

**ZONING HEARING BOARD: February 14, 2023**

**Paula Turner**

**Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, February 14, 2023, at 7:00 p.m. Members present were Albert Warfel, Chairman, Bradford Duvall, Vice Chairman and Omar Smoker. Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and thirteen (13) observers were present. Mr. Warfel brought the hearing to order at 7:00 p.m. Mr. Warfel announced that there were two (2) hearings and introduced the board. The first hearing is a request by Paula Turner for a variance to allow chickens on the property located at 96 Main Street. The property is owned by Robert E and Paula M Turner and is zoned Suburban Residential (R-3).

Heidi Martinez was sworn in by the court reporter. Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on January 30, 2023, and February 6, 2023. 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.

Robert E and Paula M Turner were sworn in by the court reporter. Mrs. Martinez gave background information for the request. Upon questioning from board members, Mrs. Turner explained how many chickens she has and the containment of them in an existing structure. Mrs. Turner displayed a picture from 1978 of the existing chicken coop. Patricia E Finefrock, 13 Truce Road, was sworn in by the court reporter. Mrs. Finefrock states she is the rear property owner and the chickens have been on the property for many years. Sue Morrison, 10 Truce Road, was sworn in by the court reporter. Mrs. Morrison stated she lives across the street and there is little to no noise.

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 a variance of Section 203.2 of the Ordinance to allow chickens in the existing structure, with the following conditions:

- a. There are no more than twelve (12) chickens.
- b. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but not limited to, the plans, materials and testimony submitted at the hearing.
- c. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations.
- d. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code.
- e. This Decision shall bind the applicant, her heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 7:14 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Albert Warfel, Chairman

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Heidi Martinez, Secretary

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Bradford Duvall, Vice Chairman

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Omar Smoker, Member

**ZONING HEARING BOARD: February 14, 2023**

**Samuel Esh  
Variance Request**

Mr. Warfel brought the second hearing to order at 7:16 p.m. The second hearing is a request by Samuel E Esh for a variance to allow a workshop and topsoil and equipment storage for a tree trimming business at 518 Truce Road. The property is owned by Samuel E Esh and is zoned Residential (R-2).

Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on January 30, 2023, and February 6, 2023. 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.

Samuel E Esh was affirmed by the court reporter. Upon questioning from board members, Mr. Esh explained his request, the business, the type of equipment used, the hours of operation and the access to the proposed buildings. Upon further questioning from the board members, Mr. Esh explained how many employees he has, the need for topsoil and the nursery. There were public questions and statements. Rhonda Miller, 515 Truce Road, was sworn in by the court reporter. Mrs. Miller asked about parking for the employees, the driveway and the fenced in area. Mrs. Miller is concerned about the driveway breaking the end of the road. Randall Miller, 515 Truce Road, was sworn in by the court reporter. Mr. Miller is concerned about the noise of the equipment and the impact of the extra traffic the business would generate. David Beiler, 278 Pennsy Road, was affirmed by the court reporter. Mr. Beiler asked about storage of diesel fuel. Greg Schneider, 617 Truce Road, was sworn in by the court reporter. Mr. Schneider is concerned about the topsoil, the driveway and stormwater management facilities proposed.

Mr. Duvall made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to continue the hearing to render a decision at the March 14, 2023, hearing. No further testimony will be heard at this hearing. Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 7:45 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Heidi Martinez, Secretary

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Albert Warfel, Chairman

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Bradford Duvall, Vice Chairman

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Omar Smoker, Member