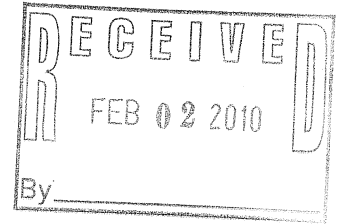


TH
Prop File

MANDRACCHIA & McWHIRK, LLC

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JEFFREY W. SODERBERG

direct email: jws@mmattorneys.com

January 30, 2010

Mr. Joseph Dunbar
Township Manager
Lower Providence Township
100 Parklane Drive
Eagleview, PA 19403

**RE: Lower Providence Township Zoning Hearing Board – Betty R. Simpson,
Application No. Z-09-24**

Dear Mr. Dunbar:

Enclosed is a copy of the Opinion, Decision and Order of the Lower Providence Township Zoning Hearing Board in the above matter. Please be advised that a copy was mailed to the applicant today.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeffrey W. Soderberg", written over a horizontal line.

Jeffrey W. Soderberg

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-09-24	:	HEARING DATE: December 15, 2009
	:	
APPLICATION OF:	:	
Betty R. Simpson	:	
	:	
	:	
PROPERTY:	:	
7 Knottywood Knoll	:	
Norristown, PA 19403	:	
Parcel No. 43-00-06667-50-8	:	

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

The applicant, Betty R. Simpson, (hereinafter referred to as the “Applicant”), filed an application requesting a variance from Section 143-20 in connection with proposed subdivision of the Applicant’s residential property. The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board on December 15, 2009 at the Lower Providence Township Building. All members of the Zoning Hearing Board were present as well as the Solicitor and the Court Reporter.

FINDINGS OF FACT

1. The Applicant is Betty R. Simpson, a widow.
2. The Applicant is the legal owner of the subject property.
3. The subject property is located at 7 Knottywood Knoll, Norristown, PA 19403 (the “Property”). The parcel number of the Property is 43-00-06667-50-8.
4. The applicable zoning is R-2, Residential District.
5. The Applicant was not represented by legal counsel.
6. The relevant lot size of the Property is approximately 3.9996 acres.

7. The present use of the Property began in 1890. The Applicant purchased the portion of the Property on which the existing single family residence, barn and accessory structures are located in 1952.

8. Another portion of the Property connects to the roadway, with a frontage of approximately 27 feet.

9. Between the portion of the Property that connects to the roadway and the portion of the Property on which the existing single family residence is located there is an existing driveway easement.

10. The Property is surrounded by land owned by the Methacton School District, and is essentially an island in the School District's property.

11. The Applicant proposes to subdivide the portion of the Property on which the existing residential dwelling is located, and has entered into an agreement of sale with Michael McGettigan and Stacy McGettigan with regard to a portion of the Property approximately 1.4 acres in area which is conditioned on the subdivision being permitted in accordance with the Township Zoning Ordinance.

12. The McGettigans propose to build a single family dwelling serviced by public water and public sewer in which they would reside on the portion of the Property to be sold.

13. A professional engineering/surveying representative appeared at the hearing on behalf of the Applicant and/or the equitable owners of the portion of the Property to be sold.

14. There are no current plans for any additional/future subdivision of the Property.

15. The requested variance from the requirements under Section 143-20 of the Zoning Ordinance that each and every lot shall abut a public street for at least 50 feet at the right of way lines or in the case of a rear lot for at least 25 feet in connection with the proposed subdivision of

the portion of the Property on which the existing residence is located will not alter the essential character of the neighborhood in which the Property is located.

16. The unique physical characteristics of the Property are causing a hardship.

17. This is not a self-created hardship. Instead, it results from the unique physical characteristics of the Property.

DISCUSSION/CONCLUSIONS OF LAW

1. The Applicant is the legal owner of the Property and has standing to appear before the Board regarding the requested relief.

2. Denial of the requested relief will impose an unnecessary hardship upon the Applicant.

3. The hardship is not self imposed, and is due to the unique physical circumstances of the Property, which includes a portion/lot which is an island in the surrounding land owned by the Methacton School District and only has access to a public roadway via a lot/portion with a frontage of approximately 27 feet.

4. The approval of the requested relief is necessary to enable the reasonable use of the Property.

5. The variance granted by the Board will not alter the essential character of the neighborhood or the zoning district in which it is located, will not substantially impair the appropriate use of adjacent properties and will not be detrimental to the public welfare.

6. The variance granted by the Board represents the minimum that will afford relief from the hardship.

The Applicant has requested a variance from the requirements of the Zoning Ordinance that each and every lot shall abut a public street for at least 50 feet at the right of way lines or in

the case of a rear lot for at least 25 feet. The requested variance is necessary for the proposed subdivision of the portion of the Property on which the existing residential dwelling is located which does not abut a public street.

There are unique physical characteristics of the Property including that the portion of the Property to be subdivided is an island surrounded by Methacton School District land. The requested variance is necessary to alleviate unnecessary hardship due to the unique physical circumstances and characteristics of the Property. The Applicant did not create the unnecessary hardship. The requested variance represents the minimum variance that will afford relief and represents the least modification possible of the applicable provisions of the zoning ordinance. The proposed subdivided lot will be used for a single family residence in conformity with the existing residence on the Property and the neighborhood; therefore the granting of the variance conforms to the essential character of the neighborhood and will not impair the appropriate use or development of any adjacent properties. The Board finds and concludes that the standards for granting a variance have been met and the requested variance should be granted.

DECISION

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

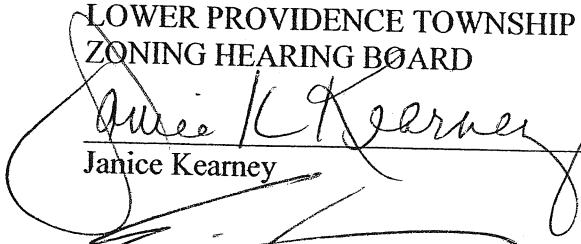
The application for a variance from the requirements of Section 143-20 in connection with the Applicant's proposed subdivision and sale of a portion of the Property is granted.

Dated: January 29, 2010


ORDER

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

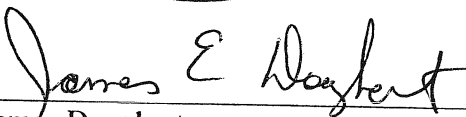
**LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD**



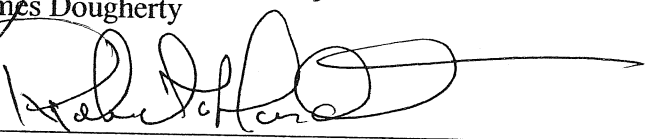
Janice Kearney



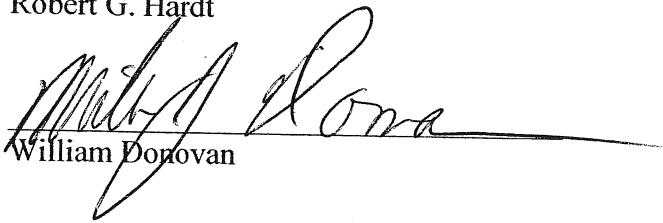
Eric Frey



James Dougherty



Robert G. Hardt



William Donovan

NOTE 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.

