

ZONING HEARING BOARD: November 8, 2022

Benjamin T Esch

Variance

The Providence Township Zoning Hearing Board was held on Tuesday, November 8, 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 four (4) 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 Benjamin T Esch for a variance to build a horse barn in the front yard setback at 82 Cinder Road. The property is owned by Abraham K and Naomi B Stotlzfus and is zoned Suburban Residential (R-3). 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 October 24, 2022, and October 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.

Benjamin T Esch, 48 Woods Drive, was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. Esch explained he is the contractor of the horse barn, the property details and the variance request. Mr. Duvall asked about the location of the well and sewer, sight distance, the use and if the barn has a second story. Mr. Smoker asked about the floodplain. There were no public questions or public statements.

Mr. Duvall made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the request for a variance of Section 203.6 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 garage shall sit no closer than 64 feet from the center of Cinder Road.
- 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. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 7:10 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member

ZONING HEARING BOARD: November 8, 2022

Andrew Ross

Variances

At 7:12 Mr. Smoker introduced the second hearing. The second hearing is a request by Andrew Ross for the following variances: use of feather flags, front yard setback for a business sign, the maximum permitted sign area for business signs, storage of funeral home supplies and off-street parking at 2328 Beaver Valley Pike. The property is owned by Harold R and Deborah S Ross and is zoned Industrial. 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 October 24, 2022, and October 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.

Andrew Ross was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Ross explained the current use of the property and each variance request in details. Mr. Duvall asked about the shape of the building, if the business sign is installed and how it is fastened to the ground, the sight distance and the parking. Mr. Smoker asked about the size of the banners, how many banners and the lot frontage. Mr. Warfel asked about people looking at the banners. There were no public questions or public statements.

Mr. Smoker made a motion to grant the variances pursuant to Section 322.3.21, 322.5.1, 206.2 and 313.19 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 feather flags must be located at least 10 feet off the right of way and not within the required setback.
- d. The Applicant shall not display more than 4 feather flags.
- e. The second freestanding sign on the Premises shall be no larger than 75 square feet in total area.
- f. Both signs, including the Applicant's current business sign, shall not be located within the required setback.
- 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, executors, grantees, and assigns.

Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Smoker made a motion, seconded by Mr. Duvall to deny the variance of Section 322.3.8. The motion carried unanimously. The hearing adjourned at 7:50 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Omar Smoker, Chairman

Heidi Martinez, Secretary

Albert Warfel, Vice Chairman

Bradford Duvall, Member