

ZONING HEARING BOARD: August 10, 2021

**Timothy Kut
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, August 10, at 7:00 p.m., in the township municipal office. Members present were Omar Smoker, Vice Chairman, Albert Warfel and David Beiler, Alternate Member. Thomas Goodman, Zoning Hearing Board counsel, Heidi Martinez, Secretary/Zoning Officer, Suzy Oldt, court reporter and eight (8) observers were also present. Mr. Smoker brought the meeting to order at 7:00 p.m. Mr. Smoker announced the first hearing. The first hearing is a request for a variance by Timothy Kut to allow a garage in the side yard setback at 525 Cinder Road. The property is owned by John Zook and is zoned Rural Residential (R-1). Mr. Smoker 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 July 26, 2021 and August 2, 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 notice was marked as ZHB Ex. #3.

Timothy Kut was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Kut explained the lot and the plot plan. The plot plan was marked as App. Ex. #1 and the Zoning Hearing Board Application was marked as App. Ex. #2. Mr. Beiler asked about the adjoining neighbors and the acreage. Mr. Smoker asked about the stormwater. Mr. Warfel asked if it is a three (3) car garage and if there will be a business.

There were no public questions or public statements.

Mr. Smoker made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Smoker made a motion to grant the variance from the requirements of Section 201.6 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 obtain any necessary zoning permits from the Zoning Officer.
- c. The garage shall be located at least 10' from the side property line.
- 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. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 7:09 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Vice Chairman

Heidi Martinez, Secretary

Albert Warfel, Member

David Beiler, Alternate Member

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Samuel Stoltzfus

Variance Request

At 7:10 p.m. Mr. Goodman introduced the second hearing. The second hearing is a request for a variance by Samuel Stoltzfus to allow an animal shelter in the side yard setback at 265 Clearfield Rd. 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 that the hearing had been legally advertised in the Lancaster Newspapers on July 26, 2021 and August 2, 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 notice was marked as ZHB Ex. #3.

Samuel Stoltzfus was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Stoltzfus explained the property details and the proposed location of the animal shelter. The plot plan was marked as App. Ex. #1 and the Zoning Hearing Board Application was marked as App. Ex. #2. Mr. Warfel asked about moving the animal shelter toward the dwelling. Mr. Smoker asked about the height and if the structure would be closed.

There was one public question. James Lewis, 241 Clearfield Road, asked about the location of the animal shelter. There were no public statements.

Mr. Smoker made a motion seconded by Mr. Beiler to close testimony. The motion carried unanimously. Mr. Warfel made a motion to grant the 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 building permits from the Zoning Officer.
- c. The animal shelter shall be located at least 20' from the side property line.
- d. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- e. This Decision shall bind the Applicants, their heirs, successors, grantees and assigns.

Mr. Beiler seconded the motion and the motion carried unanimously. The hearing adjourned at 7:27 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Vice Chairman

Heidi Martinez, Secretary

Albert Warfel, Member

David Beiler, Alternate Member

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John Esh
Variance Request

At 7:28 p.m. Mr. Goodman introduced the third hearing. The third hearing is a request for a variance by John Esh to allow the subdivision of approximately 44 acres in Providence Township at 122 Krantz Mill Road. The property is owned by John M and Sara L Esh and is zoned Agricultural.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed that the hearing had been legally advertised in the Lancaster Newspapers on July 26, 2021 and August 2, 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 notice was marked as ZHB Ex. #3.

John Esh was affirmed by the court reporter. Upon questioning from Mr. Goodman, Esh explained the property details and the proposed subdivision details. Mr. Esh presented a letter from Lancaster Farmland Trust and the letter was marked as App. Ex. #1. The map presented of the property was marked as App. Ex. #2. The narrative that accompanied the Zoning Hearing Board Application was marked as App. Ex. #3. Mr. Warfel asked if the divided parcels are enough land to make a living.

There were no public questions or public statements.

Mr. Smoker made a motion seconded by Mr. Warfel to close testimony. The motion carried unanimously. Mr. Smoker made a motion to grant the variance from the requirements of Section 200.5 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 two tracts of land located in Providence Township shall not be further subdivided.
- 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. Beiler seconded the motion and the motion carried unanimously. The hearing adjourned at 7:46 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Vice Chairman

Heidi Martinez, Secretary

Albert Warfel, Member

David Beiler, Alternate Member