

ZONING HEARING BOARD: October 13, 2020

**Kenneth Moyer
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, October 13, 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 Officer, and Zoning Hearing Board Counsel. Mr. Warfel stated there were three hearings this evening. Mr. Warfel announced the first hearing. The first hearing is a request by Kenneth W Moyer for a variance to allow the addition to the dwelling with a nonconforming setback to exceed the fifty percent (50%) maximum expansion at 95 Oak Bottom Road. The property is owned by Kenneth W Moyer and is zoned Suburban Residential (R-3). 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 September 28, 2020 and October 5, 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 was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted.

Kenneth Moyer and Lisa Connors were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Moyer explained the property dimensions and the existing structures. Mr. Moyer explained the addition and the side yard setbacks. The Zoning Hearing Board application was presented and marked as App Ex. #1. The aerial photographs that accompanied the application were marked as App. Ex. #2. The footprint plan was marked as App. Ex. #3. Mr. Smoker asked about the rear property. Mr. Duvall asked about the use. There were no public questions or public statements.

Mr. Duvall made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to grant the variance from the requirements of Section 503.3 of the Ordinance to expand the non-conforming structure by more than 50%, 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 obtain a building permit from the Zoning Officer.
- c. The Applicant shall comply with all applicable building code 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 successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:14 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: October 13, 2020
Lancaster Pike Properties LLC
Use Variance and Variance Requests

At 7:15 p.m. Mr. Warfel introduced the second hearing, a request by Lancaster Pike Properties LLC to allow the use of equipment on-site to process material for fill and the following variance requests; off-street loading surfacing, off-street loading lighting, off-street loading landscaping, off-street loading area markings, parking area surfacing, painted lines, parking area lighting, front yard landscape strip, side and rear yard landscape strips, interior landscaping, and parking lot area screening at 748 and 752 Lancaster Pike. The properties are owned by Lancaster Pike Properties LLC and are zoned Commercial.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on September 28, 2020 and October 5, 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 was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted.

David Beiler, Lancaster Pike Properties LLC, was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Beiler explained the current use of the properties. Mr. Beiler explained the heavy industrial use that he is asking for. Mr. Beiler intends to rent a breaker to crush the concrete fill to use on the properties. The Zoning Hearing Board application was marked as App. Ex. #1. Mr. Warfel asked about monitoring of what is being dumped on the properties currently. The narrative that accompanied the application was marked as App. Ex. #2. The site plan prepared by Strausser Surveying and Engineering, Inc. dated September 16, 2020 was marked as App. Ex. #3. Mr. Duvall asked about moving the entire Buck Rentals business. Mr. Beiler explained the other variance requests are for the rental equipment business. Mr. Smoker asked about what can be seen from Snyder Hollow Road. Mr. Duvall asked about the timeline for the project and clarified that the crusher will be temporary.

There was one public question. Jeff Wagner, 632 N Little Britian Rd., Quarryville, asked about the location of the proposed driveway along Lancaster Pike. There were no 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 continue the hearing until the November 10, 2020 hearing to render a decision with no further testimony. There was no second to the motion. Mr. Duvall made a motion to grant the variances from the requirements of Sections 205.2, 312.3, 312.11, 312.12, 313.5, 313.7.11, 313.9, 313.18.1, 313.18.2, 313.18.3 and 313.18.5 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 land development plan.
- c. The Applicant shall file and have approved a stormwater management plan.
- d. The Applicant shall comply with all applicable building code requirements.
- e. The Applicant shall obtain any necessary highway occupancy permits.
- f. The Applicant shall obtain an NPDES permit from the Lancaster County Conservation District.
- 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, its successors, grantees and assigns.

Mr. Smoker seconded the motion. The motion carried unanimously. The hearing was adjourned at 8:10 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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ZONING HEARING BOARD: October 13, 2020
Samuel Glick
Special Exception

At 8:11 p.m. Mr. Warfel introduced the third hearing, a request by Samuel B and Fannie F Glick for a special exception to allow a roadside stand at 2361 Beaver Valley Pike. The property is owned by Samuel B and Fannie F Glick and is zoned Suburban Residential (R-3).

Mr. Goodman was not present for this hearing. Upon questioning from Mr. Warfel, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on September 28, 2020 and October 5, 2020, with proof of publication being displayed. Mrs. Martinez confirmed the adjoining property owners were notified for the hearing and the property was properly posted.

Samuel Glick was affirmed by the court reporter. Upon questioning from Mr. Warfel, Mr. Glick explained the request for the roadside stand. Mr. Duvall asked about the previous Zoning Hearing Board decision. Mr. Smoker asked about selling produce. Mr. Duvall asked about meeting the requirements of Section 458. There was one public question, Julie McConnell, 2371 Beaver Valley Pike, asked about the location of the yard signs. There were no public statements.

Mr. Warfel made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to grant the special exception pursuant to Section 200.4.11 and the requirements of Section 458 of the Ordinance, 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 8:22 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member