

**ZONING HEARING BOARD: December 13, 2022**

**Roxanne Todd**

**Variances**

The Providence Township Zoning Hearing Board was held on Tuesday, December 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 fourteen (14) 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 Roxanne Todd for variances to subdivide a new lot containing approximately eight (8) acres for a single-family dwelling using the creek as the property line at 74 Fairview Road. The property is owned by Roxanne Todd and is zoned Agricultural. 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 November 28, 2022, and December 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.

Roxanne Todd was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mrs. Todd explained the property with the topography and existing buildings. Mr. Smoker asked about the 8 (eight) acres being tillable and the farm lane. Mr. Warfel asked about the 8 (eight) acres being buildable. Mr. Duvall asked about the subdivision. There were no public questions. There was one (1) public statement. Ethan Mylin, 106 Fairview Road, was sworn in by the court reporter. Mr. Mylin stated the land is buildable but is marshy by the creek.

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 request for variances of Section 200.5.2, Section 200.5.3 and Section 200.7 of the Ordinance subject to the following conditions:

- a. The Applicant must comply with her 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 further subdivision of the Premises 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, her heirs, successors, executors, grantees and assigns.

Mr. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 7:16 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

\_\_\_\_\_  
Omar Smoker, Chairman

\_\_\_\_\_  
Heidi Martinez, Secretary

\_\_\_\_\_  
Albert Warfel, Vice Chairman

\_\_\_\_\_  
Bradford Duvall, Member

**ZONING HEARING BOARD: December 13, 2022**

**Alvin Beiler  
Special Exception**

At 7:18 p.m. Mr. Smoker introduced the second hearing. The second hearing is a request by Alvin J Beiler for a special exception to allow a drive thru only coffee shed at 748 Lancaster Pike. The property is owned by Lancaster Pike Properties LLC and is zoned Commercial. 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 November 28, 2022, and December 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.

David Beiler, Lancaster Pike Properties LLC and Alvin Beiler were affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. David Beiler explained the existing property and proposed location of the coffee shed. Mr. Alvin Beiler explained the proposed drive thru only coffee business including number of employees, hours of operation and maximum number of cars. Mr. Warfel asked about the Department of Agriculture license for serving food. Mr. Smoker asked about a restroom and signage. Mr. Duvall asked about Buck Rentals. Mr. Kenneff asked the applicant if they wanted to amend the application to include a variance of Section 426.6. Mr. David Beiler asked to amend the application. There were two (2) public questions. Randy Aukamp, 523 Snyder Hollow Road, asked about the location of the coffee shop and the water problem. Jeffrey Wagner, 767 Lancaster Pike, asked about the location of the well. There were several public statements. Randy Aukamp was sworn in by the court reporter. Mr. Aukamp stated he does not care about having a coffee shop on the location, he is concerned about controlling the water runoff. Jeffrey Wagner was sworn in by the court reporter. Mr. Wagner stated in agrees with Mr. Duvall about finishing the Buck Rentals project first before proceeding with the coffee shop. Mr. Wagner is concerned about the extra traffic. Elam Esh, 499 Cinder Road, was affirmed by the court reporter. Mr. Esh stated he encourages allowing small shops like Latte Luv on Route 30. Mr. David Beiler stated the property had an approved engineered plan for the Buck Rentals project and the length of time for DEP to approve the well.

Mr. Smoker made a motion to close testimony. Mr. Warfel seconded the motion and the motion carried unanimously. Mr. Duvall made a motion, seconded by Mr. Warfel to deny the special exception of Section 205.4.7 and the variance of Section 426.6. The motion carried unanimously. The hearing adjourned at 7:46 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

\_\_\_\_\_  
Omar Smoker, Chairman

\_\_\_\_\_  
Heidi Martinez, Secretary

\_\_\_\_\_  
Albert Warfel, Vice Chairman

\_\_\_\_\_  
Bradford Duvall, Member