

ZONING HEARING BOARD: August 14, 2018
Dennis W. Findley
Variance Request

The Providence Township Zoning Hearing Board was held on Tuesday evening, August 14, at 7:00 p.m., in the township municipal office. Members present were Albert Warfel, vice chairman, James Hess and Anna Hipple, alternate member. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Suzanne Oldt, court reporter, and twenty (20) observers were also present.

Mr. Warfel brought the meeting to order at 7:00 p.m. and stated there were five hearings this evening. Mr. Warfel 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 July 30, 2018 and August 6, 2018, with proof of publication on display and marked as ZHB Ex. #1. The first hearing is for Dennis W. Findley for a variance to allow 1.86 acres of land at 211 Fairview Road be added to 269 Cinder Road. The properties are located at 211 Fairview Road and 269 Cinder Road and are owned by Dennis W. Findley and New Providence Church of God, respectively. Both properties are zoned Agricultural. Mrs. Martinez confirmed the adjoining property owners' were notified and the notification list was marked as ZHB Ex. #2. Mrs. Martinez also confirmed the property was properly posted.

Dennis Findley, 21 Willow View Blvd, and Jamie Swope, building committee representative from New Providence Church of God were both sworn in by the court reporter. Mr. Findley confirmed the property is farmed with corn, hay and soybean. There are currently two (2) dwellings on the property with Mr. Findley's father residing in the one (1). Mr. Swope explained the New Providence Church of God plan for the additional acreage to add more parking and green space. The Zoning Hearing Board application was marked as App. Ex. #1. Mr. Goodman mentioned the prior Zoning Hearing Board decisions in relation to 269 Cinder Road. The sketch plan provided with the Zoning Hearing Board application was marked as App. Ex. #2.

There were no public questions or statements.

Mr. Hess made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Hess made a motion to grant the variance request of Section 200.5.2 of the Providence Township Zoning Ordinance, with the following conditions:

- a. The Applicant must comply with his plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall file and have approved a Lot Add-On Plan with Providence Township. The church shall join the additional land in common with its existing property.
- c. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- d. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

Mrs. Hipple seconded the motion and the motion was carried unanimously. The hearing adjourned at 7:17p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

James Hess, Member

Anna Hipple, Alternate Member

ZONING HEARING BOARD: August 14, 2018

**Noah Z. Esh
Use Variance**

At 7:19 p.m. Mr. Warfel introduced the second hearing and turned the hearing over to Mr. Goodman. The second hearing is for Noah Z. Esh to allow a mail order business of supplements at 88 Truce Road. The property is owned by Elam J. and Rachel L. Esch and is zoned Agricultural. Mrs. Martinez confirmed the hearing was advertised and 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. Mrs. Martinez confirmed that the property was properly posted.

Noah, Z. Esh, 88 Truce Road, was affirmed by the court reporter. Mr. Esh confirmed the property is in the agricultural district, the property owner is Elam Esch and the property contains 3.5 acres. The property contains a dwelling and a horse barn. The dwelling is approximately 600' from Truce Road and the business will be operated in a 7'x9' section of the basement of the dwelling. Mr. Esh stated the mail order business he has been doing for his employer, Cornerstone Retreat for four and a half years (4 ½) and would like to start to sell supplements, herbs and minerals from his dwelling. Mr. Esh confirmed there will be no employees, deliveries and shipments will be made by USPS or UPS with approximately three (3) to seven (7) vehicles a week. Marketing will be done through the telephone and word of mouth with no sign posted at the property. The Zoning Hearing Board application with the plot plan was marked as App. Ex. #1. GIS data map was marked as App. Ex. #2.

Mr. Hess asked about needles and growth of business. Mrs. Hipple asked about tractor trailer traffic.

There was one public question, Dave Hanks, Drumore, PA asked about the driveway width.

There were no public statements.

Mr. Hess made a motion to close testimony. Mrs. Hipple seconded the motion and the motion carried unanimously. Mr. Hess made a motion to grant the variance of Section 200.2 of the Providence Township Zoning Ordinance, with the following conditions:

- a. The Applicant must comply with his plans and promises as presented to the Zoning Hearing Board.
- b. There shall not be any retail sales at the Premises.
- c. There shall be no deliveries of the health foods by tractor trailer or pick up of the health foods being sold by tractor trailer.
- d. The Applicant shall not erect any sign at the Premises.
- e. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- f. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

Mrs. Hipple seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:40 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

James Hess, Member

Anna Hipple, Alternate Member

ZONING HEARING BOARD: August 14, 2018

**David I. Stoltzfus
Special Exception**

At 7:41 p.m. Mr. Warfel introduced the third hearing and turned the hearing over to Mr. Goodman. The hearing is for David I. Stoltzfus for a special exception to allow automobile, boat, farm machinery and trailer sales at 123 Lancaster Pike North. The property is owned by Benue S. and Rachel Mae Beiler and is zoned Commercial. Mrs. Martinez confirmed the hearing had been advertised with proof of publication 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. Mrs. Martinez confirmed that the property was properly posted.

David I. Stoltzfus, 3 Apache Lane, was affirmed by the court reporter. Mr. Stoltzfus confirmed he will be renting one (1) acre of the property from the Beilers and there is currently no lease agreement. Mr. Stoltzfus would like to operate a used car lot selling diesel pickup trucks on a part time basis with five (5) to ten (10) vehicles on the lot and use the current office building there. Mr. Stoltzfus will obtain a state dealers license to operate. The hours of operation will be Saturday from 8 a.m. to 4 p.m. and Monday through Friday by appointment. The Zoning Hearing Board application was marked as App. Ex. #1. The GIS data map of the 21 acres of the property was marked as App. Ex. # 2 and the plot plan provided with the Zoning Hearing Board application was marked as App. Ex. #3. There is one (1) dwelling beside the property.

Mr. Hess asked if there will be automobile repair at the location. Mr. Warfel asked about servicing vehicles on the lot and type of vehicles that he will be selling. Mrs. Hipple asked about utilizing the former office. Mr. Warfel asked about water and sewer hookups. Mr. Goodman asked how he plans to advertise.

There were no public questions or public statements.

Mr. Hess made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Hess made a motion to grant the special exception pursuant to Section 205.4.3 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 clean up the property prior to obtaining any Zoning Permit.
- c. The Applicant shall obtain a license form the Commonwealth of Pennsylvania prior to operating the used car lot.
- d. The Applicant shall enter into a written lease with the owners of the real estate prior to operating the used car lot and shall provide a copy of the same to the Zoning Officer.
- e. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- f. This Decision shall bind the Applicant, it's successors, grantees and assigns.

Mrs. Hipple seconded the motion and the motion carried unanimously. The hearing adjourned at 8:02p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

James Hess, Member

Anna Hipple, Alternate Member

ZONING HEARING BOARD: August 14, 2018

Tyler Dommel

Variance Requests

At 8:03 p.m. Mr. Warfel introduced the fourth hearing, a request for variances to allow a 1,920 sq. ft. accessory structure to be 36' in height and to reduce the rear yard setback to 5' for this structure at 146 Snyder Hollow Road. The property is owned by Kenneth E. and Tyler J. Dommel and is zoned Rural Residential (R-1). Mrs. Martinez confirmed the hearing was advertised with proof of publication being displayed. Mrs. Martinez confirmed the adjoining property owners' were notified and that the property was properly posted. Mrs. Martinez read the following statement: The Providence Township Board of Supervisors have taken official action at the board of supervisors meeting on August 6, 2018 to formally request that the Zoning Hearing Board consider denial of both variances (for height and rear yard setback) requested by Tyler Dommel unless an apparent hardship is shown to exist.

Kenneth Dommel, 89 Covered Bridge Road, was sworn in by the court reporter. Mr. Dommel explained the reasoning for the request regarding the height and rear yard setback. Mr. Dommel stated the house is under construction based on the approved stormwater management plan. Mr. Dommel stated the barn will be a bank barn and will not be visible to adjoining property owners or the road. Mr. Dommel stated the height is necessary for his son to work on his personal vehicles and keep his racing trailer inside. Lynnlee Rineer stated it is a four (4) car garage. Mr. Dommel explained the lot is hilly and there is no much area to build on.

There were a few public questions. Kurtis Pitz, 82 Snyder Hollow Road, asked to see the proposed location of the barn. Don Reynolds, 468 Truce Road, asked about working on other people's vehicles. Greg Reynolds, 149 Snyder Hollow Road, asked about oil and car parts in the stream. Raymond Westfall, 248 and 259 Snyder Hollow Road, asked about truck traffic and mud from the driveway. Mary Anne Westfall, 248 and 259 Snyder Hollow Road, asked about the size of the structure. Donald Reynolds asked about keeping it in the regulations. John Schroeder, 17 Solar Drive, asked about the hardship that the property owner would have to comply with the regulations.

There were no public statements.

Mr. Hess made a motion to close testimony. Mrs. Hipple seconded the motion and the motion carried unanimously. Mr. Hess made a motion seconded by Mrs. Hipple to deny the request for variances of the requirements of Section 201.3.20 and Section 201.6 of the Providence Township Zoning Ordinance. The motion carried unanimously. The hearing was adjourned at 8:33 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

James Hess, Member

Anna Hipple, Alternate

ZONING HEARING BOARD: August 14, 2018
Paradise Energy Solutions, LLC
Variance Requests

At 8:35 p.m. Mr. Warfel introduced the fifth hearing, a request by Paradise Energy Solutions, LLC for variances to allow an accessory solar energy system to be located within or above the front yard or along any street frontage and to allow the structure to exceed the 15' height maximum at 555 Camargo Road. The property is owned by PP& L Inc. and is zoned Commercial. Mrs. Martinez confirmed the hearing was advertised with proof of publication being displayed. Mrs. Martinez confirmed the adjoining property owners' were notified and that the property was properly posted.

Jose Pabon and Charles Allen, both from Paradise Energy Solutions, LLC were sworn in by the court reporter. Mr. Pabon explained the scope of the project and how it was bided out by PP&L Inc. Mr. Allen explained the carport shelter and the use of the charging stations that will be available to the public.

Mr. Hess asked about the charging spaces and if there will be loss of parking. Mrs. Hipple asked about the glare to neighboring property owners.

There was one public question. Carol Groff, 16 Stony Hill Road, asked about the height of the existing PP&L Inc. building.

There were no public statements.

Mr. Hess made a motion seconded by Mrs. Hipple to close testimony. The motion carried unanimously. Mr. Hess made a motion to grant the request for variances of Section 404.3.7 and Section 404.3.10 of the Providence Township Zoning Ordinance, 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.

Mrs. Hipple seconded the motion and the motion carried unanimously. The hearing adjourned at 8:54 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

James Hess, Member

Anna Hipple, Alternate