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MANDRACCHIA & McWHIRK, LLC

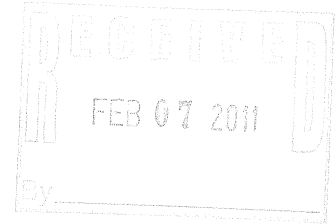
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February 4, 2011

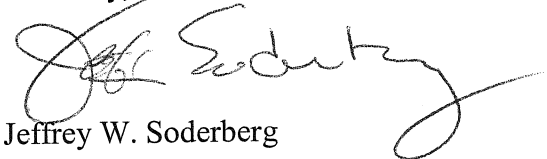
Mr. Joseph Dunbar
Township Manager
Lower Providence Township
100 Parklane Drive
Eagleview, PA 19403

**RE: Lower Providence Township Zoning Hearing Board – Star Career Academy,
Application No. Z-10-19**

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,


Jeffrey W. Soderberg

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-10-19	:	HEARING DATE: December 21, 2010
	:	
APPLICATION OF:	:	
Star Career Academy	:	
	:	
PROPERTY:	:	
2501 Monroe Boulevard	:	
Norristown, PA 19403	:	
Parcel No. 430015118004	:	

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

The applicant, Star Career Academy (hereinafter referred to as the "Applicant"), filed an application requesting a variance from Sections 143-139.A(5) and 143-141 of the Lower Providence Township Zoning Ordinance in connection with proposed installation of a freestanding LED message board sign on the street frontage of the property on Trooper Road and installation of an illuminated sign identifying the Applicant on the wall over the rear door of the building on the property. The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board on December 21, 2010 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 Star Career Academy.
2. The owner of the subject property, 1001 Trooper Road Associates, L.P., granted permission in writing to the Applicant, as tenant at the subject property, to represent the owner as it relates to proceeding with this application. [Exhibit A-1.]
3. The subject property is located at 2501 Monroe Boulevard, Norristown, PA 19403 (the "Property"). The parcel no. is 430015118004.

14. The rear area of the building does not face a street frontage. The rear door of the building is where students and prospective students of the Applicant's school enter the building from the parking lot.

15. The proposed programmable message board sign and rear wall sign are necessary to enable the Applicant to advertise and compete more effectively.

16. There was no public comment regarding this application.

17. In front of the Property, Trooper Road is a busy four lane thoroughfare.

18. The Property is adjacent to and part of a business complex.

19. The proposed sign to be installed in the Trooper Road street frontage of the Property and the proposed sign over the rear door of the Property will not alter the essential character of the neighborhood in which the Property is located.

20. Absent the requested relief the Applicant will suffer an unnecessary hardship. 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 authorized by the owner of the Property to pursue the application and accordingly 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 and/or characteristics of the Property.

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

“including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.” Id. at 263-64, 721 A.2d at 50.

It is only the stringency of the standard in proving an unnecessary hardship that varies, depending on whether a use or dimensional variance is sought. Great Valley School District v. Zoning Hearing Board of East Whiteland Township, 863 A.2d 74, 83 (Pa. Commw. 2004), appeal denied, 583 Pa. 675, 876 A.2d 398 (2005) (citing Zappala Group, Inc. v. Zoning Hearing Board of the Town of McCandless, 810 A.2d 708, 710-11 (Pa. Commw. 2002), appeal denied, 573 Pa. 718, 828 A.2d 351 (2003)); The Friendship Preservation Group, Inc. v. Zoning Hearing Board of Adjustment of the City of Pittsburgh, 808 A.2d 327 (Pa. Commw. 2002); Cardamone v. Whitpain Township Zoning Hearing Board, 771 A.2d 103 (Pa. Commw. 2001).

Despite the trend to apply a relaxed standard to dimensional variances Pennsylvania case law is clear in its approach to the issuing of variances and demands that the reasons for granting a variance must be substantial, serious, and compelling. POA Company v. Findlay Township Zoning Hearing Board, 551 Pa. 689, 713 A.2d 70 (1998); Evans v. Zoning Hearing Board of the Borough of Spring City, 732 A.2d 686 (Pa. Commw. 1999); Soteneanos, Inc. v. Zoning Board of Adjustment of the City of Pittsburgh, 711 A.2d 549 (Pa. Commw. 1998). Moreover, variances from zoning codes should be granted sparingly and only under exceptional circumstances; a variance should not be granted simply because such a grant would permit the owner to obtain greater profit from or use of the property. Commonwealth v. Zoning Hearing Board of Susquehanna, 677 A.2d 853 (Pa. Commw. 1996).

The requested variances are necessary to alleviate unnecessary hardship, including due to unique physical circumstances and characteristics of the Property. The variances are necessary to allow reasonable use of the Property. The Applicants did not create the unnecessary hardship.

The Applicant will accept certain conditions to the requested variances, regarding no additional signage and use restrictions applicable to the digital message board sign. Therefore the requested variances represent the minimum that will afford relief and the least modification possible of the applicable provisions of the zoning ordinance. In addition, the requested variances with certain conditions conform 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 based on the evidence presented by the Applicant the standards for granting the requested variances have been met and the requested variances should be granted.

DECISION

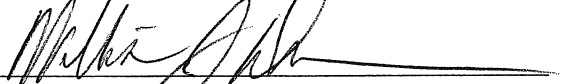
The decision of the Lower Providence Township Zoning Hearing Board by a 4-1 vote is as follows:

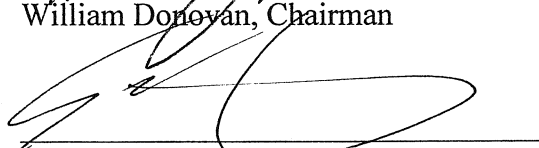
The application for variances from Sections 143-141 and 143-139.A(5) of the Lower Providence Township Zoning Ordinance to permit a digital message board sign in an IP district and to permit a wall sign on the rear of the building is granted, subject to the following conditions: no additional signs may be installed on the Property; the message on the digital message board may not be changed more than twice per day; the Applicant shall submit a copy of its lease for the Property to the Township and the Solicitor for the Zoning Hearing Board; the proposed signs may advertise only matters relating to onsite use of the Property; the proposed

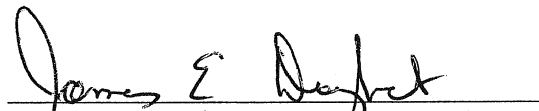
ORDER

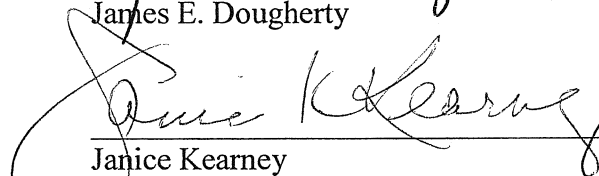
The foregoing Findings, Discussion and Decision are hereby approved and ordered.

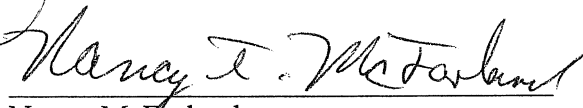
LOWER PROVIDENCE TOWNSHIP ZONING HEARING BOARD


William Donovan, Chairman


Eric Frey, Vice Chairman


James E. Dougherty


Janice Kearney (Dissenting)


Nancy McFarland

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.