

ZONING HEARING BOARD: January 12, 2021

David L and Diane Herr

Variance Request

The Providence Township Zoning Hearing Board was held on Tuesday, January 12, at 7:00 p.m., in the township municipal office. Members present were Bradford Duvall, Albert Warfel and Omar Smoker. Thomas Goodman, Zoning Hearing Board counsel, Heidi Martinez, Secretary/Zoning Officer, Vicki Eldridge, Township Manager, Melissa Anderson, court reporter and fourteen (14) 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. The first order of business is the election of officers. Mr. Smoker made a motion, seconded by Mr. Warfel to nominate Mr. Duvall as Chairman of the Zoning Hearing Board. The motion carried unanimously. Mr. Duvall made a motion, seconded by Mr. Warfel to nominate Mr. Smoker as Vice Chairman of the Zoning Hearing Board. The motion carried unanimously.

Mr. Warfel turned the hearing over to Mr. Duvall. Mr. Duvall announced that there were four hearings. The first hearing is a request by David L and Diane Herr for a variance to allow the subdivision of the 68 acre lot into two (2) farms of approximately 34 acres each at tax parcel #520-16678-0-0000 Rawlinsville Road. The property is owned by Joanne R Herr and is zoned Agricultural. Mr. Duvall turned the hearing over to Mr. Goodman.

Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on December 28, 2020 and January 4, 2021, with proof of publication being displayed and marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

James N Clymer Esq., Clymer, Musser & Sarno, represented David and Diane Herr. David and Diane Herr were sworn in by the court reporter. Upon questioning from Mr. Clymer, Mrs. Herr explained the reasoning for the request and the layout of the land. The Zoning Hearing Board application was marked as App Ex. #1. The plan prepared by Regester Associates, Inc. dated October 2020 was marked as App. Ex. #2. The recent deed changing property owners from the Estate of Joanne Herr to David Herr and Julia Hess was presented and marked as App. Ex. #3. The deed for the lot subdivided in 1990 was presented and marked as App. Ex. #4. Mr. Duvall asked about the occupancy of the house on the parcel, who farms the land, and the conditions of the proposed lots.

There were no public questions. There were a few public statements. Vicki Eldridge, Township Manager, was sworn in by the court reporter. Mrs. Eldridge read an email statement from the Board of Supervisors requesting the variance be denied to preserve farmland. The email statement was marked as Twp Ex. #1. John Schroeder, 17 Solar Drive, was sworn in by the court reporter. Mr. Schroeder elaborated on his position to request denying the variance. Mr. Schroeder stated preserving large farm tracts fits with the comprehensive plan and the rural characteristics of the township. Mr. Clymer stated the request is not contrary to the spirit of the ordinance or detracts from the intent or purpose.

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 200.5.2 of the Ordinance, with the following conditions:

- a. The Applicants shall comply with their plans and promises as presented to the Zoning Hearing Board with the exception that a single-family dwelling may be located on each of the two farms.
- b. There shall be no further subdivision of Lot 1 or Lot 2 as depicted on Applicants' Exhibit No. 2.
- c. The existing dwelling on Lot 1 shall be removed.
- d. The Applicants must file and have approved a Subdivision by Providence Township.
- 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. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:51 p.m.

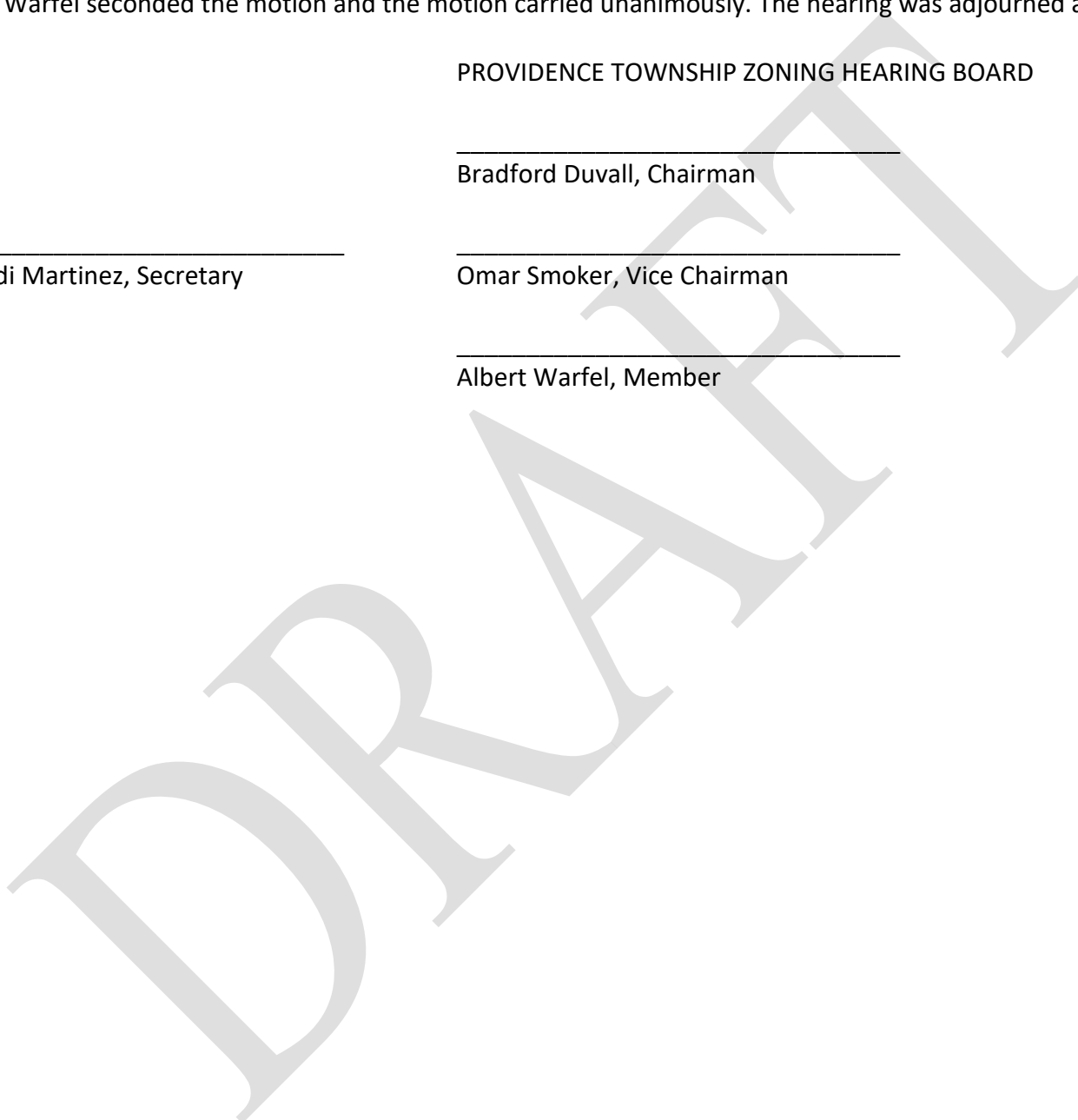
PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford Duvall, Chairman

Heidi Martinez, Secretary

Omar Smoker, Vice Chairman

Albert Warfel, Member



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**Dennis W Findley
Variance Requests**

At 7:53 p.m. Mr. Duvall introduced the second hearing, a request by Dennis W Findley for variances of the manufactured homes at Ponderosa Court to allow the minimum front and rear yard setback to be 10', the minimum setback between buildings to be 15' on a lot less than 5 acres at 1 Findley Lane. The property is owned by Dennis W Findley and is zoned High Density Residential (R-4).

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on December 28, 2020 and January 4, 2021, with proof of publication being displayed and marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

Dennis W Findley was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Findley explained the previous layout of the manufactured home park and the need to update the park. Mr. Findley presented a plot plan dated July 28, 1976 for the V. Leo Davis subdivision. The plan was marked as App. Ex. #1. Mr. Duvall asked about the rear property. Mr. Warfel asked about distance between buildings. Mr. Smoker asked about parking, how long Mr. Findley owned it and if he was planning on selling it.

There were no public questions or public statements.

Mr. Warfel made a motion seconded by Mr. Smoker to close testimony. The motion carried unanimously. Mr. Warfel made a motion to grant the variances from the requirements of Section 204.7.5, 204.7.7 and 204.7.9 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 obtain any necessary building permits from the Zoning Officer.
- 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 8:15 p.m.

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Omar Smoker, Vice Chairman

Albert Warfel, Member

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**Annie S Esch
Variance Request**

At 8:17 p.m. Mr. Duvall introduced the third hearing, a request by Annie S Esch for a variance to allow a farmhouse expansion on a lot with less than 25 acres at 366 Cinder Road. The property is owned by Elam M and Annie S Esch and is zoned Agricultural.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on December 28, 2020 and January 4, 2021, with proof of publication being displayed and marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

Kevin Witmier, Impact Engineering Group, was sworn in by the court reporter. Emanuel Esch, 204 Eden Rd., Quarryville, PA 17566, was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Witmier explained the variance request and the layout of the property. The Zoning Sketch Plan prepared by Impact Engineering Group dated December 2, 2020 was marked as App. Ex. #1. Mr. Duvall asked if the expansion would be connected and if it would be two stories. Mr. Warfel asked about the use.

There were no public questions or public statements.

Mr. Warfel made a motion seconded by Mr. Smoker to close testimony. The motion carried unanimously. Mr. Duvall made a motion to grant the variance from the requirement of Section 200.3.21 of the Ordinance, with the following conditions:

- a. The Applicant shall comply with her plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall obtain any necessary building permits from the Zoning Officer.
- c. The Applicant shall comply with all applicable Stormwater Management Ordinance requirements.
- d. The farmhouse expansion must comply with the criteria set forth for a farmhouse expansion in Section 112 of the Ordinance with the exception of the variance for the 25 acres.
- e. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- f. This Decision shall bind the Applicant, her heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion. The motion carried unanimously. The hearing was adjourned at 8:37 p.m.

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Heidi Martinez, Secretary

Omar Smoker, Vice Chairman

Albert Warfel, Member

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**David McHugh
Variance Request**

At 8:39 p.m. Mr. Duvall introduced the fourth hearing, a request by David McHugh for a variance to allow a garage in the side yard setback at 241 Mt. Hope School Road. The property is owned by David W and Melissa McHugh and is zoned Residential (R-2).

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on December 28, 2020 and January 4, 2021, with proof of publication being displayed and marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

David McHugh was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. McHugh explained the request of the proposed garage and the width of the lot. Mr. Duvall asked about talking to the neighbors and the use of the garage. The plot plan submitted with the Zoning Hearing Board application was marked as App. Ex. #1. Mr. Smoker asked if the neighbor owned their property.

There were no public questions or public statements.

Mr. Warfel made a motion seconded by Mr. Smoker to close testimony. The motion carried unanimously. Mr. Warfel made a motion to grant the variance from the side yard requirements of Section 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 maintain a side yard of at least 7'.
- c. The Applicant shall obtain any necessary building permits from the Zoning Officer.
- d. The Applicant shall comply with all applicable Stormwater Management Ordinance requirements.
- e. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- f. 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 8:50 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford Duvall, Chairman

Heidi Martinez, Secretary

Omar Smoker, Vice Chairman

Albert Warfel, Member