

ZONING HEARING BOARD: August 11, 2020

Jason and Natasha Jose

Variance Request

The Providence Township Zoning Hearing Board was held on Tuesday, August 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 six (6) 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 Jason and Natasha Jose for a variance to increase the maximum height of a garage at 117 Clearfield Rd. The property is owned by Jason D and Natasha A Jose and is zoned Rural Residential (R-1).

Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Warfel, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on July 27, 2020 and August 3, 2020, with proof of publication being displayed. Mrs. Martinez confirmed the adjoining property owners were notified for the hearing. Mrs. Martinez confirmed the property was properly posted.

Jason and Natasha Jose were sworn in by the court reporter. Upon questioning from Mr. Warfel, Mr. Jose explained the request for the height of the garage. Mr. Warfel asked about the use of the garage. Mr. Duvall asked about living space in the garage and if they have spoken to the neighbors. There were no public questions or public 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 pursuant to Section 201.6 of the Ordinance, to increase the maximum height of the garage to 26', subject to 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. 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 7:13 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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David Beiler

Special Exception and Variances

At 7:15 p.m. Mr. Warfel introduced the second hearing, a request by David Beiler for a special exception for a dog kennel with variances for the lot size and the front yard setback and a use variance to change the use of an existing building to contractor storage at 278/280 Pennsy Road. The property is owned by Benuel S and Rachel Mae Beiler and is zoned Agricultural.

Mr. Warfel turned the hearing over to Mr. Goodman. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on July 27, 2020 and August 3, 2020, with proof of publication being displayed and marked as ZHB Ex. #1. Mrs. Martinez confirmed the adjoining property owners were notified for the hearing and the list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted.

David Beiler was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Beiler explained the buildings located on the property and the requests. Mr. Beiler intends on having eight (8) female adult dogs in the basement of the existing commercial building. Mr. Beiler stated the first floor will be for contractor storage of artificial turf.

Mr. Duvall asked about manufacturing, outdoor storage, and deliveries. Mr. Smoker asked about the waste and state inspections. Mr. Warfel asked about his brother's kennel approval and the neighbors. The Zoning Hearing Board application was marked as App. Ex. #1 and the attached narrative was marked as App. Ex. #2. The plot plan submitted with the Zoning Hearing Board application was marked as App. Ex. #3.

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 200.2 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. There shall be no outdoor storage in connection with the artificial turf 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 Applicant, his successors, grantees, and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously.

Mr. Duvall made a motion to grant the special exception to Section 200.4.14 and the variance from the requirements of Section 443.2 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 comply with all applicable requirements of the Pennsylvania Dog Law.
- c. The Applicant may not have more than eight adult dogs in the kennel.
- 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 successors, grantees and assign.

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

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