

ZONING HEARING BOARD: August 8, 2023

David Beiler

Expansion of Special Exception

The Providence Township Zoning Hearing Board was held on Tuesday, August 8, 2023, at 7 p.m. Members present were Albert Warfel, Chairman, Bradford Duvall and Omar Smoker. Joseph Kenneff, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Michelle Parke, court reporter and two (2) observers were present. Mr. Warfel brought the hearing to order at 7 p.m. Mr. Warfel announced that there was one hearing and introduced the board. The hearing is a request by David Beiler for an expansion of a special exception of a kennel to increase the number of adult dogs at 278-280 Pennsy Road. The property is owned by David F and Arie S Beiler and is zoned Agricultural.

Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mrs. Martinez confirmed the hearings were advertised in the Lancaster Newspapers on July 24, 2023, and July 31, 2023. The proof of publication was marked as ZHB Ex. #1. The lists of adjoining property owners were marked as ZHB Ex. #2. Mrs. Martinez confirmed the property was properly posted and the copy of the posting was marked as ZHB Ex. #3.

David Beiler was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. Beiler explained the property and the adult dog count including pets. Mr. Warfel asked about how many puppies per year, condition of the kennel and inspections. Mrs. Martinez presented the last state inspection report dated April 2023. Mr. Kenneff read the summary on the inspection report. The inspection report was marked as App. Ex. #1 and the list of number of dogs presented by Mr. Beiler was marked as App. Ex. #2. Mr. Smoker asked about the need for more dogs. Mr. Duvall asked about the license requirements and vet inspections. There were no public questions or 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 to modify the conditions of the Board's September 8, 2020, decision subject to the following conditions:

- a. The Applicant must comply with his plans and promises as presented to the 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 comply with all applicable requirements of the Pennsylvania Dog Law.
- d. There shall be no further expansion of the kennel.
- e. The Applicant shall have no more than eighteen (18) adult dogs on the premises at any time, whether for kennel use or as pets.
- f. A violation of any of the conditions of this Decision shall be considered a violation of the Ordinance.
- g. 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 7:30p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member