

ZONING HEARING BOARD: February 8, 2022
Brent and Elizabeth Siegrist
Special Exception

The Providence Township Zoning Hearing Board was held on Tuesday, February 8, at 7:00 p.m. Members present were Omar Smoker, Chairman, Albert Warfel and David Beiler, alternate member. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and sixteen (16) observers were present. Mr. Smoker brought the hearing to order at 7:00 p.m. Mr. Smoker announced that there were three hearings. The first hearing is a request by Brent A and Elizabeth R Siegrist for a special exception for a replacement or substitution of a nonconforming use to operate a landscape contractor business at 42 Scheller Road. The property is owned by Brent A and Elizabeth R Siegrist and is zoned Agricultural. 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 the hearing was advertised in the Lancaster Newspapers on January 24, 2022, and January 31, 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.

Edward Browne, Nikolaus & Hohenadel was present representing the applicant. Brent Siegrist was sworn in by the court reporter. Upon questioning from Mr. Browne, Mr. Siegrist explained his business, the details of the property, typical hours of operation, and types of equipment used. Mr. Siegrist explained the material storage, deliveries to the property and that there is no customer traffic. The Zoning Hearing Board application with the submitted plot plan was presented and marked as App. Ex. #1. Mr. Goodman asked about purchasing the property. Mr. Warfel asked about farming the property, location of storage of materials and repairing equipment on site. Mr. Smoker asked about the length of the shared driveway. Mr. Beiler asked about the business growth plan and if the prior landscaping business was active on the property when Mr. Siegrist bought it. Mr. Warfel asked about paving the driveway.

There were two public questions. Dick Kneisley asked about controlling the noise. Mary Ann Hash asked about truck traffic. There were three public statements. Mary Ann Hash, 40 Scheller Road, was sworn in by the court reporter. Mrs. Hash stated her concerns with the truck and large equipment traffic noise, dirt, and dust. Dick Kneisley, 30 Scheller Road, was sworn in by the court reporter. Mr. Kneisley stated his concerns about the noise and the company getting bigger. Richard Walker, 70 Mt. Hope School Road, was sworn in by the court reporter. Mr. Walker stated he has worked for Mr. Siegrist for seven years and he is respectful to the neighbors of the property.

Mr. Warfel made a motion to close testimony. Mr. Beiler seconded the motion and the motion carried unanimously. Mr. Smoker made a motion to grant the request for a special exception pursuant to Section 504 of the Ordinance subject to the following conditions:

- a. The Applicants shall comply with their plans and promises as presented to the Zoning Hearing Board.
- b. The Applicants shall plant evergreens on the north side of the driveway between the Premises and Scheller Road.
- c. The Applicants may not have more than two pieces of equipment over 20,000 pounds on the Premises in connection with the business.
- d. There shall be only one triaxle dump-truck operating in the business.
- e. The Applicants shall pave the driveway.

- f. The amount of equipment used in the business shall not be increased.
 - 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. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 8:10 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

David Beiler, Alternate Member

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ZONING HEARING BOARD: February 8, 2022
Amos F and Malinda K Beiler
Special Exception and Variance Requests

At 8:12 p.m. Mr. Goodman introduced the second hearing, a request by Amos F and Malinda K Beiler an expansion of a special exception and variance of the rear yard setback to allow the expansion of the grocery store at 174 Cinder Road/190 Cinder Road (store address). The property is owned by Amos F and Malinda K Beiler and is zoned Agricultural. David Beiler was recused from the remainder of the hearings.

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on January 24, 2022, and January 31, 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 Beiler was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Beiler explained the property and the need for an expansion of the store. Mr. Beiler presented a narrative, and it was marked as App. Ex. #1. Mr. Warfel asked about the capacity. Mr. Smoker asked about lot limitations.

There were a few public questions. J. Pepper Goslin asked about the adjoining property to the rear, the land development plan, and the breakdown of the expansion. There were three public statements. Robert Weaver, 70 Truce Road, was affirmed by the court reporter. Mr. Weaver stated it is a good store used by the neighbors. J. Pepper Goslin, 64 Snyder Hollow Road, was sworn in by the court reporter. Mr. Goslin stated that he was in favor of granting the request. David Beiler, 278 Pennsy Road, was affirmed by the court reporter. Mr. Beiler stated there will be no impact of noise or traffic since the business model is not changing with the expansion.

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 special exception of Section 503 and the variances from the requirements of Section 200.7 and Section 503.1.2 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. There shall be no further expansion of the Store.
- c. The Applicant shall obtain any necessary zoning and building permits from the Zoning Officer.
- d. The Applicant shall comply with all 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 8:43 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

ZONING HEARING BOARD: February 8, 2022
David Beiler
Use Variance

At 8:44 p.m. Mr. Goodman introduced the third hearing, a request by David Beiler for a use variance for a single family semi-detached dwelling at 555 Snyder Hollow Road. The property is owned by Stephen L Lapp and is zoned Rural Residential (R-1).

Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on January 24, 2022, and January 31, 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 Beiler was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Beiler explained he recently purchased the property and would like to rent it as a 2-unit dwelling. Mr. Warfel asked about the horse barn.

There was one public question. J. Pepper Goslin asked about the attached horse barn.

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 to use the single-family detached dwelling as a two-unit dwelling, 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 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 successors, grantees and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 8:56 p.m.

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Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman