

ZONING HEARING BOARD: October 11, 2022
Ben and Marian Yoder
Variance

The Providence Township Zoning Hearing Board was held on Tuesday, October 11, at 7:00 p.m. Members present were Albert Warfel, Vice Chairman, Bradford Duvall and David Beiler, Alternate Member. Joe Kenneff, Zoning Hearing Board Counsel, Heidi Martinez, Township Zoning Officer, Melissa Anderson, court reporter and nine (9) observers were present.

Mr. Warfel brought the hearing to order at 7:00 p.m. Mr. Warfel announced the first hearing. The hearing is a request by Ben and Marian Yoder for a variance to operate a wholesale/retail sales of diapers and natural products from an existing building at 12 King Farm Road. The property is owned by Wayne R and Julia M Petersheim and is zoned Agricultural. Mr. Warfel turned the hearing over to Mr. Kenneff.

Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on September 26, 2022, and October 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.

Benjamin Yoder Jr, 300 Churchtown Rd., was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. Yoder explained the property and request for the wholesale/retail business. Mr. Warfel asked about the building location and future expansion. Mr. Duvall asked about current location of business, deliveries, traffic, and closest neighbor. Mr. Beiler asked about the sufficient land space for trucks to turnaround.

There was one public question. Don Hess, 19 W. State St., was sworn in by the court reporter. Mr. Hess asked about how many times a day for FedEx deliveries. There was one public statement. Wayne Petersheim, 12 King Farm Road, was sworn in by the court reporter. Mr. Petersheim stated he had no issues on the property with semi-trucks turning around.

Mr. Duvall made a motion to close testimony. Mr. Beiler seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the request for a variance of Section 200.2 of the Ordinance subject to the following conditions:

- a. The Applicant must comply with their plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall comply with all other laws, regulations, rules, and ordinances and obtain any necessary zoning and building permits from the zoning officer.
- c. No expansion of the business shall be allowed.
- 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, their heirs, successors, executors, grantees and assigns.

Mr. Beiler seconded the motion and the motion carried unanimously. The hearing adjourned at 7:25 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Vice Chairman

Heidi Martinez, Secretary

Bradford Duvall, Member

David Beiler, Alternate Member

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ZONING HEARING BOARD: October 11, 2022
Matthew and Ethan Mylin
Variances

At 7:27 Mr. Warfel introduced the second hearing. The second hearing is a request by Matthew and Ethan Mylin for a subdivision using Fairview Road as the boundary line into two lots and two dwellings on each lot at 106 Fairview Road. The property is owned by Matthew H and Ethan R Mylin and is zoned Agricultural. Mr. Warfel turned the hearing over to Mr. Kenneff.

Upon questioning from Mr. Kenneff, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on September 26, 2022, and October 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.

Matthew Mylin, 44 Ridgeview Drive, and Ethan Mylin, 106 Fairview Road, were sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Mylin and Mr. Mylin explained the property details and the request to subdivide and the additional dwellings. Mr. Duvall asked about the zoning hearing board having the authority to grant additional dwellings on the property and when the property was surveyed. Mr. Beiler asked about planning and stormwater management.

There was one public question. Corey Copenhaver, 172 Fairview Road, asked about dividing the property into half and the use.

Upon further questioning from Mr. Kenneff, Mr. Mylin and Mr. Mylin asked to withdraw the request for two dwellings on each lot.

Mr. Duvall made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Beiler made a motion to grant the variance pursuant to Section 200.5 of the Ordinance, subject to the following conditions:

- a. The Applicant must comply with their plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall comply with all other laws, regulations, rules, and ordinances and obtain any necessary zoning and 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, their heirs, successors, executors, grantees and assigns.

Mr. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 7:54 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Vice Chairman

Heidi Martinez, Secretary

Bradford Duvall, Member

Daniel Beiler, Alternate Member