

ZONING HEARING BOARD: November 24, 2020

**Mahlon King
Special Exception**

The Providence Township Zoning Hearing Board was held on Tuesday, November 24, 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 ten (10) 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 two hearings this evening. Mr. Warfel announced the first hearing. The first hearing is a request by Mahlon King for a special exception to allow a kennel at 1858 Beaver Valley Pike. The property is owned by Mahlon Z and Sarah L King and is zoned Agricultural. 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 November 9, 2020 and November 16, 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.

Mahlon King was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. King explained the buildings on the farm and the distance to Beaver Valley Pike and adjoining neighbors. The Zoning Hearing Board application was marked as App. Ex. #1. The narrative that accompanied the application was marked as App. Ex. #2 and the aerial view was marked as App. Ex. #3. Mr. Warfel asked about noise and state licensing. There was one public question. Michael Shaub, 802 North Old Rd., asked about limiting the number of dogs. 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 200.4.14 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 furnish a copy of the dog license to the Providence Township Zoning Officer.
- c. There shall be no more than 15 adult dogs in the dog 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 heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:20 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: November 24, 2020
Samuel Stoltzfus
Use Variance and Variance Requests

At 7:22 p.m. Mr. Warfel introduced the second hearing, a request by Samuel Stoltzfus for a use variance to allow a roofing and construction business with the following variance requests; off-street loading, off-street parking, and screening and landscaping at 265 Clearfield Road. The property is owned by Samuel F and Rachel K Stoltzfus and is zoned Rural Residential (R-1).

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was legally advertised in the Lancaster Newspapers on November 9, 2020 and November 16, 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.

Craig Williams, Strausser Surveying & Engineering, Inc, was sworn in by the court reporter. Samuel Stoltzfus was affirmed by the court reporter. Dwight Yoder, Gibbel, Kraybill & Hess was present on behalf of Mary RB Bernstein. Mr. Yoder presented LanCo View of the surrounding properties owned by his client and it was marked as Protestors Ex. #1. Upon questioning from Mr. Yoder, Mr. Williams and Mr. Stoltzfus explained the business operating on the property. Mr. Yoder presented two additional LanCo Views of 265 Clearfield Road and these were marked Protestors Ex. #2 and Protestors Ex. #3. Upon further questioning from Mr. Yoder, Mr. Stoltzfus explained the layout of the building and storage of materials. The plan dated October 6, 2020 prepared by Strausser Surveying & Engineering, Inc. was marked as App. Ex. #1. The Zoning Hearing Board application was marked as App. Ex. #2 and the narrative that accompanied the application was marked App. Ex. #3. Mr. Goodman asked about a sign. James Lewis, 241 Clearfield Road, asked about expansion of the business. Mr. Williams explained the other variance requests. Mr. Yoder suggested conditions on the decision. Mr. Duvall asked about the dumpster. There were no additional public questions. There was one public statement. Dennis Metzler, 281 Clearfield Road, was sworn in by the court reporter. Mr. Metzler stated his support for the business and that the property is maintained. Mr. Warfel asked about the rest of the building.

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 variances from the requirements of Sections 201.2, 312, 312, 313, and 320 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. If the Applicants expand the business, the Applicants must reapply to the Zoning Hearing Board.
- c. The Applicants shall construct a fence in front of the dumpster area so that it is shielded from the road.
- d. The hours of operation for the business shall remain the same.
- e. The number of employees in the business shall be limited to 15 employees.
- f. The owners of the business must live on the Premises.
- g. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- h. 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 8:07 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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