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September 9, 2022

VIA CERTIFIED MAIL
RRR #: 7020 2450 0001 6265 1957

Matthew deMontaigne
166 S. Midland Avenue
Eagleville, PA 19403

RE: Matt deMontaigne –
Lower Providence Township Zoning Hearing Board Application Z-22-12

Dear Mr. deMontaigne

In accordance with your Zoning Application filed on June 8, 2022, enclosed please find a copy of the Opinion, Decision and Order of the Lower Providence Township Zoning Hearing Board. Please note that if you have any objections to the Order, you have thirty (30) days from its date to file an appeal with the Court of Common Pleas in Norristown.

Yours very truly,



Keith B. McLennan

KBM/

Enclosure

Pc: Cynthis Boegly, 116 Regency Drive (w/encl.)
Keith Schaeffer, 112 Regency Drive (w/encl.)
John D. Struys, II, 113 Regency Drive (w/encl.)
John and Catherine Williams, 124 Regency Drive (w/encl.)
Lower Providence Township Zoning Hearing Board Members

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO.	Z-22-12	: HEARING DATE:	July 28, 2022
		:	
APPLICATION OF:		:	
	Matt deMontaigne	:	
	166 S. Midland Avenue	:	
	Eagleville, PA 19403	:	
		:	
PROPERTY:		:	
	166 S. Midland Ave.	:	
	Eagleville, PA 19403	:	
	43-00-08509-00-7	:	

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

A public hearing on the application (“Application”) concerning the above captioned premises (the “Property” or “Subject Property”) was held on July 28, 2022, before the Zoning Hearing Board of Lower Providence Township (the “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”). After consideration of the Application and the testimony, exhibit and argument presented, the Zoning Hearing Board hereby renders its decision on the Application.

Procedural Matters

1. Application before Zoning Hearing Board

On June 8, 2022, applicant Matt deMontaigne (“Applicant”) owner of 166 S. Midland Ave. in Lower Providence Township filed an application seeking a variance from Sections 143-36.A.(7)(g) and 143-6.2.S of the Ordinance to permit a home woodworking business and mill operation from the residential property as a no-impact home based business or occupation in the

R-2 Residential District.

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 28, 2022, where the Board accepted evidence in the matter.

3. Zoning Hearing Board Members Participating

Present at the July 28, 2022, hearing were: George Ozorowski, Chair, Members, Kathy Eskie, Gail Hager, Christopher Gerdes and Randy Klein.

4. Appearances of Counsel

- a. Keith B. McLennan, Esquire, appeared as Solicitor for the Zoning Hearing Board.
- b. Applicant was not represented by counsel.

5. Appearance of Other Parties

- a. Cynthia Boegly 116 Regency Drive entered her appearance as a party.
- b. Keith Schaeffer 112 Regency Drive entered his appearance as a party.
- c. John D. Struys II 113 Regency Drive entered his appearance as a party.
- d. John and Catherine Williams 124 Regency Drive entered their appearance as parties.

6. Also Present

- a. Mike Mrozinski, the Community Development Director for Lower Providence Township and Paul Meszaros, the Court Reporter.

7. Witnesses

- a. Matt deMontaigne testified in favor of the application.
- b. Brian Hayes testified in favor of the Application.

- c. Megan deMontaigne testified in favor of the Application.
- d. Keith Schaeffer expressed concerns about the precedent and possible expansion of the Business.
- e. Cynthia Boegly expressed concerns about the precedent and possible expansion of the Business.
- f. John Williams testified in opposition to the Application.

8. Exhibits

- a. The Board submitted the following exhibits at the hearing:

B – 1 Public Notice;

B – 2 The Certificate of Posting;

B – 3 Letter Sent to Property Owners;

B – 4 Matrix of Addresses for neighbors;

B – 5 Proof of Publication.

- b. The Applicants submitted the following exhibits:

A – 1 The Application;

A – 2 Sketch of the property.

FINDINGS OF FACT

- 1. The Applicant is Matt deMontaigne owner of the Subject Property in the shape of a “flag lot” located at 166 S. Midland Ave., Lower Providence Township.
- 2. Applicant is the owner of the Property.
- 3. Applicant’s full-time occupation is as pastor at Valley View Church.
- 4. The Subject Property has a tax parcel number 43-00-08509-00-7 which currently has a home and shed.

5. The Property is located in the R-2 Residential zoning district.
6. Applicant proposes to continue to operate a sawmill and wood working business known as Midland Millworks out of the residence (the "Business").
7. The sawmill creates noise when operating.
8. Applicant has a small mill and a small skid steer on the property for business use.
9. Applicant cuts boards and manufactures small furniture for the Business.
10. The Township received complaints about the operation of a business on the Property in the R-2 Residential Zoning District.
11. The Township Code Enforcement Officer observed outside storage on the Property.
12. Applicant testified that there are twelve (12) stacks logs and lumber stored on the site.
13. Each stack is approximately 40' long x 8' deep x 6' high.
14. For the past 2 years Applicant has maintained and operated a small hobby sawmill on the Property to cut logs into lumber used to make charcuterie boards and small furniture such as side tables, coffee tables, live edge shelving and an occasional full size table ("Products").
15. The sawmill operates on gasoline utilizing a fourteen (14) horsepower motor with approximately 30 hours of use on it.
16. Applicant utilizes the milled lumber for the Business and does not mill and then sell lumber from the Property.
17. Applicant has a small skid steer/Bobcat on the Property for use in placing logs thirty inches (30") or less on the sawmill in order to convert the logs into useable lumber to make the Products in his garage.
18. The sawmill is located to the south of the driveway flagpole on this flag lot in a

wooded area of pine or evergreen trees camouflaging the mill and skid steer.

19. Logs and lumber are stored next to the southside of the house near a sixty foot (60') "cliff" at the Property that drops off precipitously to Park Avenue.

20. The sawmill is located outside and creates noise similar to a lawn mower and some saw dust.

21. Logs are brought to the Property through the use of a sixteen-foot (16') trailer that Applicant also has on the Property.

22. Applicant occasionally employs an unrelated person as a subcontractor who helps with the milling on the Property during the week, two (2) days each week for less than eight (8) hours each day.

23. The surrounding properties are residential with the rear of the property abutting township owned land.

24. The Business does not significantly impact traffic patterns or volume.

25. Applicant has been operating the Business for at least two (2) years.

26. Applicant does have a marketing website and promotes the Business on Facebook marketplace.

27. This is a part time job for Applicant.

28. Applicant does all the bookkeeping and ancillary work at the residence.

29. Applicant agreed that he is running a business out of his home.

30. The business exceeds what would be considered a no impact home business.

31. Applicant estimates the annual gross income to be approximately \$10,000.00.

DISCUSSION

I. Statement of the Case

Applicant is proposing to operate a woodworking and sawmill business at the Property. Applicant seeks a variance from Section 143-36.A.(7)(g) and 143-6.2.S to permit the operation of a woodworking and sawmill from his home as a no-impact home based business.

II. Ordinance Subsections in Question

Section 143-36.A.(7)(g) of the Ordinance states that in the R-2 Residential Zoning District:

§143-36 Use Regulations.

A building or group of buildings may be erected or used and a lot may be used or occupied for any one of the following uses and no other:

A. Uses permitted by right:

(7) Residential accessory uses, buildings, and structures. The following residential accessory uses, buildings, and structures are allowed by right on a lot with a residential principal use in accordance with the applicable requirements of this chapter:

(g) Home occupation.

Section 143-6-2. of the Ordinance defines a “home occupation” as follows:

O. HOME OCCUPATION

Any lawful occupation for gain customarily conducted in a dwelling as an accessory use, clearly subordinate to the existing residential use of the property, and subject to specific requirements placed on said uses as may be established in this chapter. All home occupations shall comply with the following:

- (1) A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner of the occupation or in an accessory building located on the same lot as such a dwelling. The home occupation shall be carried on wholly indoors.
- (2) No more than one home occupation is allowed per dwelling unit.
- (3) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause a premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, or advertising visible

outside the premises to attract customers or clients, other than those signs permitted by this chapter.

- (4) All commercial vehicles shall be parked on-lot. Off-street parking spaces are not permitted in the front yards. A ten-foot driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least 10 feet from any property line. Off-street parking lots with three or more spaces shall be buffered from abutting residences. The buffer shall include either an evergreen hedge or a solid six-foot-high wooden or vinyl fence, placed around the perimeter of the parking area.
- (5) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off of the premises.
- (6) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
- (7) A zoning permit shall be required for all home occupations.
- (8) A home occupation shall not include the following: animal hospital, commercial stable or kennel, clinic, hospital, funeral parlor or undertaking establishment, antique shop, tearoom, restaurant, tourist home, rooming/boarding/lodging house, or any other similar use.
- (9) High-impact general standards. The following shall apply to all home occupations except for a no-impact home-based business:
 - (a) The maximum amount of floor area devoted to a home occupation shall not be more than 25% of the ground floor area of the principal structure or 400 square feet, whichever is less. At least 850 square feet of the total floor area must remain a residential use.
 - (b) Unless otherwise stated, only members of the immediate family residing within the principal dwelling shall be employed by the home occupation, and no more than three persons, including the resident members of the immediate family, may be employed in conjunction with a home occupation.
- (10) The following are specific types of home occupations:
 - (a) Family day care.

- (b) Home crafts.
- (c) Instructional services.
- (d) No-impact home-based business.
- (e) Personal services.
- (f) Professional in-home office.
- (g) Repair services.
- (h) Trades business.

Section 143-6.2.EE defines “Trades Business” as:

EE. TRADES BUSINESS

A trades business is a home occupation which uses a residence as the base of operation for a craftsperson or tradesperson, but not including the conducting of any phase of the craft or trade on the property, other than administrative activities. Applicable crafts and trades include but are not limited to: electrician, plumber, carpenter, mason, painter, roofer, and similar occupations.

- (1) This use shall only be established in conjunction with a single-family detached dwelling. The minimum lot area shall be three acres.
- (2) A maximum of three business vehicles may be parked on the property. These vehicles shall be parked to the side or rear of the dwelling unit.
- (3) The area of the office and for the storage of materials and equipment (excluding vehicles) shall not exceed the floor space limitations for home occupations in general.
- (4) No assembling, manufacturing, processing, or sales shall be conducted on the property.
- (5) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, a trades business use requires one off-street space for each business vehicle. A maximum of six off-street parking spaces are permitted on the lot inclusive of the required residential parking.

Section 143-6.2.S defines a “No-impact home-based business” as follows:

S. NO-IMPACT HOME BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use within a residential dwelling which is clearly secondary to the residential dwelling use, and which involves no customer, client, or patient traffic (vehicular or pedestrian) in excess of that normally associated with a residential use, and shall not involve any pickup, delivery, or removal activities, to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the principal residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than members of the immediate family residing within the principal dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the principal dwelling and may not occupy more than 25% of the habitable floor area.

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 use 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.

(3) Zoning Hearing Board considerations. In considering whether the allowance of a special exception or variance is contrary to the public interest, the Zoning Hearing Board shall consider whether the application, if granted, will:

(a) Substantially increase traffic congestion in the streets surrounding the subject site;

(b) Increase the risk of fire or panic or otherwise endanger the public safety;

(c) Overcrowd the land or create undue concentration of population;

(d) Be suitable for the property in question so as to be consistent with the spirit and purpose of the provisions of this chapter;

(e) Intrude upon the adequacy of natural light and air to adjoining properties;

(f) Create extraordinary burdens on public, private or community water systems or upon groundwaters or wells within the neighborhood;

(g) Overburden the public sanitary sewer system within the Township occasion environmental problems with on-site sanitary sewer installations;

(h) Place undue burdens upon the police, fire, ambulance or other emergency services provided throughout the neighborhood;

(i) Cause adverse effects to the appropriate use of adjacent properties in the neighborhood where the property is located;

(j) Cause risk or danger to the safety of persons or property by improper location or design of facilities for ingress and egress to and from the property in question; or

(k) Otherwise adversely affect the public health, safety, morals or general public welfare of the community.

(4) Burden of proof. In all cases, whether special exception, variance, interpretation, appeals from the Building Inspector or any other appeals lawfully brought

before the Zoning Hearing Board, the applicant shall have the burden of proof, including the duty of presenting credible, relevant and pertinent evidence and testimony to persuade the Zoning Hearing Board that the applicant has satisfied the criteria set forth in this section. In addition to the foregoing, where an applicant has been specifically requested by the Zoning Hearing Board to provide specific evidence or testimony on any item set forth in Subsection D(3)(a) through (j), supra, or in the event that any party opposing any application shall claim that the proposal before the Zoning Hearing Board will cause any effects upon the matters addressed in Subsection D(3)(a) through (j), supra; then the applicant's burden of proof shall include the obligation of presenting credible, relevant and pertinent evidence on such topics as to persuade the Zoning Hearing Board that the relief requested by the applicant will not be contrary to the public interest with respect to the criteria placed at issue.

IV. Facts Applied to the Legal Standard.

Applicant is seeking a variance from Sections 143-36.A.(7)(g) and 143-6.2.S of the Ordinance to permit a woodworking business and sawmill operation from his residential property as a no-impact home based business in the R-2 Residential District. A Home Occupation is permitted under Section 143-36.A.(7)(g). Home Occupation is defined in Section 143-6.2.O. There are several important criteria for a business to qualify as a "Home Occupation." First, under Section 143-6.2(O)(1): "A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner of the occupation or in an accessory building located on the same lot as such a dwelling. The home occupation shall be carried on wholly indoors." Here, Applicant has testified that the wood working operation includes outdoor activities such as storing, moving and milling lumber. Therefore, this qualification is not met.

Further, Section 143-6.2(O)(5) requires that: "No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off of the premises." Again, both the testimony of Applicant himself and several of his neighbors show that the milling operation does create noise which can be heard in the neighborhood.

Section 143-6.2(O)(6) state's that: "There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation." Applicant has stated that he stores timber, logs and milled lumber outside. Additionally, the mill and skid steer are both stored outside. Finally, Section 143-6.2(O)(9)(b) states that "only members of the immediate family residing within the principal dwelling shall be employed by the home occupation." Applicant stated that he has a subcontractor who works for him to assist in the woodworking business. Therefore, Applicant does not meet this qualification.

Subsection (10) of Section 143-6.2(O) enumerates several specific types of home occupations to include a "no-impact home-based business" and "trades business." Applicant's activities do not qualify as a no-impact home-based business because (1) the business activity is not compatible with the principal residential use of the property and surrounding residential uses. *See* Ordinance Section 143-6.2.S(1). The employment of a subcontractor would violate Section 143-6.2.S(2) which states that "the business shall employ no employees other than members of the immediate family residing within the principal dwelling." Additionally, the exterior storage of materials and equipment along with the milling activities conducted outside violate Section 143-6.2S(4). Finally, as stated above, the business would create noise and vibration in violation of Section 143-6.2S(5). Therefore, the business does not qualify as a no-impact home-based business.

Further, the business does not constitute a "trades business" because, while a trades business is permitted under Section 143-6.2EE, that subsection specifically excludes "the conducting of any phase of the craft or trade on the property, other than administrative activities." Here, Applicant clearly is conducting the entirety to the woodworking and sawmilling business from his home.

Because Applicant does not qualify to operate the business as of right, the Board must

determine whether a Variance is appropriate under the circumstances. Here, Applicant has failed to meet his burden to show that a hardship exists. Applicant has stated that this is his side business and that it evolved out of his woodworking hobby. The primary use of the property is still residential, and there has been no deprivation of the ability of the Applicant to make use of the property.

Even were a hardship proven, the operation of a woodworking shop at this scale would alter the character of the neighborhood. The area is residential in nature, and Applicant seeks to operate a business which creates noise and has exterior storage. This would be contrary to the current nature of the neighborhood. Therefore, the Board is constrained to rule against the request for a variance.

The Board accordingly finds that the Applicant's requested relief should be Denied.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Denial of the requested relief will not impose an unnecessary hardship on the Applicants.
3. Applicant's proposed use is not a use by right under the Ordinance in the R-2 Residential District.
4. There is no hardship due to the unique physical circumstances and characteristics of the Property.
5. The requested relief is not necessary to enable the Applicant reasonable use of the Property.
5. If granted, the community will be significantly changed and will it alter the

character of the neighborhood.

6. The requested relief does not represent the minimum that will afford relief and does not represent the least modification possible of the regulation at issue.

DECISION

The decision of the Lower Providence Township Zoning Hearing Board by a 3-2 vote is as follows:

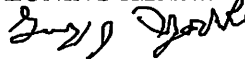
The Application of Matt deMontaigne at Docket Number Z-22-12 for (1) for a variance from Section 143-36.A.(7)(g) and 143-6.2.S to permit the woodworking and sawmill operation from his home as a no-impact home-based business is Denied.

Dated: September 6, 2022

ORDER

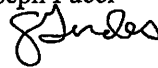
The foregoing Findings, Discussion and Decision are hereby approved and ordered.

LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD



George Ozorowski

Joseph Pucci



Christopher Gerdes

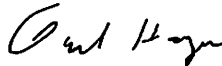
Terrance Barnes, Alternate

Randy Klein, Alternate

The following Members vote in favor of the application and against the Motion to Deny:



Kathie Eskie



Gail Hager

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.