

ZONING HEARING BOARD: February 11, 2020

Michael J. Koenig

Variance Request

The Providence Township Zoning Hearing Board was held on Tuesday, February 11, at 7:00 p.m., in the township municipal office. Members present were Albert Warfel, Chairman, Bradford Duvall, 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. Warfel brought the meeting to order at 7:00 p.m. Mr. Warfel introduced the Zoning Hearing Board Members, Zoning Hearing Board Counsel and Zoning Officer. Mr. Warfel stated there were two hearings this evening. Mr. Warfel announced the first hearing. The first hearing is a request by Michael J. Koenig to allow a carport in the front yard setback at 256 Snyder Hollow Road. The property is owned by Michael J. Koenig 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 the hearing was legally advertised in the Lancaster Newspapers on January 27, 2020 and February 3, 2020, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners were notified and the list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted.

Michael J. Koenig was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Koenig confirmed the details of the property. The Zoning Hearing Board application was presented and marked as App. Ex. #1. The sketch plan that accompanied the Zoning Hearing Board application was presented and marked as App. Ex. #2. Mr. Koenig confirmed the details of the carport including the location, purpose and size of the structure. Mr. Warfel asked about the distance from the house, plans for enclosing the structure and the well casing location. Mr. Warfel asked about why Mr. Koenig built it without first obtaining permits. Mr. Duvall asked about the roadmaster or road crew having any objections to the location.

There was one public question. Bob Ray, 287 Snyder Hollow Road, was sworn in by the court reporter. Mr. Ray asked about the Flood Plain and about a temporary portable structure versus a permanent structure.

There were multiple public statements. J. Pepper Goslin, 64 Snyder Hollow Road, was sworn in by the court reporter. Mr. Goslin stated his support of granting the variance. James Kirchner, 269 Snyder Hollow Road, was sworn in by the court reporter. Mr. Kirchner stated his support of granting the variance. Mary-Anne Westfall, 248 Snyder Hollow Road, was sworn in by the court reporter. Mrs. Westfall stated her support for granting the variance and that Mr. Koenig has improved the property. Cody Acey, 245 Snyder Hollow Road, was sworn in by the court reporter. Mr. Acey stated his support for granting the variance.

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 Ordinance subject to the following conditions:

- a. The Applicant shall comply with his plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant must obtain a building permit from the Zoning Officer for the carport.
- c. The Applicant may not enclose the sides of the carport so as to reduce visibility when the vehicle exits from the carport.
- 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. Duvall seconded the motion and the motion carried unanimously.
The hearing was adjourned at 7:28 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

DRAFT

ZONING HEARING BOARD: February 11, 2020

**Travis M. Esh
Variance Request**

At 7:30 p.m. Mr. Warfel introduced the second hearing, a request by Travis M. Esh for a variance to allow the expansion of a garage with a nonconforming setback to exceed the fifty percent (50%) of the area of the building at 511 Sawmill Road. The property is owned by Travis M. Esh and is zoned Agricultural.

Upon questioning from Mr. Warfel, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on January 27, 2020 and February 3, 2020, with proof of publication being displayed. Mrs. Martinez confirmed that adjoining property owners were notified and the property was properly posted. Mrs. Martinez provided background information regarding the application.

Travis M. Esh was sworn in by the court reporter. Upon questioning from Mr. Warfel, Mr. Esh confirmed the details of the property and his plans for expanding the garage. Mrs. Martinez read a letter she received via email and fax from an adjoining property owner. Mr. Duvall asked about the use of the garage.

There were no public questions or statements.

Mr. Duvall 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 to allow the expansion of a garage with a nonconforming setback to exceed fifty percent (50%) of the area of the building, 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. The Decision shall bind the applicant, his heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion. The motion carried unanimously. The hearing was adjourned at 7:40 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member