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December 7, 2021

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7020 2450 0001 6126 2529**

Michael E. Furey, Esquire
Furey and Baldassari, PC
1043 S. Park Avenue
Audubon, PA 19403

**RE: TBM Management, LLC - Opinion, Decision and Order
Lower Providence Township Zoning Hearing Board Application Z-21-14
Hearing Date: October 28, 2021**

Dear Mr. Furey:

In accordance with the initial application filed on June 28, 2021, enclosed please find a copy of the Opinion, Decision and Order of the Lower Providence Township Zoning Hearing Board.

Yours very truly,



Keith B. McLennan

KBM/
Enclosure

Pc: George Ozorowski, Esq. Chairman
Joseph Pucci Chairman
Kathie A. Eskie
Gail Hager
Tina Blain

Patricia Alzamora
Christopher Gerdes
Randy Klein
Michael Mrozinski

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO.	Z-21-14	:	HEARING DATES:
		:	October 28, 2021; September 23, 2021;
		:	July 22, 2021
		:	
		:	
APPLICATION OF:		:	
TBM Management, LLC		:	
23 N. Trooper		:	
Norristown, PA 19403		:	
		:	
PROPERTY:		:	
Montgomery Avenue		:	
Block 43006, Unit 050		:	
Lower Providence Township		:	
Parcel No. 43-00-08836-00-4		:	Request for Variance

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

A public hearing on the above Application having begun on July 22, 2021 and concluded on October 28, 2021, before the Zoning Hearing Board of Lower Providence Township (the “Zoning Hearing Board” or “Board”), in the Township Administration Building, 100 Parklane Drive, Eagleville, PA, (the “hearing”) pursuant to Notice as required by the Lower Providence Township Zoning Ordinance (the “Ordinance”) and the Pennsylvania Municipalities Planning Code (the “MPC”), concerning the above captioned premises (the “Property” or “Subject Property”), and having considered the Application and the testimony, exhibits, and argument presented, the Zoning Hearing Board hereby renders its decision on the Application.

Procedural Matters

1. Application before Zoning Hearing Board

On June 28, 2021, applicant TBM Management, LLC (“Applicant”) owner of Block 43006, Unit 050 Montgomery Avenue in Lower Providence Township, Pennsylvania filed an application

relating to Applicant's proposal to construct a single-family residence on the Subject Property requesting the following relief:

- (1) A variance from the Lower Providence Township Zoning Ordinance (the "Ordinance") §143-37 to permit the construction of a single-family residence on the Property with a lot size of 9,200 square feet where 25,000 square feet is required in the R-2 Residential Zoning District.
- (2) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a side-yard setback of ten feet (10') where twenty feet (20') is required in the R-2 Residential Zoning District.
- (3) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a rear yard setback of twenty-five feet (25') where sixty feet (60') is required in the R-2 Residential Zoning District.
- (4) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a front yard setback of twenty-five feet (25') where fifty feet (50') is required in the R-2 Residential Zoning District.
- (5) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a lot width of eighty feet (80') where one-hundred feet (100') is required in the R-2 Residential Zoning District.
- (6) A variance from the Ordinance §143-20(C) to relieve the Applicant of the obligation to construct and improve a paper street from the Property to North Trooper Road.
- (7) A variance from the Ordinance §143-145 governing nonconforming lots to permit the construction of a single-family home in conformity with the relief requested above.

2. Notice and Hearing

The Application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board (the “Board”) on July 22, 2021, where the Board accepted evidence in the matter. At the conclusion of that hearing, the Board requested that Applicant submit a memorandum relating to the requested relief. The matter was then continued to August 26, 2021. At the request of the Applicant, the matter was again continued to the Board’s September 23, 2021, hearing date. The September 23, 2021, hearing was again continued for the purpose of allowing the township engineer and fire marshal to review the proposed plans. The hearing concluded on October 28, 2021.

3. Zoning Hearing Board Members Participating

Present at the hearing on October 28, 2021, were: Joseph Pucci, Member, Kathie Eskie, Member, Gail Hager, Member, and Randy Klein, Alternate.

Present at the hearing on September 23, 2021, were George Ozorowski, Chairman, Kathie Eskie, Member, Gail Hager, Member, Patricia Alzamora, Member, Christopher Gerdes, Alternate, and Randy Klein, Alternate.

Present at the hearing on July 22, 2021, were: Joseph Pucci, Member, Kathie Eskie, Member, Gail Hager, Member, Chris Gerdes, Alternate, and Randy Klein, Alternate.

4. Appearances of Counsel

- a. Keith B. McLennan, Esquire, appeared as Solicitor for the Zoning Hearing Board.
- b. Michael E. Furey, Esq. of Furey and Baldassari, PC, 1043 S. Park Ave., Audubon, PA 19403, appeared on behalf of the Applicant.

5. Appearance of Other Party

- a. No other party appeared regarding the Application.

6. Also Present

- a. Mike Mrozinski, the Community Development Director for Lower Providence Township.

7. Witnesses

- a. Audie F. Thomas testified in support of the Application.
- b. Jose Grande was qualified as an expert witness in the area of civil engineering and testified in support of the Application.

8. Exhibits

- a. Applicant submitted the following exhibits at the hearing in support of the Application:

A – 1: Application and Narrative;

A – 2: The Deed to the Subject Property;

A – 3: The Site Plan;

A – 4: ZHB Decision Z-04-18;

A – 5: ZHB Decision Z-04-47;

A – 6: Board of Assessment Record and Tax map – Subject Property

A – 7: Board of Assessment Records and Tax maps- Properties on Montgomery Avenue;

A – 8: Consents;

A – 9: Photographs;

A – 10: Versions of Zoning Ordinance Section 143-20;

A – 11: Conceptual Elevations;

A – 12: C.V. of Jose Grande, P.E.;

A – 13: Civil Engineer Letter;

A -14: Memorandum of Law;

A – 15: Summary of Relief Requested and Proposed Conditions;

A – 16: Updated Site Plan;

b. The Board submitted the following exhibits at the hearing:

B – 1 The Certificate of Posting.

B – 2 The Certificate of Notification.

B – 3 Letter Sent to Property Owners.

B – 4 Matrix of Addresses.

B – 5 Proof of Publication.¹

FINDINGS OF FACT

1. The Applicant is TBM Management, LLC (Applicant) owner of the lot located at Montgomery Avenue (Block 43006, Unit 050).

2. The Subject Property, Montgomery Avenue (Block 43006, Unit 050) is comprised of an 11,200 square foot parcel with tax parcel number 43-00-08836-00-4 which is currently vacant and unimproved. (hereinafter the “Property”).

3. The Property consists of a lot with a width of eighty feet (80’) and a depth of one-hundred forty feet (140’) for a total gross area lot of 11,200 square feet and a net area of 9,200 square feet.

4. The lot does not front a public street.

5. The lot fronts an undeveloped “paper street.”

6. Applicant acquired the Property in July of 2005.

¹ The Board’s exhibits were not specified during the hearing. However, at the October 28, 2021 hearing, all parties consented to the admission of the Board's exhibits in the event they had not been previously entered. Therefore, the Board’s exhibits are entered without objection based upon that consent.

7. The applicable zoning district is R-2 Residential Zoning District.

8. The Ordinance § 143-37 requires that single-family homes constructed on parcels in the R-2 Residential Zoning District conform to the following requirements where the property has access to public water and sewer:

- a. A minimum lot area of 25,000 square feet;
- b. A minimum front yard setback of 50 feet;
- c. A minimum side yard setback of 20 feet;
- d. A minimum rear yard setback of 60 feet;
- e. A minimum lot width of 100 feet.

9. The Ordinance requires that:

A lot that only fronts a paper street can only be developed and improved if the paper street is constructed and improved from the subject lot to the closest opened public street in compliance with the requirements applicable to private streets set forth in Chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence. The operation, maintenance, repair, and replacement of such a paper street is the sole responsibility of the owners of the lots that front this street, as agreed to by such owners.

Ordinance § 143-20 (C).

10. The Property is not currently serviced by utilities, however, public water and sewer are available to the Property.

11. There are no outstanding state or federal violations cited on the Property.

12. The Property has been the subject of two prior zoning appeal applications with ZHB Nos. Z-04-47 and Z-04-18.

13. The relief sought in those zoning appeals is similar to the relief sought by the instant application (except for the omission of the lot width variance).

14. The relief sought in the prior zoning applications was granted, however, the respective variances granted in those matters have expired.

15. A previous owner brought the prior appeals and failed to have a building permit issued within the allotted time.

16. The proposed use will not impact existing traffic patterns or volumes.

17. The proposed use will include parking provisions that comply with the Ordinance.

18. The proposed use will not emit smoke, dust, odor or other air pollutants, noise, vibration, light, electrical disturbances, water pollutants, or chemical pollutants.

19. The proposed use will not alter the essential character of the neighborhood or district in which it is located.

20. The proposed use will not impair the appropriate use or development of adjacent properties.

21. The proposed use will not be detrimental to the public welfare.

22. Given the current lot dimensions and zoning requirements of the R-2 Residential District, there is no functional building envelope on the property and therefore the property cannot be developed without zoning relief.

23. Many of the lots in the neighborhood are undersized and nonconforming under the current zoning standards.

24. The Subject Property currently connects to developed roadways via an undeveloped “paper street.”

25. There is an existing driveway providing access to adjacent properties.

26. Applicant intends to provide access to the developed street via a shared driveway.

27. Under the current deeds and based on the prevailing law and circumstances, the “paper street” is owned by the adjoining property owners with the dividing line being the center of the street.

28. The development of the “paper street” would be burdensome, unnecessary, and overly costly.

29. The use of a shared driveway would meet all the needs of both properties.

30. The three lot owners of the adjoining lots have agreed to the placement of a driveway over their land and have agreed to an easement which will provide for common maintenance.

31. Following the continuance from the July 22, 2021, hearing, Applicant adjusted the planned driveway to include an additional two feet (2’) for a total width of twelve feet (12’).

32. A diagram for the adjusted proposal regarding the driveway was entered as Exhibit 16 at the Hearing on October 28, 2021.

33. The plan identified as Exhibit 16 was shared with the township engineer and fire marshal. Neither indicated there were any concerns with emergency access to the Property.

DISCUSSION

I. Statement of the Case

Applicant is proposing to construct a single-family residence on the property and is requesting the following variances from the Lower Providence Township Zoning Ordinance (the “Ordinance”):

- (1) A variance from the Lower Providence Township Zoning Ordinance (the “Ordinance”) §143-37 to permit the construction of a single-family residence on the Property with a lot size of 9,200 square feet where 25,000 square feet is required in the R-2 Residential Zoning District.
- (2) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a side-yard setback of ten feet (10’) where twenty feet (20’) is required in the R-2 Residential Zoning District.

- (3) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a rear yard setback of twenty-five feet (25') where sixty feet (60') is required in the R-2 Residential Zoning District.
- (4) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a front yard setback of twenty-five feet (25') where fifty feet (50') is required in the R-2 Residential Zoning District.
- (5) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the property with a lot width of eighty feet (80') where one-hundred feet (100') is required in the R-2 Residential Zoning District.
- (6) A variance from the Ordinance §143-20(C) to relieve the Applicant of the obligation to construct and improve a paper street from the Property to North Trooper Road.
- (7) A variance from the Ordinance §143-145 governing nonconforming lots to permit the construction of a single-family home in conformity with the relief requested above.

II. Ordinance Subsections in Question

The Ordinance § 143-37 requires that single-family homes constructed on parcels in the R-2 Residential Zoning District conform to the following requirements where the property has access to public water and sewer:

- a. A minimum lot area of 25,000 square feet;
- b. A minimum front yard setback of 50 feet;
- c. A minimum side yard setback of 20 feet;
- d. A minimum rear yard setback of 60 feet;
- e. A minimum lot width of 100 feet.

Ordinance § 143-37. The Ordinance further requires that:

A lot that only fronts a paper street can only be developed and improved if the paper street is constructed and improved from the subject lot to the closest opened public street in compliance with the requirements applicable to private streets set forth in Chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence. The operation, maintenance, repair, and replacement of such a paper street is the sole responsibility of the owners of the lots that front this street, as agreed to by such owners.

Ordinance § 143-20 (C).

III. Variance Legal Standard

A. Dimensional v. Use Variance. There are 2 types of variances, a “dimensional” variance and a “use” variance. Differing standards apply to use and dimensional variances. One who advances a dimensional variance seeks to adjust zoning regulations so that the property can be used in a manner consistent with the zoning regulations. Hertzberg v. Zoning Bd. Of Pittsburgh, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998). In contrast, a use variance seeks to use the property in a way that is inconsistent or outside of the zoning regulations. Tidd v. Lower Saucon Township Zoning Hearing Board, Green Gable Investment Partners, LP and Lower Saucon Township, 118 A. 3d 1 (Pa. Cmwlth. 2015). Regardless of whether the variance sought is a use or dimensional variance, the reasons for granting a variance must be substantial, serious, and compelling. POA Company v. Findlay Township Zoning Hearing Board, 551 Pa. 689, 713 A.2d 70 (1998); Evans v. Zoning Hearing Board of the Borough of Spring City, 732 A.2d 686 (Pa. Cmwlth. 1999); Soteneanos, Inc. v. Zoning Board of Adjustment of the City of Pittsburgh, 711 A.2d 549 (Pa. Cmwlth. 1998). The Supreme Court in Hertzberg held that the Zoning Hearing Board must, at the beginning of its analysis of an appeal from the terms of the Zoning Ordinance, determine whether the requested relief is for a use variance or a dimensional variance. Id. at 263-64, 721 A.2d at 50. In this case the Board is asked to grant a dimensional variance.

B. The Five Part Variance Test. To obtain a variance the Applicant must pass the

following five (5) part variance test set forth in §143-168.A. of the Ordinance:

(1) There are unique circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

(2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) Such unnecessary hardship has not been created by the applicant.

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

See also: Tri-County Landfill, Inc. v. Pine Township Zoning Hearing Board, 88 A.3d 488, 520 (Pa. Cmwlth. 2014) appeal denied, 101 A.3d 788 (Pa. 2014) and appeal denied, 101 A.3d 788 (Pa. 2014); 53 P.S. § 10910.2.

C. Dimensional Variance Legal Standard. Generally, a use variance requires the applicant to show that unnecessary hardship will result rendering the property close to useless if a variance is denied, and that the proposed use will not be contrary to public interest. However in the case of Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998) our Supreme Court held that in the case of a dimensional variance, the quantum of proof required to establish unnecessary hardship is lesser than when a use variance is sought. *Id.* at 258-59. For example, the Hertzberg Court held that to justify the grant of a dimensional variance, "...courts *may* consider multiple factors, including the economic detriment to the applicant if the variance is denied, the financial hardship created by any work necessary to bring

the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.” 721 A.2d at 50 (*italics supplied*). In effect, no longer is an applicant required to demonstrate in a dimensional variance case, that the property was close to useless without the variance.

Although Hertzberg eased the burden of proof somewhat for a dimensional variance, it did not remove the variance requirements that are universally applicable to use and dimensional variance cases. Doris Terry Revocable Trust v. Zoning Bd. of Adjustment of City of Pittsburgh, 873 A.2d 57 (Pa.Cmwlt. 2005). An applicant must still present evidence as to each of the conditions listed in the zoning ordinance and satisfy the five-part test articulated above. Id. In addition, §§143-168.C. & D.(2), (3) & (4) of the Ordinance articulate the Applicant’ burden of proof and the standards to meet that burden as follows:

C. Burden of proof. For variances, the burden of proof shall be on the applicant. For special exceptions, the applicant shall be entitled to the special exception unless others can prove that it would adversely affect the public health, safety, morals or welfare.

D. Standards of proof.

(2) Variance case. An applicant for a variance shall have the burden of establishing:

(a) All the requirements of § 910.2 of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10910.2;

(b) That literal enforcement of the provisions of this chapter will result in unnecessary hardship, as the term is defined by relevant statutory provisions and case law; and

(c) That the allowance of a variance will not be contrary to the public interest.

IV. Facts Applied to the Legal Standard

Applicant is proposing to construct a single-family residence on the property and is

requesting the following variances from the Lower Providence Township Zoning Ordinance (the “Ordinance”):

- (1) A variance from the Lower Providence Township Zoning Ordinance (the “Ordinance”) §143-37 to permit the construction of a single-family residence on the Property with a lot size of 9,200 square feet where 25,000 square feet is required in the R-2 Residential Zoning District.
- (2) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a side-yard setback of ten feet (10’) where twenty feet (20’) is required in the R-2 Residential Zoning District.
- (3) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a rear yard setback of twenty-five feet (25’) where sixty feet (60’) is required in the R-2 Residential Zoning District.
- (4) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a front yard setback of twenty-five feet (25’) where fifty feet (50’) is required in the R-2 Residential Zoning District.
- (5) A variance from the Ordinance §143-37 to permit the construction of a single-family residence on the Property with a lot width of eighty feet (80’) where one-hundred feet (100’) is required in the R-2 Residential Zoning District.
- (6) A variance from the Ordinance §143-20(C) to relieve the Applicant of the obligation to construct and improve a paper street from the Property to North Trooper Road.
- (7) A variance from the Ordinance §143-145 governing nonconforming lots to permit the construction of a single-family home in conformity with the relief requested above.

Applicant’s multiple requests naturally fall into two separate groups. First, Applicant

requests relief from the dimensional requirements to construct a single-family home in the R-2 Residential District. There are unique circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property in that the size, shape, and change to the Ordinance has made it practically impossible develop the property in compliance with the Ordinance. Specifically, the lot is particularly small and surrounded by separately owned parcels on all sides. Due to the small size of the lot, there is virtually no building envelope that complies with the standard of the current Ordinance. Due to this, there is no way for Applicant to develop the lot without zoning relief. These conditions of the Property create a hardship for the Applicant because it prohibits the development of the Property in anyway.

The requested relief will not change the character of the neighborhood. The construction of a single-family home is consistent with the design of the R-2 Residential District. Further, many of the lots in the immediate vicinity are also non-conforming in that they are on smaller lots than the Ordinance allows. Due to this, the construction of a single-family home on this lot, will not be unusual or contrary to the character of the neighborhood.

The proposed variances are also the minimum relief necessary to overcome the hardship. Given that there is no potential to build on the property without relief, that the property is enclosed within separately owned properties, and that there is no opportunity to purchase and combine adjoining properties, the relief requested is the minimum necessary to allow for the reasonable development of the Property. Therefore, Applicant has shown that the requested variances are appropriate.

Applicant's remaining request for relief relates to access to public roadways. Ordinance §143-20 requires that "a lot that only fronts a paper street can only be developed and improved

if the paper street is constructed and improved from the subject lot to the closest opened public street in compliance with the requirements applicable to private streets.” Here there was substantial expert testimony illustrating why the special circumstances in this case make development of the “paper street” inappropriate.

According to Jose Grande, a witness qualified as an expert in civil engineering, the safest method to connect the Property to a developed public road would be through the use of a shared driveway. Further, the cost of installing a road that complies with the requirements of the Ordinance would be costly, unnecessary, and would make the construction of a home on the Property infeasible.

Due to this, the application of §143-20 creates a hardship on the Applicant in that Applicant will be unable to feasibly develop the Property if the Ordinance were applied in this manner. Applicant did not create the hardship and has proposed a solution that accommodates the safety concerns that the drafters of the Ordinance intended to address. The expert witness testified that the most reasonable solution is to allow for a shared driveway to provide access to the public street.

The proposed shared driveway currently exists and will be expanded to better accommodate emergency vehicles. This has been approved by the township engineer and fire marshal. Due to the existence of the driveway, it is evident that the driveway will not alter the character of the neighborhood. In fact, the imposition of the requirement that Applicant develop the “paper road” would have a larger impact on the character of the neighborhood than allowing use of the existing driveway to excuse that requirement. Finally, the waiver of the requirement to develop the road within the standards of the Ordinance is the minimal relief necessary to overcome the hardship imposed by the Ordinance and the conditions of the Property.

The Board finds and concludes that the Applicant's requested relief should be granted.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Denial of the requested relief will impose an unnecessary hardship on the Applicant.
3. The hardship is due to the unique physical circumstances and characteristics of the Property and not self-imposed.
4. The requested relief is necessary to enable the Applicant reasonable use of the Property.
5. If granted, the community will not be significantly changed nor will it alter the character of the neighborhood.
6. The requested relief represents the minimum that will afford relief and represents the least modification possible of the regulation at issue.

DECISION

The decision of the Lower Providence Township Zoning Hearing Board by a 4-0 vote is as follows:

1. The Application of TBM Management, LLC docket #Z-21-14 for a variance from Section 143-37.A.(2) of the Lower Providence Township Zoning Ordinance to permit the construction of a single family home with a side yard setback of 10 feet where a minimum of 20 feet is required in the R-2 Residential District is GRANTED subject to the following conditions:
 - There is no parking on the shared driveway.

2. The Application of TBM Management, LLC docket #Z-21-14 for a Variance from Section 143-37.A.(2) of the Lower Providence Township Zoning Ordinance to permit the construction of a single family home with a rear yard setback of 25 feet where a minimum of 60 feet is required in the R-2 Residential District is GRANTED.
3. The Application of TBM Management, LLC docket #Z-21-14 for a Variance from Section 143-37.A.(2) of the Lower Providence Township Zoning Ordinance to permit the construction of a single family home with a front yard setback of 25 feet where a minimum of 50 feet is required in the R-2 Residential District is GRANTED.
4. The Application of TBM Management, LLC docket #Z-21-14 for a Variance from Section 143-37.A.(2) of the Lower Providence Township Zoning Ordinance to permit the construction of a single family home with a lot width of 80 feet where a minimum of 100 feet is required in the R-2 Residential District is GRANTED.
5. The Application of TBM Management, LLC docket #Z-21-14 for a variance from Section 143-20(c) of the Lower Providence Township Zoning Ordinance to permit construction of a single-family home with shared driveway access and without the construction or improvement of the paper street from the lot to N. Trooper Road in the R-2 Residential district is GRANTED with the following conditions:
 - There shall be no parking in the shared driveway.
 - The approval of the side, front, and rear yard setbacks shall not be deemed an approval of a reduction in the impervious coverage requirements.
6. The Application of TBM Management, LLC docket #Z-21-14 for a variance from Section 143-145 of the Lower Providence Township Zoning Ordinance regarding non-conforming lots to permit construction of a single-family home with shared driveway

access in accordance with the foregoing relief in the R-2 Residential district is
GRANTED.

Dated: November 30, 2021

ORDER

The foregoing Findings, Discussion and Decision are hereby approved and ordered.

**LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD**

George Ozorowski



Joseph Pucci



Kathie Eskie

Patricia Alzamora



Gail Hager

Christopher Gerdes, Alternate

Randy Klein, Alternate

NOTICE TO APPLICANT

There is a thirty (30) day period after the date of a decision for an aggrieved person to file an appeal in the Court of Common Pleas of Montgomery County to contest an approval or denial by the Zoning Hearing board. If the Applicant has been granted Zoning Hearing Board approval, the Applicant may take action on said approval during the thirty (30) day appeal period; however, the Applicant will do so at his or her own risk. If the Applicant received Zoning Hearing Board approval, the Applicant must secure all applicable permits from Lower Providence Township within one (1) year of the date of the approval or the decision granting approval.