

ZONING HEARING BOARD: January 10, 2023

**Omar Miller
Variance Request**

The Providence Township Zoning Hearing Board was held on Tuesday, January 10, at 7:00 p.m. Members present were Bradford Duvall, Albert Warfel and Omar Smoker. Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter and two (2) observers were present. Mr. Smoker brought the hearing to order at 7:00 p.m. The first order of business is the election of officers. Mr. Duvall made a motion, seconded by Mr. Smoker to nominate Mr. Warfel as Chairman of the Zoning Hearing Board. The motion carried unanimously. Mr. Smoker made a motion, seconded by Mr. Warfel to nominate Mr. Duvall as Vice Chairman. The motion carried unanimously. Mr. Smoker turned the hearing over to Mr. Warfel. Mr. Warfel announced that there was one (1) hearing. The hearing is a request by Omar K and Lydia K Miller for a variance to replace a tobacco barn with the building height more than the distance from the center of Hollow Road at 340 Hollow Road. The property is owned by Omar K and Lydia K Miller and is zoned Agricultural.

Heidi Martinez was sworn in by the court reporter. Mrs. Martinez confirmed the hearing was advertised in the Lancaster Newspapers on December 26, 2022, and January 2, 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.

Omar Miller was affirmed by the court reporter. Upon questioning from board members, Mr. Miller explained the layout of the property and the elevations. There were no public questions or public statements.

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 to allow the replacement of a tobacco barn in the front yard setback at 45' (forty-five feet) from the center of Hollow Road, with the following conditions:

- a. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but not limited to, the plans, materials and testimony submitted at the hearing.
- b. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations.
- c. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code.
- d. 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 7:30 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Albert Warfel, Chairman

Heidi Martinez, Secretary

Bradford Duvall, Vice Chairman

Omar Smoker, Member