

ZONING HEARING BOARD: March 14, 2023

**Samuel Esh
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, March 14, 2023, at 6:30 p.m. Members present were Albert Warfel, Chairman, Bradford Duvall, Vice Chairman and Omar Smoker. Joseph Kenneff, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and fifteen (15) observers were present. Mr. Warfel brought the hearing to order at 6:30 p.m. Mr. Warfel announced that there were multiple hearings and introduced the board. The first hearing is a continuance from the February 14, 2023 for Samuel E Esh. Mr. Esh requested 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).

Mr. Duvall made a motion to deny the variance of Section 202.2 of the Ordinance to allow a workshop and topsoil and equipment storage for a tree trimming business. Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 6:33 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: March 14, 2023
Isaac S and Linda S Fisher
Special Exception

Mr. Warfel brought the second hearing to order at 6:33 p.m. The second hearing is a request by Isaac S and Linda S Fisher for a special exception for a use not provided for to allow a vacation/short-term rental at 3 Krantz Mill Road. The property is owned by Isaac S and Linda S Fisher 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 February 27, 2023, and March 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. Mrs. Martinez confirmed that Mr. Fisher had called on March 9, 2023, and asked to continue the hearing to the April 11, 2023, hearing.

Mr. Warfel made a motion to continue the hearing to the April 11, 2023, hearing. Mr. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 6:35 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: March 14, 2023

Elmer Glick

Variance

Mr. Warfel brought the third hearing to order at 6:35 p.m. The third hearing is a request by Elmer Glick for a variance to allow an animal shelter in the side yard setback at 219 Hollow Road. The property is owned by Elmer B and Rachel K Glick 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 February 27, 2023, and March 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.

Elmer Glick was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. Glick explained the property and the request for the side yard setback variance for the animal shelter. Mr. Smoker asked about the woodland and the closest dwelling. Mr. Duvall asked about the structure foundation and the pasture. Mr. Warfel asked about the drainfield and the neighbors. There were no public questions or public statements.

Mr. Warfel made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to grant the variance of Section 200.7 of the Ordinance to allow the animal shelter in the side yard setback, with 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. The Applicant must have a stormwater management plan completed.
- d. The Applicant shall place the structure no closer than 15 feet from the side property line.
- e. A violation of any of the conditions of this Decision shall be considered a violation of the Ordinance.
- f. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 6:50 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: March 14, 2023
Susquehanna Ford
Variance

Mr. Warfel brought the fourth hearing to order at 6:52 p.m. The fourth hearing is a request by Susquehanna Ford for a variance to allow a mobile digital sign trailer at 150 Lancaster Pike South and 166 Lancaster Pike South. The properties are owned by Evergreen Wissler Holdings LLC and Birch Wissler Holdings LLC, respectively and are zoned Commercial. 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 February 27, 2023, and March 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.

Damian Wissler, Susquehanna Ford was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Wissler explained the mobile digital sign trailer and how it will be utilized. Mr. Duvall asked about the property at 166 Lancaster Pike South. There were no public questions or public statements.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to grant the variance of Section 322.3.24 of the Ordinance to allow a mobile digital trailer, with 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 be considered a violation of the Ordinance.
- d. This Decision shall bind the Applicant, their heirs, successors, grantees and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 7:01 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: March 14, 2023
J Pepper and Diane Goslin
Special Exception

Mr. Warfel brought the fifth hearing to order at 7:02 p.m. The fifth hearing is a request by J Pepper and Diane Goslin for a special exception for a use not provided for to allow a vacation/short-term rental at 55 Snyder Hollow Road. The property is owned by Julius Pepper and Diane A Goslin and is zoned Rural Residential (R-1). 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 February 27, 2023, and March 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.

Mr. Kenneff turned the hearing over to Sheila O'Rourke, Gibbel, Kraybill & Hess. J Pepper Goslin was sworn in by the court reporter. Upon questioning from Mrs. O'Rourke, Mr. Goslin explained the property and the surrounding properties use. Mrs. O'Rourke submitted a packet of exhibits. App. Ex. #1 is an aerial image of the property. App. Ex. #2 is a series of photographs of the driveway entrance and the inside and outside of the dwelling. App. Ex. #3 is a parking plan. Mr. Goslin explained the details of the rental. Mr. Duvall asked about the screening process for booking and the fees. Mr. Smoker asked about the host. There was one public question. Patrick Lefever, 242 Good Road, asked if it was considered a business. There were no public statements.

Mr. Warfel made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to continue the hearing to render a decision at the April 11, 2023, hearing. Mr. Warfel seconded the motion and the motion carried with two favorable votes. Mr. Smoker opposed the motion. The hearing adjourned at 7:27 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: March 14, 2023
Linford Stoltzfus
Special Exception

Mr. Warfel brought the sixth hearing to order at 7:28 p.m. The sixth hearing is a request by Linford Stoltzfus for a special exception for a use not provided for to allow a vacation/short-term rental at 17 Truce Road. The property is owned by Linford and Yvonne M Stoltzfus and is zoned Suburban Residential (R-3). 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 February 27, 2023, and March 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.

Linford Stoltzfus was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Stoltzfus explained the property and the rules for the rental. Mr. Smoker asked about long-term rental and how close Mr. Stoltzfus lives to the property. Mr. Warfel asked about the advantages of short-term rental and the length of the stay. There were no public questions. There was one public statement. Brent Siegrist, 42 Scheller Road, was sworn in by the court reporter. Mr. Siegrist stated the property owners are very thorough and diligent and the difficult process of evicting long-term tenants.

Mr. Duvall made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to continue the hearing to render a decision at the April 11, 2023, hearing. Mr. Warfel seconded the motion and the motion carried with two favorable votes. Mr. Smoker opposed the motion. The hearing adjourned at 7:40 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: March 14, 2023
Alvin Fisher
Special Exception

Mr. Warfel brought the seventh hearing to order at 7:41 p.m. The seventh hearing is a request by Alvin Fisher for a special exception for a use not provided for to allow a vacation/short-term rental at 15 Church Road. The property is owned by Alvin L and Rachel E Fisher and is zoned Rural Residential (R-1). 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 February 27, 2023, and March 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.

Christine Zerbe was sworn in by the court reporter. Alvin Fisher was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mrs. Zerbe explained the layout of the property and the short-term rental use. Mr. Fisher explained how the super host manages the bookings. Mr. Warfel asked about adequate parking and about out of state renters. Mr. Smoker asked about Mr. Fisher blocking weekends for family use, use of the barn and the farmland. There were no public questions. There was a public statement. Patrick Lefever, 242 Good Road, was sworn in by the court reporter. Mr. Lefever stated his concerns of safety, parking issues, and property values.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to continue the hearing to render a decision at the April 11, 2023, hearing. Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 8:05 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member