

ZONING HEARING BOARD: July 11, 2023

**Bobby Rice
Variance**

The Providence Township Zoning Hearing Board was held on Tuesday, July 11, 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 seven (7) observers were present. Mr. Warfel brought the hearing to order at 7 p.m. Mr. Warfel announced that there were multiple hearings and introduced the board. The first hearing is a request by Bobby Rice for a variance to allow a pole barn in the front yard setback at 388 Clearfield Road. The property is owned by Bobby G and Michele Francis Rice 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 June 26, 2023, and July 3, 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 properties were properly posted and copies of the postings were marked as ZHB Ex. #3.

Bobby Rice was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Rice explained the property details and the variance request. Mr. Smoker asked about the septic system location. Mr. Duvall asked about the bank of Truce Road. 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 pursuant to Section 200.7 of the Ordinance with 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 Applicant shall place the pole barn no closer than sixteen (16) feet from the affected property line.
- d. A violation of any of the conditions of this Decision shall be considered a violation of the Ordinance.
- e. This Decision shall bind the Applicant, his heirs, successors, grantees and assigns.

Mr. Duvall seconded the motion and the motion carried with two (2) favorable votes. Mr. Smoker opposed the motion. The hearing adjourned at 7:13 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: July 11, 2023

**Rose Cooper
Variance**

Mr. Warfel brought the second hearing to order at 7:14p.m. The second hearing is a request by Rose Cooper for a variance to allow truck parking for a paving contractor business at tax account number 520-95044-0-0000 Schoolhouse Road. The property is owned by Rose Cooper and is zoned Rural Residential (R-1) and Residential (R-2).

Rose Cooper was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mrs. Cooper explained the parking of trucks and equipment, the paving business and the property details. Mr. Duvall asked about the business office location and who owned the property across the street. Mr. Smoker asked about the equipment. Mrs. Martinez presented detailed pictures taken by the township on various occasions showing the parking of trucks and equipment on the property. The township pictures were marked as Twp. Ex. #1-4. An overhead map of the property was marked as Twp. Ex. #5. There were multiple public questions and statements. Bob Ray, 287 Snyder Hollow Road, asked about the location of the equipment. Mike Kirzoncic, 311 Schoolhouse Road, asked about more vehicles parking on the property. Bob Ray was sworn in by the court reporter. Mr. Ray stated he travels that road and the location of the equipment in front of the pole building makes traveling the road difficult. Mike Kirzoncic was sworn in by the court reporter. Mr. Kirzoncic stated his concerns for decreasing property values.

Mr. Warfel made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Isabel Stanley made comments about the parking of the trucks. The board acknowledged the comments. Mr. Duvall made a motion to deny the variance pursuant to Section 201.2 and Section 202.2 of the Ordinance. Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 7:45 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: July 11, 2023
C David Cope and Old Fulling Mill Partners LP
Variance

Mr. Warfel brought the third hearing to order at 7:45 p.m. The third hearing is a request by C David Cope and Old Fulling Mill Partners LP for a variance for a twelve (12) month extension to complete permitting of the special exception use granted on December 11, 2018, at 124 Lancaster Pike South. The property is owned by Old Fulling Mill Partners LP and is zoned Commercial.

C David Cope was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Cope explained the need for the extension because of the pandemic and the length of time for receiving a highway occupancy permit. Mr. Duvall asked about revisiting the use since surrounding properties have changed in the last five years. There was one public question. Bobby Rice, 388 Clearfield Road, asked about studies on crime in areas with rehabilitation centers. There was one public statement. Bob Ray stated he is a board member and the benefit of the use to the county and township.

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 for a twelve (12) month extension to complete permitting of the special exception use granted on December 11, 2018. Mr. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 8:01 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member