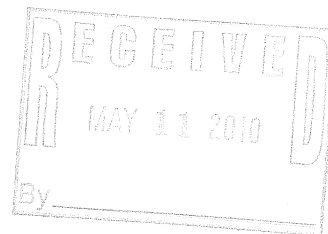


cc: Bos
TH
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JEFFREY W. SODERBERG

direct email: jws@mmattorneys.com

May 8, 2010

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

**RE: Lower Providence Township Zoning Hearing Board – Simon Eastmure,
Application No. Z-10-02**

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 dark ink, appearing to read "Jeff Soderberg", with a long, sweeping horizontal line extending to the right.

Jeffrey W. Soderberg

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-10-02	:	HEARING DATE: March 25, 2010
	:	
APPLICATION OF:	:	
Simon Eastmure	:	
	:	
	:	
PROPERTY:	:	
3812 Landis Mill Road	:	
Collegeville, PA 19426	:	
Parcel No. 43-00-06676-00-4	:	

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

The applicant, Simon Eastmure (hereinafter referred to as the "Applicant"), filed an application requesting a variance from the in-law suite provisions of the Lower Providence Township Zoning Ordinance (Section 143-19(4)) in connection with proposed construction of an addition to the detached garage located on his single family residential property to install an in-law suite for his elderly mother-in-law, with a kitchenette, living area, bedroom and bathroom. 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 Simon Eastmure.
2. The Applicant is the legal owner of the subject property.
3. The subject property is located at 3812 Landis Mill Road, Collegeville, PA 19426 (the "Property"). The parcel no. is 43-00-06676-00-4.
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 40,470 square feet.
7. The Applicant proposes to build an addition to the existing detached garage on his single family residential property for in-law quarters for the Applicant's elderly mother-in-law.
8. The proposed addition would contain a kitchenette, laundry, living area, bedroom and bathroom.
9. According to the Applicant, that the proposed in-law suite is necessary to oversee and take care of his mother-in-law, who is ill.
10. The main residence is unequipped for a ground floor bedroom with access to living areas and it would be a hazard for the mother-in-law to have to use the stairs every day.
11. The proposed ground floor self-contained in-law suite would enable the Applicant's mother-in-law to be on ground level and maintain her independence but would allow the Applicant to monitor and assist with her needs.
12. The Applicant agreed to all applicable restrictions as to the in-law suite under the Township Zoning Ordinance.
13. The site plan attached as part of the Applicant's application for relief demonstrates that the proposed addition containing the in-law suite is within all applicable set-back lines.
14. No neighbors testified in opposition to the proposal.
15. 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 self-contained in-law suite 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 detached garage on his single family residential property. The proposed addition will include an in-law suite for the Applicant's elderly mother-in-law containing a kitchenette, laundry, living area, bedroom, and bathroom. The proposed addition for the in-law suite is necessary to enable the Applicant's elderly and ill mother-in-law to be on ground level and maintain her independence and allow the Applicant to monitor and assist with her needs.

The proposed addition containing the in-law suite will be entirely within the applicable set-back lines under the Lower Providence Township Zoning Ordinance and will comply with all requirements of the Zoning Ordinance, including Section 143-19(4). The Applicant has agreed to comply with all restrictions under the Zoning Ordinance with regard to the in-law suite.

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 the in-law suite, 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:

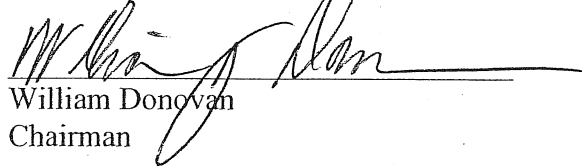
The application for relief with regard to construction of an addition to the Applicant's existing detached garage containing an in-law suite is granted, with and subject to the standard restrictions and all requirements set forth in the Township Zoning Ordinance, including without limitation Section 143-19(4).

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.

