

ZONING HEARING BOARD: March 12, 2019

**Samuel Lapp
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, March 12, at 7:00 p.m., in the township municipal office. Members present were Bradford Duvall, Chairman, Albert Warfel, Vice Chairman, and Omar Smoker. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and twelve (12) observers were also present.

Mr. Duvall brought the meeting to order at 7:00 p.m. He introduced the board members and stated there were two hearings this evening. A variance request by Samuel Lapp to allow a double dwelling at 153 Barr Road. The property is owned by Samuel I and Ruth Z Lapp and is zoned Agricultural. 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 hearing was legally advertised in the Lancaster Newspapers on February 25, 2019 and March 4, 2019, with the proof of publication marked as ZHB Ex. #1. The list of adjoining property owners notified of the hearing was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Timothy Trostle, Strausser Surveying and Engineering, Inc, was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Trostle explained the property and the reasoning for requesting the variance. Samuel Lapp was affirmed by the court reporter. Mr. Lapp confirmed the property is currently unoccupied and when he purchased the property. Mrs. Martinez presented copies of zoning permits for the addition. The copy of the zoning permit issued on May 1, 1989 was marked as Twp. Ex. #1 and the copy of the zoning permit issued on July 7, 1992 was marked as Twp. Ex. #2. Mr. Trostle explained the parcel topography. The plan to accompany a Zoning Hearing Board application dated February 7, 2019 and prepared by Strausser Surveying and Engineering, Inc was marked as App. Ex. #1. The Zoning Hearing Board application was marked as App. Ex. #2. The narrative submitted with the application and reduced plan were marked as App. Ex. #3. Mr. Trostle presented a document with responses to the variance requirements of Section 604.4.1 through 604.4.9, the document was marked as App. Ex. #4. Mr. Trostle read the above mentioned document.

Mr. Duvall asked about the square footage of the dwelling and the septic system.

Robert Burkhart, 77 Barr Road, had a few questions. Mr. Burkhart asked about remodeling the existing house, animals on the property and the stream.

Mr. Duvall made a motion, seconded by Mr. Warfel to close testimony. The motion carried unanimously. Mr. Duvall made a motion, seconded by Mr. Warfel to continue the hearing to render a decision at the April 9, 2019 hearing. The motion carried unanimously. The hearing was adjourned at 7:30 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

Omar Smoker, Member

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**Daniel Beiler
Special Exception**

At 7:30 p.m. Mr. Duvall introduced the second hearing, a special exception request by Daniel Beiler to allow a kennel at 232 Pennsy Road. The property is owned by Daniel F., Arie S., and Mary S. Beiler and is zoned Agricultural. Mr. Duvall turned the hearing over to Mr. Goodman.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on February 25, 2019 and March 4, 2019, with proof of publication being displayed, it was previously marked as ZHB Ex. #1. The list of adjoining property owners notified of the hearing was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Daniel Beiler was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Beiler explained the details of the property and its current use. The Zoning Hearing Board application was marked as App. Ex. #1. The sketch plan submitted with the application was marked as App. Ex. #2. Mr. Beiler stated the setbacks for the kennel, how many adult dogs he plans on having, size of the kennel and how he plans to sell the dogs. Mr. Goodman questioned how Mr. Beiler will dispose of animal waste and deceased animals. Mr. Goodman also asked about heat, outside runs, and kennel experience.

Mr. Duvall asked about the noise. Mr. Goodman asked about the distance to the closest neighbor.

There was one public question. David Boxleitner, 243 Pennsy Road, asked about noise.

There was one public statement. Brent Pennell, 247 Pennsy Road, was sworn in by the court reporter. Mr. Pennell expressed his concerns about noise.

Mr. Goodman asked Mr. Beiler if a kennel would change the character of the neighborhood. Mr. Duvall suggested barriers to muffle noise like a fence or landscape screening.

Mr. Duvall made a motion, seconded by Mr. Smoker to close testimony. The motion carried unanimously. Mr. Duvall made a motion, seconded by Mr. Warfel to continue the hearing to render a decision at the April 9, 2019 hearing. The motion carried unanimously. The hearing was adjourned at 8:05 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

Omar Smoker, Member