

**BEFORE THE ZONING HEARING BOARD OF
LOWER PROVIDENCE TOWNSHIP**

IN RE: **Application No.: Z-05-26**

APPLICANT: **Application of Anthony Pimpinella and Christine Russell**

PREMISES: **119 North Park Avenue
Trooper, PA 19403
Lower Providence Township, Montgomery County
Parcel #: 43-00-10219-00-7**

HEARING DATE: **September 22, 2005**

NATURE OF THE APPLICATION:

The parcel is located in the R-2 Residential District. The parcel is improved with an existing dwelling house and the applicants seek the following variances to construct a 24 foot by 24 foot detached garage at the rear of the existing dwelling house on the parcel:

1. A variance from the minimum rear yard setback under Section 143-37 A (2) of the Ordinance to permit construction of the detached garage on the parcel with a rear yard setback of 30 feet;
2. A variance from the minimum side yard setback required by Section 143-37 A (2) of the Ordinance to permit construction of the detached garage on the parcel with a southwesterly side yard setback of 7 feet;
3. A variance from the minimum lot area requirements of Section 143-37 A (2) of the Ordinance to permit construction of the proposed detached garage on the parcel which has a lot area of approximately 16,500 square feet;
4. A variance from the minimum lot width requirements of Section 143-37 A (2) of the Ordinance to permit construction of the proposed detached garage on the parcel which has a lot width of only 75 feet.

FINDINGS OF FACT

1. The applicants are Christine Russell and Anthony Pimpinella, residing at 119 North Park Avenue, Trooper PA 19403, which is located in Lower Providence Township, Montgomery County.

2. The parcel is located in Lower Providence Township, Montgomery County at 117 North Park Avenue, Trooper, PA 19403, being parcel no. 43-00-10219-00-7 (hereinafter the "Parcel").

3. The Parcel has a lot area of approximately 16,500 square feet, being 75 feet wide and 220 feet long. The Parcel is served by public water and public sewer.

4. The Parcel is improved with an existing dwelling house, which has no garage.

5. A 20 foot deep patio is located at the rear of the existing dwelling house.

6. A driveway extends along the southwesterly side lot line from the public street past the dwelling house and to the far end of the 20 foot deep patio.

7. The Parcel has a 12 foot by 12 foot shed that is located in the rear of the Parcel.

8. The applicants propose to construct a 24 foot by 24 foot detached garage.

9. The proposed garage will have a 7 foot side yard setback from the southwesterly side lot line and a 30 foot setback from the rear property line.

10. Because the lot is only 75 feet wide, locating the detached garage so that it complies with the 20 foot side yard requirements of the Ordinance would bisect the rear yard of the property. As a result, the rear yard of the property would be primarily limited to use for the garage and would not generally be available for the use and enjoyment of the applicants.

11. The existing house on the Parcel is set back 72 feet from North Park Avenue. That setback is 22 feet greater than the front yard setback required by the Ordinance.

12. The narrow width of the lot, the 72 foot front yard setback of the existing dwelling house and the 20 foot deep existing patio at the rear of the dwelling house combine to significantly restrict the area available to the applicants for locating the detached garage.

13. If the relief requested is not granted, the applicants will be forced to forego construction of the garage or to construct the garage at a location that will unreasonably impair the ability of the applicants to use and enjoy the rear yard of their property.

14. The applicants testified that their neighbors are in favor of the application.

15. Helen and John Burns, who reside at 121 North Park Avenue appeared and testified in favor of the application.

16. Frances LaMonico, of 110 North Park Avenue appeared and testified in favor of the application.

17. No one appeared in opposition to the application.

18. A garage is a basic and fundamental feature of a detached residential dwelling and if the requested variances are not granted, the applicants will be prevented from reasonably using their residential parcel.

19. Construction of the proposed garage is consistent with the surrounding residential neighborhood and will not be contrary to the general public's health, safety and welfare.

CONCLUSIONS OF LAW

1. The applicants have standing to appear before the Zoning Hearing Board.
2. The Parcel has a hardship, which is not self-imposed.
3. The variances requested represent the minimum variance that will afford relief.
4. The variances requested will not adversely affect the general public's health, safety and welfare.

DISCUSSION

The applicants propose to construct a 24 foot by 24 foot detached garage at the rear of their existing dwelling house. There is no existing garage on the Parcel.

There are several aspects of the existing Parcel which necessitates the requested relief. The existing house on the Parcel is set back 72 feet from North Park Avenue, which is 22 feet greater than the front yard setback required by the Ordinance. In addition, the lot is only 75 feet wide. Locating the detached garage so that it complies with the 20 foot side yard setback requirements of the Ordinance would bisect the rear yard of the property rendering the rear yard unusable except for the garage. Finally, there is a 20 foot deep existing patio at the rear of the dwelling house. The foregoing factors combine to significantly restrict the area available to the applicants for locating the detached garage. If the relief is not granted, the applicants will be forced to construct a garage at a location that will significantly impair the ability to use and enjoy their rear yard or to forego having a garage.

The Board recognizes that in the modern world, a garage is a basic and fundamental feature of a detached residential dwelling. Therefore, if the requested relief is not granted, the applicants will sustain an unnecessary hardship. No one appeared at the hearing and objected to the application. On the contrary, two of the nearby neighbors appeared and affirmatively testified in favor of the application. It is clear that the proposed garage will not adversely impact the general public's health, safety and welfare.

For the foregoing reasons, the Board will grant the requested variances.

DECISION


The following is the decision rendered by the Lower Providence Township Zoning Hearing Board in the foregoing matter:

1. A variance is granted from the minimum rear yard setback requirements under Section 143-37 A (2) of the Ordinance to permit construction of the proposed detached garage on the Parcel with a rear yard setback of 30 feet;
2. A variance is granted from the minimum side yard setback requirements of Section 143-37 A (2) of the Ordinance to permit construction of the proposed detached garage on the Parcel with a southwesterly side yard setback of 7 feet;
3. A variance is granted from the minimum lot area requirements of Section 143-37 A (2) of the Ordinance to permit construction of the proposed detached garage on the Parcel which has a lot area of approximately 16,500 square feet; and
4. A variance is granted from the minimum lot width requirements of Section 143-37 A (2) of the Ordinance to permit construction of the proposed detached garage on the Parcel which has a lot width of only 75 feet.


ORDER

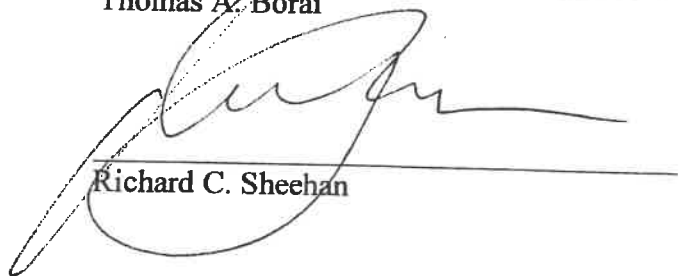
The foregoing Findings, Discussion and Decision are hereby approved and ordered.

LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD


Richard T. Brown

Nancy T. McFarland


Thomas A. Borai


Richard C. Sheehan

Robert G. Hardt

NOTE: Unless otherwise stated in this Decision, any special exception or variance granted herein by the Zoning Hearing Board shall expire if the applicant shall fail to obtain any and all building permits within one (1) year of the date hereof. However, upon the Board's receipt of a request for an extension, the Board may extend the term of the special exception or variance for cause shown.

2x4 WALLS 16" O.C.

TRIP
Humane
Tie

RIDGE CAP

20 YEAR
Shingles

2x6
STRUCTURAL
STRENGTH
RAFTERS
16" O.C.

DOUBLE
2x4
TOP
PLATE

2x4 HEADER

6'6" X 8' STEEL

OVERHEAD DOOR

OR SWINGING
DOUBLE DOORS

DOUBLE
2x4
TOP
PLATE

2x4
SIDING
16" O.C.

2x4 FLOOR JOISTS
12" O.C.

5/8" CDX
FLOOR

← 1/2"

FIR
GRADE

T-111
SIDING

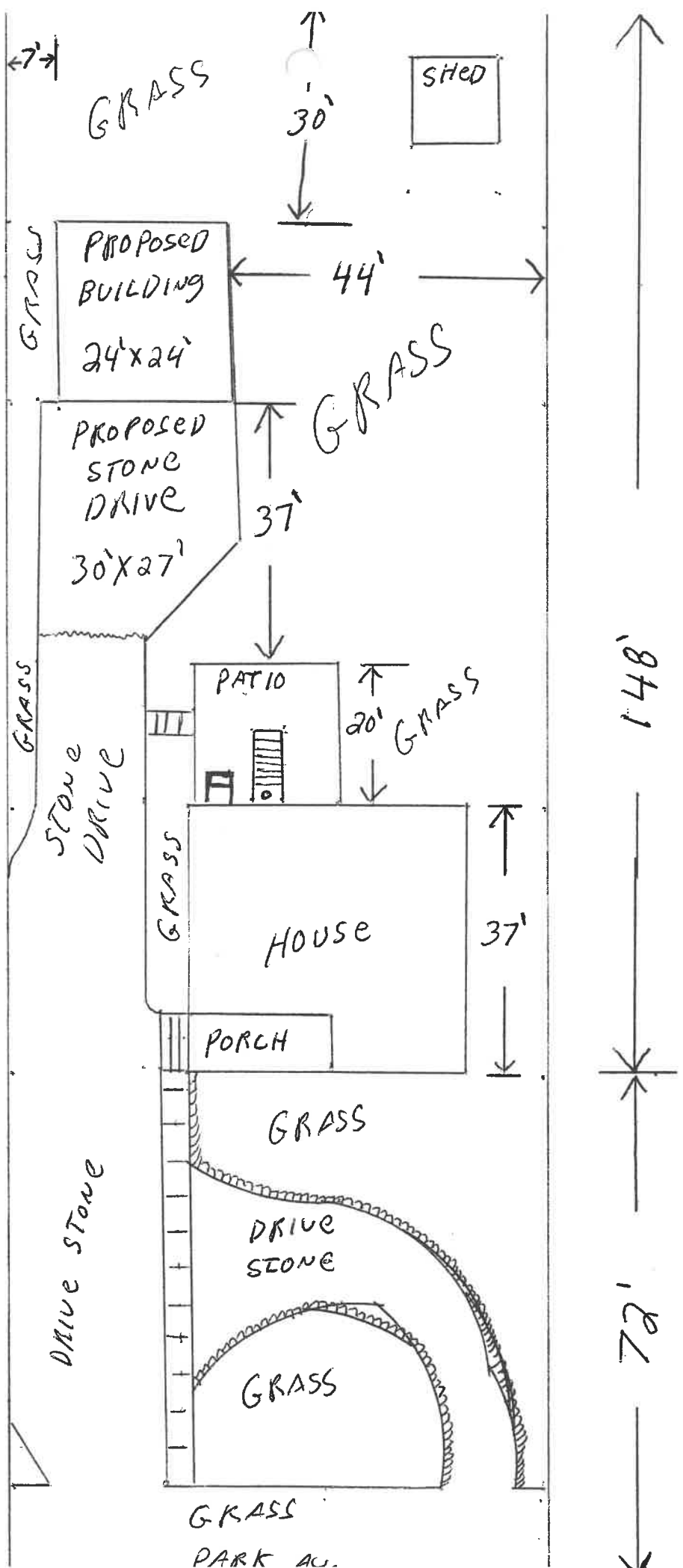
4x4
TREATED SKIDS

24'0"

Anchor to
ground

STRUCTURAL DETAILS

SCALE
20-FOOT = 1-INCH



WOOD NATURALLY INC

RT 100
Hereford, PA 18056
(215)-679-9570

RT 422
Douglassville, PA 19518
(610)-385-0365

2005 T-111 DOUBLE WIDE GARAGE PRICE LIST

<u>SIZE</u>	<u>STANDARD</u>	<u>PREMIUM</u>	<u>Standard Garage Includes:</u>
24X20	\$6,375	\$7,375	2- 8' Wide Double Doors 2- Windows W/ Shutters 1- Ridge Vent Heavy Duty Floor
24X22	\$6,995	\$7,995	
24X24	\$7,395	\$8,395	
24X26	\$7,795	\$8,795	<u>Premium Includes</u> 2- 6'6"x9' Overhead Doors 2- Windows W/ Shutters 1- Ridge Vent 1- 36" Side Door Heavy Duty Floor
24X28	\$8,595	\$9,595	
24X30	\$8,995	\$9,995	
24X32	\$9,795	\$10,795	
24X34	\$10,475	\$11,475	
24X36	\$10,995	\$11,995	
24X38	\$11,885	\$12,885	
24X40	\$12,785	\$13,785	

*** ALL DOUBLE WIDE GARAGES ARE BUILT IN THE COTTAGE STYLE

*** BUILDING STANDARDS

2X4 WALLS WITH 16" ON CENTERS

2X4 FLOOR JOISTS WITH 12" ON CENTERS

5/8" CDX FLOOR

2X6 ROOF RAFTERS, 16" ON CENTER

4X4 PRESSURE TREATED RUNNERS

2 GABLE VENTS

20 YEAR ASPHALT SHINGLES

*** PRICE INCLUDES DELIVERY AND SET-UP WITHIN 30 MILES

*** PLEASE DISCUSS DELIVERY AND SITE PREPARATION WITH YOUR

SALESPERSON

*** 1/2 DOWN DEPOSIT REQUIRED, BALANCE DUE UPON DELIVERY.

*** DUE TO OUR BUILD TO ORDER SYSTEM ALL DEPOSITS ARE NON-REFUNDABLE

Add 15% for Vinyl Siding

FOX, DIFFER, CALLAHAN, SHERIDAN & McDEVITT

ATTORNEYS AT LAW

THREE PENN COURT

325 SWEDE STREET

NORRISTOWN, PENNSYLVANIA 19401-4844

(610) 279-9600

FAX (610) 279-6007

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MICHAEL J. SHERIDAN

DIRECT DIAL (610) 292-2840

September 30, 2005

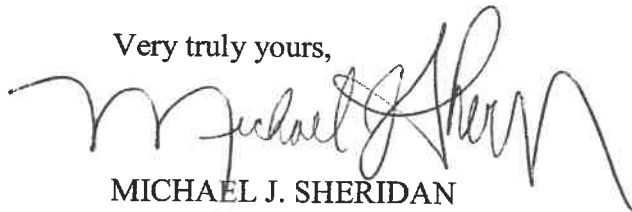
Mr. Michael J. Siegel
Lower Providence Township
100 Parklane Drive
Eagleville, PA 19403

RE: Application No. Z-05-26
Application of Anthony Pimpinella and Christine Russell
Property: 119 North Park Avenue, Trooper, PA 19403

Dear Mike:

Enclosed please find the opinion of the Zoning Hearing Board in the above matter. A copy of the opinion has also been sent to the applicants, Anthony Pimpinella and Christine Russell.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael J. Sheridan", is written over a horizontal line.

MICHAEL J. SHERIDAN
Solicitor for the Lower Providence Township
Zoning Hearing Board

MJS/sbz

Enclosure

cc: Cheryl Imes (w/encl. via email)