

**ZONING HEARING BOARD: August 9, 2022**

**Andrew Beiler Jr.  
Special Exception**

The Providence Township Zoning Hearing Board was held on Tuesday, August 9, at 7:00 p.m. Members present were Omar Smoker, Chairman, Albert Warfel and Bradford Duvall. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Township Zoning Officer, Michelle Parke, court reporter and four (4) observers were present.

Mr. Smoker brought the hearing to order at 7:00 p.m. Mr. Smoker announced the hearing. The hearing is a request by Andrew Beiler Jr for a special exception to allow a kennel at 539 Clearfield Road. The property is owned by Anna Z and Andrew L Beiler Jr 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 July 25, 2022, and August 1, 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.

Andrew L Beiler Jr was affirmed by the court reporter. Upon questioning from Mr. Goodman, Mr. Beiler explained the property and the changes to the plan from the Zoning Hearing Board denial. The Zoning Hearing Board Application was presented and marked as App. Ex. #1. The plans submitted with the application were presented and marked as App. Ex. #2. Mr. Smoker asked about outside runs, clean-up, and deceased dogs. Mr. Duvall asked about the floor, a fence, and immunizations. Mr. Warfel asked about the location, the trees, and the total number of dogs. There were no public questions or statements.

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 request for a 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. In addition to the two rows of arborvitae, the Applicant shall also construct a fence inside the two rows of arborvitae for sound absorption.
- c. Any noise issue must be addressed by the Applicant.
- 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 successors, grantees and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 7:44 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Omar Smoker, Chairman

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Heidi Martinez, Secretary

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Albert Warfel, Vice Chairman

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Bradford Duvall, Member