

ZONING HEARING BOARD: March 10, 2020
Michael Mann and Frank Nolt
Variance Request

The Providence Township Zoning Hearing Board was held on Tuesday, March 10, 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 eight (8) 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 Mann and Frank Nolt to allow the minimum lot width to be less than 200' by subdividing 50' to 804 Lancaster Pike at tax account number 520-10312-0-0000 Lancaster Pike. The property is owned by Michael B. Mann and Truce Road LLC and is zoned Commercial. 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 February 24, 2020 and March 2, 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.

Frank Nolt was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Nolt confirmed the details of the property. The Zoning Hearing Board application was presented and marked as App. Ex. #1. The plan by Strausser Surveying and Engineering, Inc. dated January 15, 2020 was presented and marked as App. Ex. #2. Mr. Nolt confirmed information regarding a driveway on that property and details of the surrounding properties. Mr. Warfel asked about the lot frontage. Mr. Duvall asked about prospective buyers and sight distance. There were no public questions or public 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 205.5 of the Ordinance subject to the following conditions:

- a. The Applicants shall comply with their plans and promises as presented to the Zoning Hearing Board.
- b. The strip of land connecting the Premises to Lancaster Pike shall be approximately 135' in width.
- 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. Duvall seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:23 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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**Stephen L. Lapp
Variance Request**

At 7:24 p.m. Mr. Warfel introduced the second hearing, a request by Stephen L. Lapp for a variance to allow ten (10) animals over 65 pounds on one (1) acre at 555 Snyder Hollow Road. The property is owned by Stephen L. Lapp and is zoned Residential (R-2).

Upon questioning from Mr. Warfel, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on February 24, 2020 and March 2, 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.

Stephen L. Lapp was affirmed by the court reporter. Upon questioning from Mr. Warfel, Mr. Esh explained that he currently has five (5) goats and they milk them for personal use. Mr. Duvall reminded Mr. Esh that his property is in a residential zone. Mr. Warfel asked about dead animals, animal waste, the stream and the setbacks. Mr. Esh confirmed that he could meet the required setbacks. Mr. Duvall asked about what other animals Mr. Esh has on the property. Mr. Esh currently has a horse and chickens with the five (5) goats.

David Beiler, 278 Pennsy Road, made two statements. Mr. Beiler stated Mr. Esh can use his adjoining property for the goats to run on and that he was in favor of granting the variance.

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 six (6) group three (3) animals (five (5) goats and one (1) horse), 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. Duvall seconded the motion. The motion carried unanimously. The hearing was adjourned at 7:44 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Bradford Duvall, Vice Chairman

Omar Smoker, Member

Heidi Martinez, Secretary