

ZONING HEARING BOARD: December 11, 2018

**C. David Cope
Special Exception**

The Providence Township Zoning Hearing Board was held on Tuesday, December 11, 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 eight (8) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 p.m. and stated there were three hearings this evening. Mr. Duvall announced the first hearing is for the rendering of the decision for a special exception request for a use not provided for by C. David Cope to allow a free standing drug and alcohol treatment facility at 124 Lancaster Pike South, Willow Street, PA 17584. The property is owned by C. David and Mary S. Cope and is zoned Commercial. Mr. Duvall turned the hearing over to Mr. Goodman.

Mr. Hess made a motion to grant the special exception request for a use not provided for pursuant to Section 106 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. A fence shall be constructed which will completely enclose the drug and alcohol facility.
- c. A security guard shall be on the Premises at all times.
- d. The Applicants shall file and have approved a Land Development Plan by Providence Township.
- e. The Applicant shall file and have approved a Stormwater Management Plan by Providence Township.
- f. The Applicant shall obtain all necessary licensing from the Commonwealth of Pennsylvania prior to the operation of the facility.
- g. A violation of any conditions of this Decision shall constitute a violation of the Ordinance.
- h. This Decision shall bind the Applicants, their heirs, successors, grantees, and assigns.

Mr. Duvall seconded the motion. Mr. Hess and Mr. Duvall voted in favor of the motion. Mr. Warfel voted in opposition of the motion. The motion carried. The hearing was adjourned at 7:05 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member

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Buck Rentals LLC

Use Variance and Variance Requests

At 7:07 p.m. Mr. Goodman introduced the second hearing, a continuance from the November 13, 2018 hearing for 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.

Craig Williams, Strausser Surveying and Engineering, Inc., and David Beiler were affirmed by the court reporter. Mr. Williams presented a revised conceptual plan from Saxinger & Associates, Inc. dated April 19, 2018; it was marked as App. Ex. #3. Mr. Williams stated the property contains less than three (3) acres and is zoned commercial. There is currently a 20,000 sq. ft. building on the property that contains two businesses; a small engine repair shop and a wholesale bakery supply business. Mr. Williams explained the proposed use and its' similarities to uses permitted in the commercial district. There will be an outdoor display area and a building that will include a display area, retail sales counter for sales of smaller items associated with the rental business, a place for repairs of equipment and a small office. The business will have three (3) employees.

Mr. Duvall asked about the equipment currently being displayed in the setback area. Mr. Goodman questioned the right-of-way line. Mr. Duvall questioned the location of the propane tanks and the overcrowding of the uses on the property. Mr. Hess questioned who owned the property to the south, the location of the access drive and the need for another rental business. Mr. Hess also questioned the parking. Mr. Goodman questioned lot coverage. Mr. Duvall and Mr. Hess questioned safety with the intersection. Mr. Warfel asked about how close the proposed access drive is to the traffic light. Mr. Duvall asked about the deliveries.

John Schroeder, 17 Solar Drive, made a public statement expressing his support of the rental business and asked the board to grant the request.

Mr. Williams explained the additional variances that are necessary for the proposed use. The variances include: Section 205.5, lot coverage; Section 205.15, outdoor storage; Section 310.6.2, lighting levels; Section 312.3, surfacing; Section 313.18.3; interior landscaping. Mr. Goodman asked about the current driveway use.

There were two public questions. Mr. Schroeder asked if this would require a land development plan and stormwater management plan and if Mr. Beiler was prepared for that. Robert Ray, 287 Snyder Hollow Road, asked to see the plan and why the current equipment still located within 15' from the edge of the road. Robert Ray was sworn in by the court reporter. There were no public statements.

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 a decision at the January 8, 2019 hearing. Mr. Hess seconded the motion and the motion carried unanimously. The hearing adjourned at 8:10 p.m.

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Silvano Giannini

Use Variance

At 8:12 p.m. Mr. Duvall introduced the third hearing, for a use variance by Silvano Giannini to allow manufacturing of solar trackers on poles for residential and commercial use at 1334 Rawlinsville Road. Mr. Goodman was not present for this hearing. The property is owned by Silvano J. and Christine M. Giannini and is zoned Agricultural.

Mrs. Martinez was sworn in by the court reporter. Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on November 26, 2018 and December 3, 2018, with proof of publication being displayed. Mrs. Martinez confirmed the adjoining property owners' were notified and the property was properly posted. Mrs. Martinez gave background information on the request.

Silvano Giannini was sworn in by the court reporter. Mr. Giannini explained the proposed use and the similarities to the current use of the building, The Lancaster Sign Company. There will be nothing changing; it will consist of manufacturing and fabrication of the solar trackers. Mr. Giannini stated there will be no new employees.

Mr. Duvall asked about the request and traffic flow. Mr. Hess asked about hazardous materials, size and if there will be a sign. Mr. Warfel asked about products being built by order.

There were no public questions or statements.

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 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 motion carried unanimously. The hearing adjourned at 8:24 p.m.

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James Hess, Member