

**ZONING HEARING BOARD: November 13, 2018**

**W. Scott Tanguy  
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, November 13, at 7:00 p.m., in the township municipal office. Members present were Bradford Duvall, chairman, Albert Warfel, James Hess and Anna Hipple, alternate member. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and sixteen (16) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 p.m. and stated there were four 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 October 29, 2018 and November 5, 2018, with proof of publication on display and marked as ZHB Ex. #1. The first hearing is for W. Scott Tanguy for a variance request to allow an attached garage to be in the side yard setback at 4 Solar Drive. The property is owned by W. Scott and Jeanette R. Tanguy 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.

W. Scott Tanguy was sworn in by the court reporter. Mr. Goodman presented a GIS map of the property and it was marked as ZHB Ex. #3. Upon questioning from Mr. Goodman, Mr. Tanguy stated there is a dwelling, a two car attached garage and shed. Mr. Tanguy is looking to build an attached garage and remove the shed. The Zoning Hearing Board Application dated October 15, 2018 was presented and marked as App. Ex. #1. The Sketch Plan that accompanied the Zoning Hearing Board Application was marked as App. Ex. #2. Mr. Tanguy verified the use of the garage and the setbacks.

Mr. Hess asked about access if built behind the dwelling.

There were no public questions or statements.

Mr. Duvall made a motion to close testimony. Mr. Hess seconded the motion and the motion carried unanimously. Mr. Hess 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 Applicant shall comply with his plans and promises as presented to the Zoning Hearing Board and the proposed garage shall be located at least 16' from the side property line.
- b. The Applicant shall obtain a building permit 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 Applicant, his heirs, successors, grantees, and assigns.

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

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Heidi Martinez, Secretary

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Bradford Duvall, Chairman

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Albert Warfel, Vice Chairman

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James Hess, Member

**ZONING HEARING BOARD: November 13, 2018**  
**Lancaster Pike LP**  
**Special Exception and Variance Request**

At 7:20 p.m. Mr. Goodman introduced the second hearing, a special exception request by Lancaster Pike LP to allow the expansion of the auto sales vehicle storage area and a variance request to allow the lot coverage to exceed the maximum at 804 Lancaster Pike. The property is owned by Lancaster Pike LP and is zoned Commercial. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on October 29, 2018 and November 5, 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.

William Swiernik, David Miller Associates, and Frank Nolt were sworn in by the court reporter. Mr. Swiernik presented a site plan and it was marked as App. Ex. #1. Mr. Goodman presented the Zoning Hearing Board decision dated January 10, 2017 and it was marked as ZHB Ex. #3. Mr. Swiernik confirmed the property is zoned commercial and is 6.3 acres. The applicant is applying to expand the parking space with porous pavement. The Zoning Hearing Board Application was presented and marked as App. Ex. #2. The narrative accompanying the Zoning Hearing Board Application was presented and marked as App. Ex. #3.

Mr. Hess asked about the use of the parking lot, additional lighting and hardship. Mr. Duvall asked if the applicant spoke to the Township Engineer. Mr. Warfel asked about an underground bed.

There was one public question. Robert Ray, 287 Snyder Hollow Road, asked about fluid runoff from the vehicles. There were no public statements.

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 a special exception to Section 205.4.3 and a variance request to Section 205.5 of the Providence Township Zoning Ordinance, with the following conditions:

- a. The Applicant shall comply with its plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall file and have approved a stormwater management plan with Providence Township.
- c. A violation of any of the conditions in this Decision shall be considered a violation of the Ordinance.
- d. This Decision shall bind the Applicant, its 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

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Heidi Martinez, Secretary

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Bradford Duvall, Chairman

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Albert Warfel, Vice Chairman

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James Hess, Member

**ZONING HEARING BOARD: November 13, 2018**  
**Buck Rentals LLC**  
**Use Variance and Variance Requests**

At 7:46 p.m. Mr. Goodman introduced the third hearing, a use variance request by Buck Rentals LLC to allow construction equipment sales and rental with the following variance requests; outdoor storage, residential buffer strip, maximum lot coverage, perimeter landscaping, lighting levels, surfacing and interior landscape requirements at 722 Truce Road. The property is owned by DFB Property Management LLC and is zoned Commercial. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on October 29, 2018 and November 5, 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.

David Beiler was affirmed by the court reporter. Mr. Goodman questioned Mr. Lapp about the existing condition of the property. Mr. Beiler stated it is about 3 acres and zoned commercial. Mr. Beiler stated there is a small engine repair shop and a tenant on the premises called C.O. Nolt Bakery Supplies. The conceptual plan from Saxinger & Associates, Inc. dated April 19, 2018 was presented and marked as App. Ex. #1. Mr. Beiler stated there are skid loaders, small excavation and small to midsize construction equipment for rent. The prior Zoning Hearing Board decisions regarding this property were presented and marked as ZHB Ex. #3. The numerous variance requests were discussed in detail. The Zoning Hearing Board Application with list of variances was presented and marked as App. Ex. #2.

There were two public questions. Seth Gehman, 2202 Beaver Valley Pike, asked about how many pieces of equipment will be on site and how many pieces are in total. Robert Ray, 287 Snyder Hollow Road, asked about the entrance off of Truce Road and the retaining wall.

There were no public statements.

Mr. Duvall asked if Buck Rentals LLC has any other locations. Mr. Goodman recommended that the applicant supply a plan from Saxinger & Associates, Inc. at the next month's hearing.

Mr. Warfel made a motion to continue the hearing until December 11, 2018. Mr. Hess seconded the motion and the motion carried unanimously. The hearing adjourned at 8:35 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Heidi Martinez, Secretary

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Bradford Duvall, Chairman

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Albert Warfel, Vice Chairman

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James Hess, Member

**ZONING HEARING BOARD: November 13, 2018**

**C. David Cope  
Special Exception**

At 8:39 p.m. Mr. Goodman introduced the fourth hearing, a special exception for a use not provided for to allow a free standing drug and alcohol treatment facility at 124 Lancaster Pike South. The property is owned by C. David and Mary S. Cope and is zoned Commercial. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on October 29, 2018 and November 5, 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.

C. David Cope, Brian Condron and William Folks were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Cope confirmed the property is zoned commercial and there is currently a cabinetry business on it. Mr. Goodman presented the GIS map and it was marked as ZHB Ex. #3. The plan submitted as a sketch plan was presented and marked as App. Ex. #1. Mr. Cope stated the building will have a 5, 010 square feet footprint and be three (3) stories with accommodations for eighty (80) patients. Licensing information presented from the applicant was marked as App. Ex. #2. Mr. Cope explained the proposed use and the surrounding properties.

Mr. Duvall asked about the phases of the treatment, level of care and length of stay. Mr. Duvall also asked about the similarity to White Deer facility and the rules of the program. Mr. Warfel had questions about security and parolees. Mr. Hess asked about township residents receiving priority treatment. Mr. Hess asked about issues with water and sewer. Mr. Warfel asked why that property, traffic concerns and if the patient can leave. Mr. Duvall asked if the applicant has spoken to neighbors. Mr. Hess asked about the financial aspect. Mr. Duvall asked about faith in the treatment facility. Mr. Warfel asked about success rate.

There was one public question. David Gerhart, 238 Sawmill Road, asked about finding expert staff and transportation costs.

There were three public statements. David Beiler, 278 Pennsy Road, expressed support for the use. Robert Ray, 287 Snyder Hollow Road, expressed understanding and appreciation for the use. J. Pepper Goslin, 64 Snyder Hollow Road, expressed favor of the use.

Mr. Duvall made a motion to close testimony. Mr. Hess seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to continue the hearing to render the decision at the December 11, 2018 hearing. Mr. Hess seconded the motion and the motion carried unanimously. The hearing adjourned at 9:45 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Heidi Martinez, Secretary

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Bradford Duvall, Chairman

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Albert Warfel, Vice Chairman

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James Hess, Member