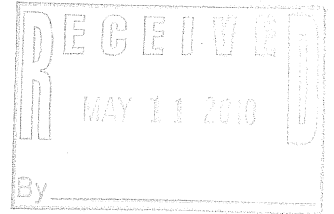


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JEFFREY W. SODERBERG

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May 8, 2010

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

**RE: Lower Providence Township Zoning Hearing Board – Bryant Powell, IV,
Application No. Z-10-01**

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 the mail date is today.

Sincerely,

A handwritten signature in black 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-10-01 : HEARING DATE: March 25, 2010
:
APPLICATION OF: :
Byrant Powell, IV :
:
:
PROPERTY: :
3810 Monitor Drive :
Collegeville, PA 19426 :
Parcel No. 43-00-08800-00-4 :

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

The applicant, Bryant Powell, IV, (hereinafter referred to as the "Applicant"), filed an application requesting a variance from Section 143-19(4) of the Lower Providence Township Zoning Ordinance in connection with proposed construction of an addition to his single family residence to install an in-law suite above the garage with a small kitchen and bath. The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board on March 25, 2010 at the Lower Providence Township Building. All members of the Zoning Hearing Board were present as well as Code Enforcement Manager Tom Heisner, the Solicitor, and the Court Reporter.

FINDINGS OF FACT

1. The Applicant is Bryant Powell, IV.
2. The Applicant is the legal owner of the subject property.
3. The subject property is located at 3810 Monitor Drive, Collegeville, PA 19426 (the "Property"). The parcel no. is 43-00-08800-00-4.
4. The applicable zoning is R-2, Residential District.
5. The Applicant was not represented by legal counsel.

6. The lot size of the Property is approximately .77 acres.
7. The Applicant proposes to build a small addition above the existing garage for in-law quarters for the Applicant's mother-in-law, with a small kitchen and bath and one bedroom.
8. The Applicant testified that if the in-law quarters did not include a bathroom his mother-in-law would have to walk down and through the house to use the bathroom.
9. The Applicant would tie the new bathroom into existing sewer and water.
10. The Applicant understood and agreed that if his mother-in-law stopped living in the in-law quarters he would remove the kitchen.
11. The Applicant testified in response to questioning from the Board that he had already recorded an agreement and/or deed restriction with regard to removal of the kitchen facilities in the addition once his mother-in-law was no longer living in the in-law quarters, in accordance with the requirements of Section 143-19(4)..
12. The Applicant testified in response to questioning from the Board that he understood and agreed that the in-law quarters would be used only for his mother-in-law and not for any rentals.
13. The Applicant stated that he believed he needed approval to install the bathroom. The Code Enforcement Officer stated that the issue was the installation of a kitchen in the proposed addition.
14. The Applicant testified that other than his belief that approval was needed for the bathroom in the in-law quarters, the proposed structure met and will comply with all applicable codes and ordinances of the Township including the Township Zoning Ordinance.
15. The Applicant amended his application to seek relief with regard to installation of the kitchen in the in-law quarters.

16. No neighbors testified in opposition to the proposal.

17. Neighbor Jerry Slonaker testified that he was concerned about possible drainage issues but as the Applicant stated that there would be no additional roof area added there would not be a problem in that regard.

18. The proposed addition will not alter the essential character of the neighborhood in which the Property is located.

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

4. The construction of the addition with in-law quarters including a small kitchen and bath 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.

The Applicant has requested relief in connection with a proposed addition to the existing single family residence. The proposed addition will be located above the existing garage and will include in-law quarters for the Applicant's mother-in-law containing a small bath, kitchen and one bedroom. The proposed in-law quarters will comply with all requirements of the Township Zoning Ordinance, including Section 143-19(4). The Applicant has filed with the Recorder of Deeds an agreement and/or deed restriction providing for the immediate removal of

the separate kitchen facilities in the in-law quarters at such time as they are no longer used by the Applicant's mother-in-law.

The Board finds and concludes that based on the testimony presented by the Applicant, the Applicant has met the standards for the requested relief regarding construction of the addition containing in-law quarters, and that all such relief requested and as may be necessary under the Township Zoning Ordinance should be granted.

DECISION

The decision of the Lower Providence Township Zoning Hearing Board by a 5-0 vote is as follows:

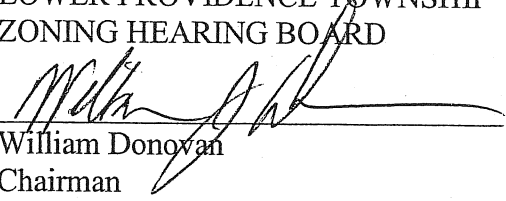
The application for relief with regard to construction of an addition to the Applicant's single family residence which includes in-law quarters, subject to and in compliance with all requirements and restrictions set forth in the Township Zoning Ordinance, including without limitation Section 143-19(4), is granted.

Dated: May 8, 2010

ORDER

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

LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD



William Donovan
Chairman

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.