

ZONING HEARING BOARD: September 13, 2022

JJB Associates Special Exception

The Providence Township Zoning Hearing Board was held on Tuesday, September 13, at 7:00 p.m. Members present were Omar Smoker, Chairman, Albert Warfel and Bradford Duvall. Joe Kenneff, Zoning Hearing Board Counsel, Heidi Martinez, Township Zoning Officer, Melissa Anderson, court reporter and nine (9) observers were present.

Mr. Smoker brought the hearing to order at 7:00 p.m. Mr. Smoker announced the first hearing. The hearing is a request by JJB Associates for a special exception for a use not provided for to allow a vacation rental at 22 Good Road. The property is owned by JJB Associates and is zoned Residential (R-2). Mr. Smoker 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 August 29, 2022, and September 5, 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.

Jimmy Wilson, 338 Clearview Dr., was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Wilson confirmed the property details and explained the request for a vacation rental. Mr. Wilson presented a letter to the Zoning Hearing Board, and it was marked as App Ex. #1. Mr. Warfel asked about the compatibility with the neighborhood. Mr. Smoker asked about proximity to other dwellings. Mr. Duvall asked about the method of advertising, parking, and the neighbors.

There were a few public questions. J. Pepper Goslin, 64 Snyder Hollow Road, asked to see the plan of the dwelling. Rick Garver, 18 Good Road, asked about pets. There were public statements. Charles Temple, 162 Hopkins Mill Road, was sworn in by the court reporter. Mr. Temple stated his support for approving the request. Shannon Garver, 18 Good Road, was sworn in by the court reporter. Mrs. Garver stated her concerns of traffic and the neighborhood. Mrs. Martinez presented a letter she received from a neighbor, George Ruppensberger, 4 Shenks Wood Court, and it was marked as Residents Ex. #1. Mr. Kenneff read the letter and summarized for the Zoning Hearing Board members, Mr. Ruppensberger's concerns stated in the letter. Mr. Goslin was sworn in by the court reporter. Mr. Goslin understands the neighbors' concerns.

Mr. Duvall made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Smoker made a motion to grant the request for a special exception pursuant to Section 106 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. Prior to any occupancy, the Applicant must provide a list of rules to the zoning officer that includes a curfew, the no pets and no parties policies, the 4-person maximum, 2 car maximum, etc. This list of rules must be given to each renter prior to check in and must be given to property manager for enforcement.
- 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. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 7:40 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member

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**Andrew Zimmerman
Appeal and Interpretation**

At 7:41 Mr. Smoker introduced the second hearing. The second hearing is a request by Andrew Zimmerman for an appeal and an interpretation of the zoning ordinance to allow a roadside stand on a nonfarm property at 1322 Rawlinsville Road. The property is owned by Silvano J and Christine M Giannini and is zoned Agricultural. Mr. Smoker turned the hearing over to Mr. Kenneff.

Upon questioning from Mr. Kenneff, Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on August 29, 2022, and September 5, 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. Mrs. Martinez explained the contact letter sent to the property owner regarding the violation. The letter was marked as Township Ex. #1.

Andrew Zimmerman, 1322 Rawlinsville Road and Silvano J Giannini, 336 Snyder Hollow Road, were sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Giannini explained the property. Mr. Zimmerman explained his reasoning for the appeal. Mr. Smoker asked about growing beyond that location and the driveway.

There were no public questions. There were a few public statements. Ellen Whitley, 429 W Orange St., Lancaster, PA was sworn in by the court reporter. Mrs. Whitley stated her support for the roadside stand to continue. J. Pepper Goslin, 64 Snyder Hollow Road, was sworn in by the court reporter. Mr. Goslin stated the challenges of the zoning law. Lisa Zimmerman, 125 Kready Avenue, was sworn in by the court reporter. Mrs. Zimmerman stated concerns on Rawlinsville Road.

Upon further questioning from Mr. Kenneff, Mr. Zimmerman asked to amend his request to a variance and withdraw the appeal and interpretation of the zoning ordinance. Mr. Duvall made a motion to allow the amendment of the application. Mr. Smoker seconded the motion and the motion carried unanimously.

Mr. Duvall made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Smoker made a motion to close testimony. Mr. Warfel made a motion to grant the variance pursuant to Section 458.1 of the Ordinance, subject to the following conditions:

- a. The Applicant must comply with his 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. The Applicant shall not increase the total display area of products from what the Applicant currently has.
- d. The Applicant shall erect signs encouraging customers to enter the north driveway and exit the south driveway.
- 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, executors, grantees, and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 8:15 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member

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