

ZONING HEARING BOARD: February 13, 2024

Jonas Esch

Variance Request

The Providence Township Zoning Hearing Board was held on Tuesday, February 13, 2024, at 7:00 p.m. Members present were Bradford Duvall and Omar Smoker. Joseph Kenneff, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and seventeen (17) observers were present. Mr. Duvall brought the hearing to order at 7:00 p.m. The first order of business is the election of officers for 2024. Mr. Smoker made a motion to appoint Mr. Duvall as Chairman. Mr. Duvall seconded the motion and the motion carried unanimously. Mr. Duvall made a motion to appoint Mr. Smoker as Vice Chairman. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Duvall announced that there were two (2) hearings and introduced the board. The first hearing is a request by Jonas Esch for a variance to allow a barn in the side yard setback at 227 Schoolhouse Road. The property is owned by Jonas J and Malinda S Esch and is zoned Agricultural. Mr. Duvall 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 January 29, 2024, and February 5, 2024. 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.

Jonas and Aaron Esch were affirmed by the court reporter. Upon questioning from Mr. Kenneff, Jonas Esch explained the property details and the current buildings. Jonas Esch explained the request for the side yard setback for the proposed barn location. Mr. Duvall asked about removing the shed, how many animals and whether he talked to neighbors. Mr. Smoker asked about fencing and how close the proposed location is to the dwelling.

There were multiple public questions and statements. Paul Dampier, 183 Schoolhouse Road, asked about finishing the house and securing animals. Catherine Kaschak, 260 Schoolhouse Road, asked about requirement for finishing the house. Susan Dampier, 183 Schoolhouse Road, asked about completing the proposed barn. Kenneth Crank, 8 Rush Drive, asked about more animals and funds to complete the barn. Robert Kaschak, 260 Schoolhouse Road, asked about fencing and more animals. Charles Giffing, 243 Schoolhouse Road, asked about the fencing and the requirements for fencing. Mrs. Kaschak stated her concerns with the look of the property. Mr. Smoker made a motion to close testimony. Mr. Duvall seconded the motion and it carried unanimously. Mr. Smoker made a motion to open testimony. Mr. Duvall seconded the motion and it carried unanimously. Mr. Duvall asked about the type of fencing to secure the animals. Henry Esch, 134 Sawmill Road, explained the fencing.

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 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. As per the Applicant's testimony, the Applicant must erect a two (2) inch by four (4) inch woven wire fence along all property lines to ensure that all the animals on the Premises are contained prior to beginning construction on the barn.

- d. The Appliance shall locate the barn no closer than twenty-five (25) feet from the western property line.
 - e. A violation of the conditions of this decision shall constitute a violation of the Ordinance.
 - f. 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 7:47 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford Duvall, Chairman

Heidi Martinez, Secretary

Omar Smoker, Vice Chairman

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ZONING HEARING BOARD: February 13, 2024

**David Beiler
Variance Request**

Mr. Duvall brought the second hearing to order at 7:49 p.m. The second hearing is a request by David Beiler for a variance to allow a demolition/salvage company to store materials at 280 Pennsy Road. The property is owned by David F and Arie s Beiler and is zoned Agricultural.

David Beiler, Joseph Fisher and Paul Fisher were affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. Beiler explained the size of the property and prior uses. Joseph and Paul Fisher explained the proposed use for a storage facility of salvage/demolition materials and equipment. Mr. Duvall asked about the engine repair shop, kennel and trash. Mr. Smoker asked about truck traffic.

Mr. Duvall made a motion to close testimony. Mr. Smoker seconded the motion and the motion carried unanimously. Mr. Smoker made a motion to grant a variance pursuant to Section 200.2 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. Any equipment parked outside must be parked behind the privacy fence.
- d. All other equipment shall be stored inside except for the dumpsters.
- e. The hours of operation for Tenex Industrial shall be Monday through Saturday, 7:00 a.m. to 4:00 p.m.
- f. A violation of the conditions of this decision shall constitute a violation of the Ordinance.
- g. This decision shall bind the Applicant, his heirs, successors, grantees, executors, and assigns.

Mr. Duvall seconded the motion and the motion carried unanimously. The hearing adjourned at 8:07 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford Duvall, Chairman

Heidi Martinez, Secretary

Omar Smoker, Vice Chairman