

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-19-24	:	
	:	
APPLICATION OF:	:	
Shelli Andrews	:	Hearing Date: October 24, 2019
1708 Pheasant Lane	:	
Jeffersonville, PA 19403	:	
	:	
PROPERTY:	:	
3240 Mt. Kirk Ave.	:	

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

INTRODUCTION AND BACKGROUND

The applicant, Shelli Andrews, seeks variance relief from Section 143-19(B) and Section 143-27(A)(10), in order to place a 288 square foot storage structure in the backyard using the criteria that would apply to a structure smaller than 250 square feet. Pursuant to 143-19(B)(3), an accessory structure may be placed five feet from the rear and side property lines if it is 250 square feet or smaller. Section 143-27(A)(10) requires accessory structures to meet setback requirements.

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 represented by Michael E. Furey, Esquire.

FINDINGS OF FACT

1. The following Board exhibits were admitted:
 - B-1. A copy of the application;
 - B-2. Notice of Hearing;
 - B-3. Copy of Notification;
 - B-4. Certificate of Posting.
2. The following Applicant exhibits were admitted:
 - A-1. A ten tab packet of exhibits in support of the application
3. Applicant is the equitable owner of the property and presented authorization from the record owner to seek variance relief.
4. Applicant and her family already own a 288 square foot structure, which was expensive, and they wish to move it to their new home.
5. The structure will serve partially as a doghouse, and also for the storage of yard equipment and general household items.
6. If the structure were placed in strict compliance with the zoning ordinance, it would sit in the middle of the backyard. This is because the lot is a nonconforming undersized lot that is fifty feet shorter than the zoning ordinance requires.
7. Applicant can and will meet the side yard setback, and only requires relief from the rear yard setback.

8. If the structure were only 38 square feet smaller, it could be placed five feet from the rear yard. Since it is greater than 250 square feet in size, the ordinance requires it to be set back 60 feet (placed in the building envelope).
9. Applicant has obtained a permit from the Township for the structure. The only outstanding issue is its placement.
10. Neighbors at 3235, 3243, and 3137 have signed a document to state that they do not object to the variance application.
11. The structure would replace an existing structure that is 100 square feet.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Applicant has sustained her burden of proof and is entitled to the requested relief.

{ 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:

The request for a variance from the requirements of Ordinances 143-19(B)(3) and 143-27(A)(10) is GRANTED. The 288 square foot structure for which a permit has already been obtained may be located five feet from the rear property line, provided it is compliant with the side yard setback requirement of the ordinance.

{ SIGNATURE PAGE FOLLOWS }

Z-19-24, ORDER

**LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD**

Kathie A. Eskie, Chairwoman

George J. Ozorowski, Vice Chairman

Gail Hager

Joseph Pucci

Patricia Alzamora