

**ZONING HEARING BOARD: September 10, 2019**

**Samuel F Stoltzfus**

**Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, September 10, at 7:00 p.m., in the township municipal office. Members present were Albert Warfel, Vice Chairman, and Omar Smoker. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Suzanna Oldt court reporter and fourteen (14) observers were also present.

Mr. Warfel brought the meeting to order at 7:00 p.m. He introduced the board members and stated there were two hearings this evening. The first hearing is a request by Samuel F Stoltzfus to allow a horse and carriage barn in the side and rear yard setbacks at 271 Clearfield Road. The property is owned by Samuel F and Rachel K Stoltzfus and is zoned Rural Residential (R-1). Mr. Warfel turned the hearing over to Mr. Goodman.

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 August 26, 2019 and September 2, 2019, with proof of publication being displayed. The proof of publication was marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Samuel F Stoltzfus was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Stoltzfus confirmed the property details and buildings located on the property. The horse and carriage barn measuring 880 sq. ft. would be attached to the existing garage and will house one horse. The Zoning Hearing Board application was marked as App. Ex. #1. The plot plan that accompanied the application was marked as App. Ex. #2.

There were no public questions or statements.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to grant the variance from the requirements of Section 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.
- b. The Applicant shall obtain a building permit from the Zoning Officer prior to construction of the horse barn.
- c. The Applicant shall comply with all applicable stormwater management ordinance requirements.
- d. A violation of any of the conditions of this Decision shall constitute 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 7:15 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Heidi Martinez, Secretary

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Albert Warfel, Vice Chairman

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Omar Smoker, Member

**ZONING HEARING BOARD: September 10, 2019**  
**J Pepper and Diane A Goslin**  
**Variance Requests**

At 7:17 p.m. Mr. Warfel introduced the second hearing, a request by J Pepper and Diane A Goslin for modifications of conditions of the Zoning Hearing Board decision dated August 13, 2019, to permit the special events barn to be relocated, in the alternative, variances from Section 401 to permit the relocation of the barn or a use variance from Section 201 and a variance from Section 300.3 related to clear-sight triangle requirements for access drives at 64 Snyder Hollow Road. The property is owned by J. Pepper and Diane A Goslin and is zoned Rural Residential (R-1). Mr. Warfel 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 August 26, 2019 and September 2, 2019, with proof of publication being displayed. The proof of publication was marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

J. Dwight Yoder, Gibbel, Kraybill and Hess was present to represent J. Pepper and Diane Goslin. Mr. Yoder explained the request. Craig Williams, Strausser Surveying, was sworn in by the court reporter. Upon questioning from Mr. Yoder, Mr. Williams explained the clear-sight triangle variance request and the new proposed location of the barn for the special events venue outlined in App. Ex. #1-4. Mr. Warfel asked about rebuilding on the old foundation if the new barn location is granted.

There was one public question. Bob Ray, 287 Snyder Hollow Road, asked about areas that have a clear-sight triangle. There were a few public statements. Mrs. Martinez read a statement from J. Pepper Goslin III and Jennifer Goslin in support of the request. The emailed statement was marked as App. Ex. #5. Tony Nardella, 132 Hollow Road, stated his concerns about the existing earth disturbance without permits. Mr. Nardella presented an aerial photograph of the property and it was marked as Protestors Ex. #1. Dale Livengood, 90 Miller Road, stated he was excited about the project; however he had concerns with lighting and music. Mr. Livengood presented a series of four photographs. The series of photographs were marked as Neighbors Ex. #1. Andrew Goslin, 55 Snyder Hollow Road, stated that any concerns would be addressed by J. Pepper and Diane Goslin.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to deny the special exception pursuant to Section 401 of the Providence Township Ordinance. Mr. Smoker seconded the motion and the motion carried unanimously.

Mr. Warfel made a motion to grant the variance from the requirements of Section 201.2 and Section 300.3 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. With the exception of Condition A of the Zoning Hearing Board Decision dated August 13, 2019, the Applicants shall comply with all of the conditions set forth in that Decision.
- c. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- d. This Decision shall bind the Applicants, their heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion. The motion carried unanimously. The hearing was adjourned at 8:18 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Heidi Martinez, Secretary

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Albert Warfel, Vice Chairman

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Omar Smoker, Member