



# LOWER PROVIDENCE TOWNSHIP

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## LOWER PROVIDENCE TOWNSHIP CONDITIONAL USE APPEAL APPLICATION

Anthony C. Branca, Jr.

Applicant's(s) Name

P.O. Box 184

Street Address

Fairview Village, PA 19409

City, State & Zip Code

610-587-7963

Phone Number

CU-19-03

Appeal Number

2-20-2020

Advertised Dates

\$750/449

Application Fee/Ck#

DEC 19 2019 PM 2:45

Date Received

(For Official Use Only)

The following is a list of questions designed to assist you and the Board of Supervisors in the efficient and timely review of your Conditional Use Appeal. Please thoroughly answer all questions that are applicable to your appeal. If you believe the question does not pertain to your appeal, please indicate as such on this form by answering "Not Applicable". **All questions must be answered to consider this appeal form complete.**

A complete site plan and construction documents must be attached to this application. Please refer to **the Lower Providence Township Conditional Use Appeal Procedures and Policy for this requirement.** Please return this form to the Planning & Development Department when you file your application. **Please type or print clearly.**

**Please complete the following questions:**

1. What is the applicant's interest in the premises affected? (i.e. owner, equitable owner, tenant.)

Owner

2. If applicant is represented by an attorney or counsel please provide their full name, address, phone and fax number.

Eric C. Frey, Esquire c/o Dischell, Bartle & Dooley, P.C.

224 King Street, Pottstown, PA 19464

215-362-2474 (phone) 215-362-6722 (fax)

3. If the property owner is not the applicant, list the full name, address and phone number of the property owner. If the applicant is not the property owner, the applicant must provide a signed and notarized letter from the property owner stating his/her permission to allow the applicant to represent the property owner at the Board of Supervisors with this Conditional Use appeal.

n/a

4. Please provide the requested information about the property involved in this Conditional Use Hearing appeal as described below:

Location:

Church Road

(Street Address)

Tax Map ID#: See attached.

Lot Size: 10.3748 acres

Zoning District: R-2

Present Use:

Single family and vacant.

Date of when Present Use began: n/a

Date of acquisition of this property by the owner: See attached.

Please list each structure and it's use currently located on this property:

See attached.

5. What type of sewage and water facilities are available on the property and what type of sewage and water facilities are currently in use on the property?

Public water and sewer proposed.

6. Are there any outstanding state or federal violations cited on this property at the time of this application?

No If yes, please explain these violations:

7. Has any previous zoning appeal been filed in connection with this property?

Yes If yes, please explain: Conditional use - August, 2019 - Denied by

Township

(List applicant's name, date & nature of appeal)

8. List all sections of the Lower Providence Township Subdivision and Development of Land Ordinance in which you are seeking relief from (waivers): (Please note that if this section is not complete, the appeal will not be heard)

See attached.

9. State in narrative form the nature of your appeal including the primary relevant facts intended to be presented to the Board of Supervisors. Please include a description of all explosive or toxic materials to be stored on this site. Please reference to your attachment if additional space is needed.

See attached.

10. What is the exact use proposed for the property? List hours of operation, number and type of employees, business equipment to be used or stored at the site, nature of normal business operations. (Please reference to your attachment if additional space is needed.)

See attached.

11. Are any additional state, federal or other permits required to operate the proposed use or construct the structure? If yes, please provide the list of permits (and their status) required to operate the proposed use or structure.

See attached.

12. Describe the landscaping proposed for this property is planned, if any. Please indicate the type of landscape buffering proposed, if any.

See attached.

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13. What is the character of the buildings and uses on abutting properties and what is the general character of the surrounding neighborhood? (Please reference to your attachment if additional space is needed.)

See attached.

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14. What will the impact of this use be on existing traffic patterns and volumes for this Conditional Use Appeal? Also, please specify the amount of parking spaces and unloading areas as specified in the Lower Providence Township Zoning Ordinance. (Please reference to your attachment if additional space is needed.)

No impact -- see Traffic Study. A minimum of two off-street parking spaces is proposed for each lot.

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15. What will the impact of this use be on the existing stormwater infrastructure? Has a copy of the stormwater grading plan been reviewed by the Montgomery County Conservation District, if applicable?

Will comply with Township SALDO.

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16. What type of new and or existing improvements are being proposed for this use?

Twenty-five (25) single family houses on 8,000+ square feet lots.

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17. What degree will the proposed use emit smoke, dust, odor or other air pollutants, noise, vibration, light, electrical disturbances, water pollutants, or chemical pollutants? Such evidence may include the proposed use of proven special structural or technological innovations. Please provide specific and detailed information on all of the aforementioned topics. Please reference to your attachment if additional space is needed.

Single family houses are proposed.

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18. Will any waivers granted by the Board of Supervisors, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of development of adjacent property, or be detrimental to the public welfare? Please give reasons for your answers to the aforementioned questions by explaining below: (Please reference to your attachment if additional space is needed.)

See attached.

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19. (I) (WE) believe that the Board of Supervisors should approve this request because: (include the grounds for the Conditional Use appeal or reasons both with respect to case law and fact for granting this use requested. Please reference to your attachment if additional space is needed.)

See attached.

20. Comments, Other Relevant Information or Additional Space for Answering Questions. Please indicate if additional attachments are with this appeal application:

See attached.

I hereby certify that all of the above statements contained in this Conditional Use appeal application and any papers or plans submitted with this Conditional Use appeal to the Lower Providence Township Board of Supervisors herewith are true and correct to the best of my knowledge and belief.

Date 12/18/2019 Anthony C. Branca Jr  
(Print Name of applicant(s))

Date 12/18/2019 Anthony C. Branca Jr  
(Signature of applicant(s))

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 18 day of December, 2009

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year aforesaid.

(SEAL)

Joanne M. Castenova  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Joanne M. Castenova, Notary Public  
East Norriton Twp., Montgomery County  
My Commission Expires June 28, 2020

**ANTHONY BRANCA – CHURCH ROAD**  
**LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA**

**ZONING SUMMARY**

Owner and  
Applicant: Anthony C. Branca, Jr.  
PO Box 184  
Fairview Village, PA 19409

Subject  
Property: Church Road -- 4 tracts comprising 10.3748 acres  
(see Exhibit "A" attached hereto)

Zoning District: R-2 Residential

Proposal: The subdivision of the Subject Property pursuant to the newly adopted Village House Development Option in Section 143-36.E of the Zoning Ordinance. Twenty-five (25) Village House lots are proposed along with related common areas, roadways, sidewalks, trails and storm water controls.

Requested  
Relief: A Conditional Use pursuant to the provisions of Zoning Ordinance Section 143-36.E to permit the subdivision and development of the Subject Property pursuant to the Village House Development Option.

Reason for  
Relief: Section 143-36.E of the Zoning Ordinance requires Conditional Use approval for the development of any Tract under the Village House Development Option.

The proposed development meets all of the general and specific requirements for conditional use as set forth in the Zoning Ordinance. With regard to the specific criteria set forth in Zoning Ordinance Section 143-36.E:

Tract Area is 10.3748 acres

25 single family homes proposed  
(10.3748 acres x 2.5 DU per acre = 25.75 lots permitted (rounded to 25 new units))

114,018 square feet (2.6175 acres) of open space  
(25% of 10.3748 acres = 2.575 acres required)

1.175 acres of common area  
(33% of 2.575 required acres = 0.849 acres required as common areas)

8,000 square feet minimum lot size

55 feet minimum lot width

Building coverage less than 30%

Impervious coverage less than 45%

Front yard – minimum 25 feet

Side Yard – 10 feet (no lot abuts existing residential)

Rear yard – minimum of 30 feet (no lot abuts existing residential) – any decks shall comply with required minimum setback

Height – maximum height shall be 35 feet and proposed homes shall be maximum of 3 stories (excluding basements)

Parking – minimum of 2 off street parking spaces per lot

Public water and sewer proposed

Public street proposed

Accessory structures shall comply with CU requirements (none proposed at time of development)

Architectural design standards:

Pitched roofs and architectural features proposed

At least two building materials shall be required

See attached architectural examples

With regard to the general criteria set forth in Zoning Ordinance Section 143-80:

Site plan is submitted as part of the application as required by subsection D

The proposed development is compatible with surrounding existing land uses (Subsection E(2)(a))

The proposed development will not adversely affect the character of the surrounding land uses and general neighborhood (Subsection E(2)(b)(1))

The Proposed use provides adequate access to public Roads without creating hazardous conditions or areas of poor alignment (Subsection E(2)(b)(2))

The proposed development and use confirms to all applicable requirements of Zoning Ordinance Article XIV (Subsection E(2)(b)(3))

Public water and sewer are proposed for all lots (Subsection E(2)(b)(4))

The Proposed use and development will result in an appropriate use of land will conserve open space, will be safe from fire, panic and other dangers, will have adequate light and air and prevent the overcrowding of land and congestion of population and will be adequately serviced by public and community services (Subsection E(2)(b)(5))

With regard to the provisions of Section 143-118.B through E of the Zoning ordinance:

The proposed use and development will not generate significantly more traffic volume than other permitted uses (143-118.B)

The proposed use and development will not generate noise, noxious odors, air pollution or glare nor result in pedestrian vehicular or other safety hazards (143-118.C)

There will be no loading or unloading operations associated with the proposed use or development (143-118.D)

With regard to Application requirements:

The proposed use and development complies with the declaration of legislative intent as evidenced by the adoption of Section 143-36.E of the Zoning Ordinance

The proposed use and development is compatible in type, character and intensity with the surrounding land uses and the neighborhood

Essential public services are available and of adequate capacity to service the proposed use and development. This shall include, but not be limited to, water, storm water management, sanitary sewer disposal, utilities, police, fire, schools, park and recreation, and transportation

The proposed use and development complies with the land use and design standards of the Zoning ordinance including, but not limited to, internal circulation, parking, lighting and landscaping



**EXHIBIT "A"**

**PROPERTY LIST**

	<u>Parcel</u>	<u>Current Use</u>	<u>Date Purchased</u>
(1)	43-00-02308-00-7	vacant	8/26/2016
(2)	43-00-02311-00-4	Single family	8/26/16
(3)	43-00-02314-00-1	vacant	12/29/2005
(4)	43-00-02299-00-7	vacant	12/21/2018

## **EXHIBIT "B"**

### **Application Form Supplement**

**4. Existing structures located on Subject Property:**

Single family home (currently rented)

**8. List of LPT SALDO relief (waivers):**

Application to Township for subdivision and land development approval will be submitted after the conditional use is granted. Any and all necessary relief will be reviewed by the Township at that time.

Anticipated waivers from Township SALDO are as follows:

- (a) Section 123-18.A.1 - A waiver from showing all existing features within 200 feet of the site. We will provide an aerial photograph covering this required area.
- (b) Section 123-32 (also, Appendix "A" - Section 102.A and also Figure 123e) - A waiver from the use of Belgian Block or granite curb. Concrete curbs will be used.
- (c) Section 123-33.A - A waiver from the installation of sidewalks along only the inside of the proposed loop road.

As formal subdivision plans are not completed yet, additional waivers may be identified and requested during the subdivision and land development application/approval process.

**9. Narrative and explosives/toxic materials:**

Narrative – see above

No explosive or toxic materials proposed

**10. Proposed use:**

Residential – 25 single family homes

**11. Any additional state, federal or other permits required:**

- (a) NPDES Storm water permit
- (b) Act 537 Sewage Facilities Planning Module Waiver

**12. Describe landscape proposed and landscape buffer proposed:**

Much of wooded area in center of the Subject Property is to be maintained. Perimeter buffering and street trees are proposed. Landscaping and buffering of proposed lots and storm water area will comply with the Township's requirements which will be reviewed and approved during the subdivision and land development process.

**13. Character of buildings and uses on abutting properties:**

Abutting properties are: (a) water tower; (b) Eskie Park; (c) PECO property; (d) Township maintenance building; and (d) single family home. Across street and remainder of surrounding neighborhood are primarily single family homes.

**14. Impact of use on traffic patterns and volumes:**

See Traffic Study

Zoning Ordinance requires 2 off street parking spaces per each new lot. All new lots will comply with this requirement.

**15. Impact on existing stormwater facilities:**

The stormwater for the proposed development will be controlled on site and will be reviewed and approved by the Township during the subdivision and land development process.

**16. What type of new or existing improvements are proposed for this use:**

Roads, curbs, sidewalks, and stormwater management

**18. Will waivers granted by the LPT BOS alter the essential character of the neighborhood or district in which the property is located:**

No. The development of the Subject Property will be consistent with the character of the neighborhood and district within which the Subject Property is located. The proposed development and use will not impair the use or development of adjacent properties and will not be detrimental to the public welfare. The Subject property is located between a large water tower and the Township maintenance shed. It also abuts Eskie Park. Further, the propose development will preserve large portions of the Subject Property as open space.

**19. Conditional use should be approved because:**

As shown by this application, the proposed development meets all of the specific and general requirements set forth in the Zoning Ordinance for the granting of the proposed conditional use.

**20. Other relevant information:**

See attached plans.