

ZONING HEARING BOARD: October 10, 2023

**Tyler Martin
Special Exception**

The Providence Township Zoning Hearing Board was held on Tuesday, October 10, 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, Melissa Anderson, court reporter and twelve (12) observers were present. Mr. Warfel brought the hearing to order at 7 p.m. Mr. Warfel announced that there were three hearings and introduced the board. The first hearing is a request by Tyler Martin for a special exception for a use not provided for to allow a short-term rental at 832 Pennsy Road. The property is owned by Mantle Investments LLC and is zoned Residential (R-2). 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 hearings were advertised in the Lancaster Newspapers on September 25, 2023, and October 2, 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 the copies of the postings were marked as ZHB Ex. #3.

Tyler Martin was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Martin confirmed the details of the property. Mr. Martin explained the request of the short-term rental. Mr. Warfel asked about talking to neighbors and the closest neighbor. Mr. Duvall asked about noise and parking. Mr. Smoker asked about the vetting process. 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 the special exception pursuant to Section 106 of the Ordinance, 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 shall provide all adjoining neighbors with his contact number where he or the manager of the Premises can be reached.
- d. The Applicant shall have no more than six (6) overnight occupants on the Premises at one time.
- e. The Applicant shall allow guests to have no more than four (4) vehicles on the Premises at one time.
- f. The Applicant shall conspicuously post house rules at the Premises, which shall include quiet hours starting at 11:00 p.m. and no parties allowed on the Premises, and shall provide a copy of such rules to the Zoning Officer.
- g. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- h. This Decision shall bind the Applicant, his heirs, successors, grantees. Executors, and assigns.

Mr. Warfel seconded the motion and the motion carried unanimously. The hearing adjourned at 7:18 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

ZONING HEARING BOARD: October 10, 2023
Aaron King
Variance

Mr. Warfel brought the second hearing to order at 7:20 p.m. The second hearing is a request by Aaron King to allow a splitting and drying wood business at 175 Main Street. The property is owned by David Z and Lydia F Glick and is zoned Suburban Residential (R-3). Mr. Warfel turned the hearing over to Mr. Kenneff.

Aaron King was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. King explained the business operating on the property and how long it has been operating. Mr. Warfel asked about starting without checking first and the excavation. Mr. Smoker asked about how long Mr. King has lived there and about relocating. Mr. Duvall asked about where the logs are hauled from. There was one public question. Wendell Slabach asked about the hardship for the variance.

There were multiple public statements. Wendell Slabach, 166 Main Street, was sworn in by the court reporter. Mr. Slabach asked for party status. Mr. Slabach stated his concerns that affect the public health and safety of the community. Mr. Slabach presented pictures and the pictures were marked as Slabach #1. Shirley Madison, 188 Main Street, was sworn in by the court reporter. Mrs. Madison stated her concerns of traffic, smoke and property values. Brenda Spencer, 165 Main Street, was sworn in by the court reporter. Mrs. Spencer stated her concern about the residential area and the value of the properties. Marlise Tkaczuk, 194 Main Street, was sworn in by the court reporter. Mrs. Tkaczuk stated her support of the business. Thomas Ball, 194 Main Street, was sworn in by the court reporter. Mr. Ball states his support for the business and that Mr. King has planted trees to help with the appearance of the property. Jacke Parke, 2 Woods Drive, was sworn in by the court reporter. Mr. Parke stated he is an appraiser, and the business operating would devalue the surrounding properties.

Mr. Warfel made a motion to close testimony. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Warfel made a motion to deny the variance pursuant to Section 203.2 of the Ordinance. Mr. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 7:50p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member

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**Stanley Bair
Special Exception**

Mr. Warfel brought the third hearing to order at 7:52 p.m. The third hearing is a request by Stanley Bair for a special exception for an expansion of a nonconforming use for an addition to the dwelling at 942B Buck Road. The property is owned by Stanley D and Julie A Bair and is zoned Industrial. Mr. Warfel turned the hearing over to Mr. Kenneff.

Stanley Bair was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mr. Bair explained the property and the small addition of a four-season room to the existing dwelling. 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. Warfel made a motion to grant the special exception pursuant to Section 503.1 of the Ordinance, with the following conditions:

- i. The Applicant must comply with his plans and promises as presented to the Zoning Hearing Board.
- j. The Applicant shall comply with all other laws, regulations, rules and ordinances and obtain any necessary zoning and building permits from the zoning officer.
- k. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- l. This Decision shall bind the Applicant, his heirs, successors, grantees. Executors, and assigns.

Mr. Smoker seconded the motion and the motion carried unanimously. The hearing adjourned at 7:57 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member