

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-19-21

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APPLICATION OF:

:

JUSTIN SMITH

:

Hearing Date: October 24, 2019

18 Ashton Road

:

Collegeville, PA 19426

:

:

PROPERTY:

:

18 Ashton Road

:

OPINION, DECISION AND ORDER OF THE LOWER PROVIDENCE TOWNSHIP ZONING HEARING BOARD

INTRODUCTION AND BACKGROUND

The applicant, Justin Smith, seeks variances from the rear yard and side yard requirements set forth in 143-37A.(2) so that he may construct a detached garage. He seeks a rear yard setback of 25 feet where 60 feet is required, and a side yard setback of 13 feet where 20 feet is required.

The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board (the "Board") on October 24, 2019 at 7:00 p.m. at the Lower Providence Township Building. The following members of the Board were present: Kathie Eskie, Chairperson; George Ozorowski, Vice Chairman; Patricia Alzamora, Member; Joseph Pucci, Member; Gail Hager, Member; and Robert Hardt, Alternate. Joseph E. Bresnan, Esquire served as special counsel to the Zoning Hearing Board.

No person sought party status or presented comments or questions of any kind. Testimony was limited to that of Applicant. Applicant was not represented by counsel.

FINDINGS OF FACT

1. The following Board exhibits were admitted:
 - B-1. A copy of the notice of hearing;
 - B-2. Certificate of mailing;
 - B-3. Copy of application;
 - B-4. Certificate of Posting;
2. The following Applicant exhibits were admitted:
 - A-1. Affidavit from neighbor, no objection to application;
 - A-2. Photo showing view of proposed garage from neighbor's property;
3. Applicant proposed a three story detached garage of approximately 3,000 total square feet. He seeks more storage space than he has in his home. He wishes to work on cars on the first floor. He also testified to a desire to have his in-laws reside there at some future time.
4. His lot is irregular in shape and the rear yard setback is, from the perspective of his adjoining neighbor, in the nature of a side yard, as shown on Exhibit A-2.
5. The structure was originally proposed to be 35 feet high. In response to concerns from the Board about the size, mass, and height of the proposed structure, Applicant was asked whether he would agree to a limit of two stories and a maximum height of 26 feet despite the proposed height being compliant. Applicant agreed to those conditions on the record.
6. Applicant also agreed to the following conditions on the record: No business will be conducted from the structure; HVAC will only be supplied to the first floor; there will be no plumbing run to the building; stairs will be internal; he will comply with any Township-imposed stormwater controls.

7. On the basis of the agreed conditions, the Board voted unanimously at the conclusion of the evidence to grant the requested variances. A letter was sent the next day to Applicant, confirming the grant of relief and the conditions imposed.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Applicant has sustained his burden of proof and is entitled to the requested relief.
3. The conditions imposed are necessary to preserve the health, safety and welfare of the community, and were agreed upon by Applicant.

{ ORDER FOLLOWS ON NEXT PAGE }

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ORDER

For the reasons set forth in the foregoing decision, the Order of the Lower Providence Township Zoning Hearing Board is as follows:

1. The application for variances from Ordinance 143-37A(2) are granted, and Applicant may erect a detached garage with a 37 foot rear yard setback and a 13 foot side yard setback, subject to the following conditions that were agreed to by Applicant:
 - a. The structure will have a maximum height of 26 feet and will not exceed two stories;
 - b. No business will be conducted from the structure;
 - c. HVAC may only be supplied to the first floor;
 - d. There will be no plumbing run to the building;
 - e. The building permit will be subject to stormwater review and Applicant will agree with all stormwater controls required by Township;
 - f. Stairs will be internal.

{ SIGNATURE PAGE FOLLOWS }

Z-19-21, ORDER

**LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD**

Kathie A. Eskie, Chairwoman

George J. Ozorowski, Vice Chairman

Gail Hager

Joseph Pucci

Patricia Alzamora