

ZONING HEARING BOARD: July 11, 2024
Benjamin S. and Malinda E. Miller
Variances

The Providence Township Zoning Hearing Board was held on Tuesday, July 11, 2024, at 7:00 p.m. Members present were Bradford Duvall, Omar Smoker and Robert Beiler. Joseph Kenneff, Zoning Hearing Board Counsel, Vicki Eldridge, Township Manager, Michelle Parke, court reporter and three (3) observers were present. Mr. Duvall brought the hearing to order at 7:00 p.m. Mr. Duvall introduced the hearing. The hearing is a request by Benjamin and Malinda Miller for a variance to allow a greenhouse within the rear yard setback at 30 Oak Bottom Road. The property is owned by Benjamin S. and Malinda E. Miller and is zoned Agricultural.

Vicki Eldridge was sworn in by the court reporter. Upon questioning from Mr. Kenneff, Mrs. Eldridge confirmed the hearing had been legally advertised in the Lancaster Newspapers on June 24, 2024, and July 1, 2024. The proof of publication was marked as ZHB Exhibit #1. The lists of adjoining property owners were marked as ZHB Ex. #2. Mrs. Eldridge confirmed the properties were properly posted.

Benjamin S. Miller was affirmed by the court reporter. Upon questioning from Mr. Kenneff, Mr. Miller explained the property details and current buildings. Mr. Miller explained the reason for his variance request. Mr. Beiler asked why he could not locate it 50' from the property line. Mr. Smoker asked if it could be moved to another location on the property.

Steven Schmitt was sworn in by the court reporter. Mr. Schmitt asked if the structure could be moved to another location as it will be directly behind his home.

Mr. Duvall made a motion, seconded by Mr. Smoker to close testimony. The motion was carried unanimously. Mr. Duvall made a motion, seconded by Mr. Smoker to grant a variance of 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 locate the greenhouse no closer than 25' from the eastern property line.
- d. There will be no outside storage on any sides of the greenhouse.
- e. A violation of the conditions of this decision shall constitute a violation of this Ordinance.
- f. This decision shall bind the Applicant, his heirs, successors, grantees, executors, and assigns.

The motion was carried unanimously. The hearing adjourned at 7:26 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Bradford Duvall, Chairman

Vicki Eldridge, Township Manager

Omar Smoker, Vice Chairman

Robert Beiler, Member