

ZONING HEARING BOARD: April 9, 2019

**Samuel Lapp
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, April 9, 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 twenty four (24) 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 decisions being rendered and four additional hearings this evening. The first order of business is rendering a decision for the 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.

Mr. Duvall made a motion to grant the variance from the requirements of Section 200.2 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 occupy ½ of the double dwelling.
- c. The Applicant shall obtain any necessary sewage permits from the Sewage Enforcement Officer prior to obtaining any building permit from the Zoning Officer.
- d. The Applicant shall comply with all applicable requirements of the Stormwater Management Ordinance.
- e. A violation of any of the conditions contained in this Decision shall be considered a violation of the Ordinance.
- f. 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 7:04 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 7:05 p.m. Mr. Duvall introduced the second order of business rendering a decision for the 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.

Mr. Warfel made a motion to grant the special exception pursuant to Section 200.4.14 and Section 443 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 the appropriate dog license from the Pennsylvania Department of Agriculture prior to occupying the dog kennel.
- c. The Applicant shall construct the dog kennel in such a manner so as to minimize the noise from the dog kennel so as to not adversely affect the neighboring property owners.
- d. A violation of any of the conditions contained 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. Smoker seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:07 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: April 9, 2019

**Andy Ross
Variance Requests**

At 7:10 p.m. Mr. Goodman introduced the third hearing, a request by Andy Ross for the following variances; residential buffer strip, screening along residential zoned properties, two off-street loading areas at the required size, required number of parking spaces, 50' wetland buffer, 50' setback from existing right-of-way for billboard, 300' setback for residential zoned properties for billboard for the two proposed commercial uses at 2328 Beaver Valley Pike. The property is owned by Harold R and Deborah S Ross and is zoned Industrial. Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Goodman Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on March 25, 2019 and April 1, 2019, with proof of publication being displayed, it was 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. Mr. Goodman displayed the GIS map of the property and it was marked as ZHB Ex. #3.

G. David Keener, GD Keener, LLC, and Andy Ross were sworn in by the court reporter. Mr. Keener described the existing conditions of the property, which included the demolished concrete grain silos, a cell tower, a Frontier box and a small billboard. The existing billboard received Zoning Hearing Board approval in 1990. The Zoning Hearing Board application was presented at marked as App. Ex. #1. The Zoning Exhibit dated March 14, 2019 that accompanied the application was marked as App. Ex. #2. Mr. Keener explained the proposed uses and the circumstances for requesting the variances including how many employees are employed with both businesses. Mr. Duvall asked about whether the parking will be paved or stone.

There were no public questions. There were a few public statements. Chad Sensenig, 186 Lancaster Ave., was sworn in by the court reporter. Mr. Sensenig is the owner of the proposed auto detailing business, Pristine Auto Detail and he explained his business. Galen Trout, 2344 Beaver Valley Pike, was sworn in by the court reporter. Mr. Trout stated he is directly to the south of the property and he would like to see a business there and is in favor of granting the variances. Elam Esh, 499 Cinder Road, was affirmed by the court reporter. Mr. Esh stated he likes the improvements to the property and expressed the issues with landscaping and the 50' wetland buffer. J. Pepper Goslin, 64 Snyder Hollow Road, was sworn in by the court reporter. Mr. Goslin stated his concern with the 50' wetland buffer requirement being unnecessary.

Mr. Duvall made a motion, seconded by Mr. Warfel to grant the variances and special exception 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 provide two (2) off-street loading spaces measuring approximately thirty-three (33) feet by twelve (12) feet. The Applicant shall also provide nine (9) off-street parking spaces.
- c. There shall be no tractor trailer deliveries to the Premises.
- d. The landscape trucks used in the landscaping business shall be parked inside of the building.
- e. The billboard may be relocated to the south provided that it is outside of the existing right-of-way and shall not exceed two hundred (200) square feet.
- f. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- g. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

The motion carried unanimously. The hearing was adjourned at 8:00 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

Omar Smoker, Member

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Elam Esch
Special Exception and Variance Request

At 8:02 p.m. Mr. Goodman introduced the second hearing, a special exception and variance request by Elam Esch to allow a cemetery at 112 Pennsy Road. The property is owned by Elam J and Rachel L Esch and is zoned Agricultural.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on March 25, 2019 and April 1, 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.

Elam Esch was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Esch explained the details of the property. The property contains horse barn, hay barn, dwelling, greenhouse and blacksmith and hay sales. The blacksmith and hay sales were approved by the Zoning Hearing Board in 2006. The Zoning Hearing Board application was marked as App. Ex. #1. The plot plan submitted with the application was marked as App. Ex. #2. Mr. Esch stated the setbacks of the fenced in area for the cemetery.

Mr. Warfel asked about the distance from Pennsy Road.

There were no public questions.

There was one public statement. Elam Esh, 499 Cinder Road, was sworn in by the court reporter. Mr. Esh spoke in favor of granting the request.

Mr. Duvall made a motion, seconded by Mr. Warfel to close testimony. The motion carried unanimously. Mr. Warfel made a motion, seconded by Mr. Smoker to grant the special exception and variance request 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 comply with all of the requirements of Section 416 of the Ordinance.
- 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.

The motion carried unanimously. The hearing was adjourned at 8:18 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Albert Warfel, Vice Chairman

Omar Smoker, Member

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**Valerie Spiese
Variance Request**

At 8:19 p.m. Mr. Goodman introduced the third hearing, a variance request by Valerie Spiese to allow a detached garage to be in the rear yard setback at 42' at 1663 Rawlinsville Road. The property is owned by Michael R Spiese and Valerie L Kauffman and is zoned Rural Residential (R-1).

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on March 25, 2019 and April 1, 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. Mr. Goodman presented the GIS map and it was marked as ZHB Ex. #3.

Valerie Spiese and Michael Spiese were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Spiese confirmed the details of the property. The property contains a dwelling and a shed. The shed will be torn down when the garage is built. The Zoning Hearing Board application was marked as App. Ex. #1 and the plot plan that accompanied the application was marked as App. Ex. #2. Upon further questioning from Mr. Goodman, Mr. Spiese and Mrs. Spiese confirmed the size, style and use of the garage. Mr. Spiese explained the access to the side deck based on the placement of the proposed garage. Mr. Duvall asked about having an alternate on-site sewer area. Mr. Warfel asked about the distance between the house and the garage.

There were two public questions. Jerry Brooks, 1653 Rawlinsville Road, asked about the shed and receiving notice on the hearing. Mr. Brooks asked if anyone from the Zoning Hearing Board has looked at the property. Barry Walton, 14 Laurel Drive, asked about the amount of land and the storage of materials. There were three public statements. Karen Walton, 14 Laurel Drive, was sworn in by the court reporter. Mrs. Walton stated her concerns with granting the variance. Jerry Brooks, 1653 Rawlinsville Road, was sworn in by the court reporter. Mr. Brooks agreed with the statements of Mrs. Walton. Aaron Smucker, 244 Cinder Road, was affirmed by the court reporter. Mr. Smucker stated it was a compliment to the neighbors that the property owners want to clean-up the property.

Mr. Warfel made a motion, seconded by Mr. Smoker to close testimony. The motion carried unanimously. Mr. Warfel made a motion, seconded by Mr. Smoker to grant the variance request with the following conditions;

- a. The Applicant shall comply with her plans and promises as presented to the Zoning Hearing Board.
- b. The proposed 2-car garage shall be located no closer than 42' from the rear property line.
- c. All junk, tires, trailers, etc. shall either be removed from the Premises or stored in the proposed 2-car garage when an occupancy permit is issued by the Zoning Officer.
- d. All sheds, trailers, tents, etc. shall be removed from the Premises prior to the Applicant receiving an occupancy permit for the proposed 2-car garage.
- e. A violation of any conditions of this Decision shall constitute a violation of the Ordinance.
- f. This Decision shall bind the Applicant, her heirs, successors, grantees and assigns.

The motion carried unanimously. The hearing was adjourned at 8:57 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Omar Smoker, Member

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**CarylIn Fasnacht
Variance Request**

At 8:58 p.m. Mr. Goodman introduced the fourth hearing, a variance request by CarylIn Fasnacht to allow a kennel at 30 Henry Drive. The property is owned by Janet Schmeing and is zoned Residential (R-2).

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on March 25, 2019 and April 1, 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. Mr. Goodman presented the GIS map and it was marked as ZHB Ex. #3.

CarylIn Fasnacht sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Fasnacht confirmed the details of the property. The property contains a dwelling, shed and storage barn. The Zoning Hearing Board application was marked as App. Ex. #1 and the narrative that accompanied the application was marked as App. Ex. #2. Upon further questioning from Mr. Goodman, Mrs. Fasnacht confirmed the current use of the property is raising and training show dogs. The dogs live in the dwelling and no outside training other than friends is done on the property.

There were a few public questions. Cindy Radesky, 22 Henry Drive, asked about selling collies and Mrs. Fasnacht's employment. Ryan O'Connell, 22 Henry Drive, asked about cleaning up the dog poop. Aaron Smucker, 244 Cinder Road, asked about award money.

There were three public statements. Cindy Radesky, 22 Henry Drive, was sworn in by the court reporter. Mrs. Radesky stated her concerns about health issues from the dog poop and the possibility that the dogs were debarked. Ryan O'Connell, 22 Henry Drive, was sworn in by the court reporter. Mr. O'Connell expressed his concern with the health issue of the dog poop. Nevenka Milovanovich, 144 Bentley Lane, was sworn in by the court reporter. Mrs. Milovanovich stated her relationship with Mrs. Fasnacht and the treatment of the dogs and that it not be considered a kennel.

Mr. Smoker asked how many dogs Mrs. Fasnacht expects to have. Mr. Warfel asked if the yard is fenced in.

Mr. Warfel made a motion to close testimony. The motion was seconded by Mr. Duvall and the motion carried unanimously. Mr. Duvall made a motion to deny the request. Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 9:37 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Albert Warfel, Vice Chairman

Omar Smoker, Member