

ZONING HEARING BOARD: January 11, 2022

**Benuel King
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, January 11, at 7:00 p.m. Members present were Bradford Duvall, Albert Warfel and Omar Smoker. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Michelle Parke, court reporter and nine (9) observers were present. Mr. Duvall brought the hearing to order at 7:00 p.m. Mr. Duvall introduced the Zoning Hearing Board members, Zoning Hearing Board counsel and Zoning Officer. The first order of business is the election of officers. Mr. Duvall made a motion, seconded by Mr. Warfel to nominate Mr. Smoker as Chairman of the Zoning Hearing Board. The motion carried unanimously. Mr. Duvall made a motion, seconded by Mr. Smoker to nominate Mr. Warfel as Vice Chairman. The motion carried with two favorable votes. Mr. Warfel opposed the motion. Mr. Duvall turned the hearing over to Mr. Smoker. Mr. Smoker announced that there were three hearings. The first hearing is a request by Benuel K and Malinda S King for a variance to construct a larger office building as a revision to the prior zoning hearing board approval at 816 Lancaster Pike. The property is owned by Benuel K and Malinda S King and is zoned Commercial.

Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on December 27, 2021 and January 3, 2022. The proof of publication was marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

Benuel King was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. King explained the lot and the requested change to the decision for a larger office building. The plan that accompanied the Zoning Hearing Board application was marked as App. Ex. #1. The Zoning Hearing Board decision dated July 14, 2020 was marked as App. Ex. #2. Mr. Smoker asked about the expansion. Mr. Duvall asked about the land development plan. There were no public questions or public statements.

Mr. Smoker made a motion to grant the request for an office measuring 20' x 60' and located within a 13,200 square foot building subject to the Decision Zoning Hearing Board in its Decision of July 14, 2020. That Decision was as follows:

- 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 Stormwater Management Plan by Providence Township.
- c. The Applicant shall file a Land Development Plan with Providence Township.
- d. The Applicant shall receive a Highway Occupancy Permit from PennDot.
- e. The access drive shall be a dust-free surface which may include paving, oil and chip or the use of millings leading from Lancaster Pike to the turnoff at the storage area.
- f. There shall be no more than four sheds on display at the entrance of the access drive to Lancaster Pike which will be two sheds on each side of the access drive. The number of finished sheds in the storage area shall be limited to 20 at any one time.
- 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, his heirs, successors, grantees and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 7:19 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member

DRAFT

ZONING HEARING BOARD: January 11, 2022
Sam Allgyer
Variance Requests

At 7:20 p.m. Mr. Goodman introduced the second hearing, a request by Sam Allgyer for variances to allow keeping a horse on a lot with less than one (1) acre and the horse barn in the side yard setbacks at 834 Truce Road. The property is owned by Brandin S Devonshire and Jamie L Mendenhall and is zoned Agricultural.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on December 27, 2021 and January 3, 2022. The proof of publication was marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

Sam Allgyer and Jacob Allgyer were affirmed by the court reporter. Upon questioning from Mr. Goodman, Jacob Allgyer explained he is buying the property and the proposed horse barn. Sam Allgyer explained the request and the horse barn. The Zoning Hearing Board application was marked as App. Ex. #1. Mr. Smoker asked if the barn was portable. Mr. Duvall asked about the material of the barn. Mr. Warfel asked about the neighbors. Mr. Goodman asked how far the horse barn is from the neighboring dwelling. Mr. Duvall asked about moving the horse barn closer to the rear property line than proposed. There were no public questions or statements.

Mr. Smoker made a motion to grant the variances from the requirements of Section 442.3, Section 442.7 and Section 200.7 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 locate the horse barn 40' from the rear of the dwelling.
- c. The Applicant shall obtain any necessary zoning permits from the Zoning Officer.
- d. The Applicant shall comply with all applicable requirements of the Stormwater Management Ordinance.
- 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. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 7:48 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member

ZONING HEARING BOARD: January 11, 2021
RV Value Mart Inc.
Variance Requests

At 7:50 p.m. Mr. Goodman introduced the third hearing, a request by RV Value Mart Inc. for variances to replace an entrance sign that exceeds the 100 sq. ft. maximum sign area, the 15' height limit and is located in the front yard setback at 47 Lancaster Pike North. The property is owned by JKL Estates LLC and is zoned Commercial.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on December 27, 2021 and January 3, 2022. The proof of publication was marked as ZHB Ex. #1. The list of adjoining property owners was marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted and a copy of the posting was marked as ZHB Ex. #3.

David Shaffer, RV Value Mart Inc., was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mr. Shaffer explained the use on the property and the proposed business sign. Mr. Duvall asked if this is the sign from the old location. Mr. Smoker asked about the right-of-way for Lancaster Pike. There were no public questions. There was one public statement. Jane Martin, 1332 Byerland Church Road, was sworn in by the court reporter. Mrs. Martin asked the board to consider the safety issue of granting the variances. Mrs. Martin had no objection to a sign within the confines of the ordinance.

Mr. Smoker made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Smoker made a motion to grant the variance from the requirements of Section 322.5 and 322.3.8 of the Ordinance, with the following conditions:

- a. The Applicant shall comply with its plans and promises as presented to the Zoning Hearing Board.
- b. The proposed sign shall be located out of the State right-of-way.
- c. The Applicant shall obtain any necessary sign permit from the Zoning Officer.
- 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, its successors, grantees and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 8:20 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member