. Mr. Goodman questioned Mr. Lapp on the requirements of Section 427 and the need for the ECHO Housing Unit to be in the front yard setback.

Mr. Duvall asked about the location of the basement steps.

There were no public questions.

There was one public statement. J. Pepper Goslin, 64 Snyder Hollow Road, was sworn in by the court reporter. Mr. Goslin expressed that he is in favor of the board granting the request.

Mr. Duvall made a motion seconded by Mr. Hess to close testimony. The motion carried unanimously. Mr. Hess made a motion to grant the request for variances of Section 427.6 and Section 200.7 of the Providence Township 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 a building permit from the Zoning Officer.
- c. The Applicant shall comply with all applicable provisions of the Providence Township's Stormwater Management Ordinance.
- d. A violation of any of the conditions in this Decision shall be considered a violation of the Ordinance.
- e. This Decision shall bind the Applicant, his heirs, successors, grantees, and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 7:45 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member