

ZONING HEARING BOARD: June 9, 2020

Steven L Groff

Variance Requests

The Providence Township Zoning Hearing Board was held on Tuesday, June 9, 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 nineteen (19) 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 six hearings this evening. Mr. Warfel announced the first hearing. The first hearing is a request by Steven Groff to allow the construction of an access drive and storage area as gravel at tax account number 520-40012-0-0000 Lancaster Pike (944 Lancaster Pike). The property is owned by Steven L and Dawn M Groff and is zoned Industrial. 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 six hearings were legally advertised in the Lancaster Newspapers on May 25, 2020 and June 1, 2020, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners were notified for all six hearings and the lists of adjoining property owners were marked as ZHB Ex. #2. Mrs. Martinez confirmed the properties for all six hearings were properly posted.

Steve Groff and K. Craig Smith, RGS Associates were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Groff explained the lot and the variance requests. Mr. Smith explained the proposed plan and proposed use of the lot. The Zoning Hearing Board application was presented and marked as App. Ex. #1. The plan that accompanied the application prepared by RGS Associates dated April 16, 2020 was marked as App. Ex. #2. Mr. Warfel asked about the stone storage area. Mr. Smoker asked about having regular meetings at the site and how long the applicant owned the property. 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. Duvall made a motion to grant the variances from the requirements of Section 300.6 and Section 312.3 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 shall file and have approved a Stormwater Management Plan.
- 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.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:18 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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**Ronald Paterson
Variance Request**

At 7:20 p.m. Mr. Warfel introduced the second hearing, a request by Ronald Paterson for a variance to allow a garage in the front and side yard setbacks at 301 Snyder Hollow Road. The property is owned by Ronald E Paterson and Patricia G Duff and is zoned Residential (R-2).

Ronald Paterson, Patricia Duff and Michael Paterson were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Michael Paterson explained the variance request and the layout of the property. The Zoning Hearing Board Application and narrative was marked as App. Ex. #1. Exhibits A-D presented by the applicant were reviewed. Mr. Michael Paterson described the property topography and the distances of the garage. Mr. Warfel asked about the slope. Mr. Duvall confirmed the garage would be for personal storage and not a business. There was one (1) public question. Robert Ray, 287 Snyder Hollow Road, asked about the storm water management plan for the proposed garage and the floodplain.

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 202.3.19 and 202.6 of the 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 file and have approved a Stormwater Management Plan by Providence Township.
- c. The Applicant shall obtain any necessary building permits from the Zoning Officer.
- 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. The motion carried unanimously. The hearing was adjourned at 7:39 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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Elam Esch

Variance Request

At 7:42 p.m. Mr. Warfel introduced the third hearing, a request by Elam Esch for variances to allow the subdivision of the cemetery with the burial plots and structures located within the setback at 112 Pennsy Road. The property is owned by Elam J and Rachel L Esch and is zoned Agricultural.

Elam Esch and Craig Williams, Strausser Surveying & Engineering, Inc. were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Williams explained the property and the request. The Zoning Hearing Board application was marked as App Ex. #1. The plan that accompanied the application prepared by Strausser Surveying and Engineering, Inc. with a revision date of April 16, 2020 was marked as App. Ex. #2. Mr. Warfel asked about how the cemetery property would be deeded. Mr. Duvall asked about total of plots. Mr. Goodman asked about a dwelling on the property with the cemetery. There were no public questions or statements.

Mr. Warfel made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the variance from the requirements of Section 200.5 of the 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 file and have approved a Subdivision Plan with Providence Township.
- 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.

Mr. Smoker seconded the motion. The motion carried unanimously. The hearing was adjourned at 7:55 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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Steven Glick

Use Variance and Variance Requests

At 7:57 p.m. Mr. Warfel introduced the fourth hearing, a request by Steven Glick for a use variance to allow a carpentry shop with the following variance requests; 312, off-street loading, 313, off-street parking and 320, screening and landscaping at 69 Clearfield Road. The property is owned by Steven E and Lydia Ann Glick and is zoned Agricultural.

Steven Glick was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Williams explained the property and the request. Mr. Glick explained the business and the buildings on the property. The Zoning Hearing Board application, narrative and other accompanying documents were marked as App Ex. #1. The plan that accompanied the application prepared by Strausser Surveying and Engineering, Inc. dated March 24, 2020 was marked as App. Ex. #2. Mr. Duvall asked about the impact of the business. Mr. Smoker commented on the look of the farm. There will be no outdoor storage or sign. There was one public statement. Barry Smith, 105 Clearfield Road, stated he was in favor of the variance.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the variances from the requirements of Section 200.2, Section 312, Section 313 and Section 320 of the Ordinance with the following conditions:

- a. The Applicant shall comply with their plans and promises as presented to the Zoning Hearing Board.
- b. There shall be no outdoor storage associated with the business.
- 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. Warfel seconded the motion. The motion carried unanimously. The hearing was adjourned at 8:19 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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Benuel King

Use Variance and Variance Requests

At 8:20 p.m. Mr. Warfel introduced the fifth hearing, a request by Benuel King for a use variance to allow for manufacturing of sheds with the following variance requests; 300.6, access drive surfacing, 310, lighting requirements, 312.13, schedule of required off-street loading space, 313.10, lighting, 313.18, landscaping and screening requirements for the parking area, 313.19, schedule of required parking spaces and 320, screening and landscaping requirements 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.

Benuel King was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Williams explained the property and the request. Mr. King explained the business. The Zoning Hearing Board application, narrative and other accompanying documents were marked as App Ex. #1. The plan that accompanied the application prepared by Strausser Surveying and Engineering, Inc. dated March 30, 2020 was marked as App. Ex. #2. Mr. Warfel asked about the average size of a shed and the display area size. Mr. Duvall commented about the variance request for the access drive surfacing and the display area along Lancaster Pike. There were no public questions or statements.

Mr. Smoker made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the variances from the requirements of Section 206.2, Section 300.6, Section 310, Section 312.13, Section 313.18, Section 313.19 and Section 320 of the 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 file and have approved a Stormwater Management Plan by Providence Township.
- c. The Applicant shall file a Land Development Plan with Providence Township.
- d. The Applicant shall receive a Highway Occupancy Permit from PennDot.
- e. The access drive shall be a dust-free surface which may include paving, oil and chip or the use of millings leading from Lancaster Pike to the turnoff at the storage area.
- f. There shall be no more than four sheds on display at the entrance of the access drive to Lancaster Pike which will be two sheds on each side of the access drive. The number of finished sheds in the storage area shall be limited to 20 at any one time.
- g. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- h. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

Mr. Warfel seconded the motion. The motion carried unanimously. The hearing was adjourned at 9:00 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: June 9, 2020
J Pepper and Diane Goslin
Special Exceptions and Variances

At 9:05 p.m. Mr. Warfel introduced the sixth hearing, a request by J Pepper and Diane Goslin for a special exception to allow two dwellings as vacation rentals as a use not provided for and a variance to the side yard setback at 47 Snyder Hollow Road. The property is owned by J Pepper and Diane A Goslin and is zoned Rural Residential (R-1).

J. Pepper Goslin and Andrew Goslin, 55 Snyder Hollow Road, were sworn in by the court reporter. Mr. Goodman turned the hearing over to Sheila O'Rourke, Gibbel Kraybill and Hess. Upon questioning from Mrs. O'Rourke, Mr. Goslin explained the buildings on the property. Mrs. O'Rourke presented App. Ex. #1-3. App. Ex. #1 was an aerial photograph of the property. App. Ex. #2 was pictures of the farmhouse and garage that contains a two bedroom cottage. Mr. Goslin stated there will be a maximum of 14 guests in the farmhouse and six (6) guests in the cottage. Upon questioning from Mrs. O'Rourke, Mr. Williams explained App. Ex. #3 a plan prepared by Strausser Surveying and Engineering, Inc. dated May 6, 2020. The plan depicted the ghost line required by the Ordinance. Mrs. O'Rourke asked to amend the application to include variances of the lot width at lot frontage and at building setback. Mr. Duvall asked about the ghost line. Mr. Smoker asked about why not a bed and breakfast. There was one public statement. Andrew Goslin, 55 Snyder Hollow Road, stated not limiting the term of the stay.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the special exception pursuant to Section 106 and for a variance from the requirements of Section 201.6 of the Ordinance with the following conditions:

- a. The Applicants shall comply with their plans and promises as presented to the Zoning Hearing Board.
- b. The Applicants shall obtain any necessary zoning permits from the Zoning Officer.
- c. The Applicants shall obtain any necessary approvals from the Sewage Enforcement Officer.
- d. A maximum of 14 persons may rent the farmhouse at any one time and a maximum of six persons may rent the cottage at any one time with the maximum stay being less than 30 days.
- e. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- f. 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 9:46 p.m.

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Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member