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December 1, 2014

SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
7012 3050 0000 3671 9594

Randolph Roberts
201 Church Road
Eagleville, PA 19403

**RE: 201 Church Road, Eagleville, PA 19403; Parcel No. 43-00-02239-00-4;
Notice of Decision of the Lower Providence Township Zoning Hearing Board
Application Z-14-14**

Dear Mr. Roberts:

I am writing in accordance with the Pennsylvania Municipalities Planning Code. Enclosed please find a corrected Notice of Decision of the Lower Providence Township Zoning Hearing Board taken at the hearing held on October 23, 2014.

Pursuant to the decision of the Zoning Hearing Board your application for a variance from the setback requirements of Sections 143-37(A)(2) of the Lower Providence Township Zoning Ordinance is granted.

Should you have any questions regarding the foregoing please contact me.

Very truly yours,



Brandon H. Zanan



BHZ:sld

pc. Nancy J. McFarland, Zoning Hearing Board Chair
Ms. Joyce D. Cluley
Mr. Robert G. Hardt
Ms. Kathie A. Eskie
Thomas A. Borai
Michael Mrozinski, Community Development Director

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO.	Z-14-14	: HEARING DATE:	October 23, 2014
		:	
		:	
APPLICATION OF:		:	
Randolph Roberts		:	
		:	
PROPERTY:		:	
201 Church Road		:	
Lower Providence Township		:	
Eagleville, PA 19403		:	
Parcel No. 43-00-02239-00-4		:	

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

The applicant, Randolph Roberts (hereinafter "Applicant") filed an application requesting

- a variance from the setback requirements of Section 143-37(A)(2) of the Lower Providence Township Zoning Ordinance in connection with the side yard setback, in order to construct an addition to the side of the existing home, incorporating a one-car garage. The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board (the "Board") on October 23, 2014 at the Lower Providence Township Building. All members of the Board were present. Also present were John A. Rule, Esquire, the Solicitor, Michael Mrozinski, Director of Community Development responsible for Zoning/Code Enforcement and the Court Reporter.

FINDINGS OF FACT

1. The Applicant is Randolph Roberts.
2. The Applicant is the owner of the subject property located at 201 Church Road, Eagleville, PA 19403 (hereinafter the "Property"). The parcel number is 43-00-02239-00-4.
3. The applicable zoning district is an R-2, residential district.
4. George Ozorowski, Esq. was present to represent the applicant.

5. The lot size is 46,221 square feet.
6. The present use of the Property is residential.
7. The following exhibits were marked at the hearing:

A-1 Appeal Application

A-2 Deed

A-3 Photo of Property

A-4 Survey Plan by Joseph M. Estock dated July 17, 2013

A-5 Impervious Coverage Calculation

A-6 Site Plan

A-7 Front Elevation

A-8 Rear Elevation

A-9 2nd Floor and Roof Framing

A-10 Garage Section Elevation

B-1 Appeal Application

B-2 Advertisement

B-3 Proof of Publication

8. Applicant is in the process of rehabbing the original stone farmhouse and seeks to demolish the previously built additions and replace them with new modern additions that will allow the residents to use a building with modern standards.

9. The proposed porch reconstruction and restoration to the home is twenty eight (28) feet from the front yard setback, and would cover existing concrete from the original house and porch.

10. The proposed garage is twenty seven feet eight inches (27'8") from the rear yard

setback, and will serve to add to a home that currently does not have a garage and requires significant modernization.

11. The application for a variance was made to accommodate the unusual shape of the nonconforming lot.
12. There was no adverse public comment regarding this application.
13. The Applicant has discussed his proposed building plans with his adjoining neighbors, and none of which have any problems or concerns with the proposed project.
14. There is an unnecessary hardship requiring the grant of a variance.
15. The proposed addition to the home will not alter the essential character of the neighborhood.

DISCUSSION

The Applicants have requested a variance from the setback requirements of Section 143-37(A)(2) of the Lower Providence Township Zoning Ordinance in connection with the restoration and construction of a new front porch, as well as the construction of a two car garage that would replace a shed, greenhouse, and carport. The relief sought is dimensional in nature requesting the allowance of a front yard setback of twenty eight (28) feet for the porch and a rear yard setback of twenty seven feet eight inches (27'8") for the garage.

Differing standards apply to use and dimensional variances. Generally, a variance requires the applicant to show that unnecessary hardship will result if a variance is denied, and that the proposed use will not be contrary to public interest. Hertzberg v. Zoning Bd. Of Pittsburgh, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998) (citing Allegheny West Civic Council, Inc. v. Zoning Bd. Of Adjustment of the City of Pittsburgh, 547 Pa. 163, 167, 689 A.2d 225, 227 (1997)). The quantum of proof required to establish unnecessary hardship in the case of a dimensional variance is, however, lesser than when a use variance is sought. Id. at 258-59.

Regardless of the type of variance sought, 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). Pursuant to the Municipalities Planning Code the following must be found in order for the Board to grant the requested variance that:

(1) There are unique circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

(2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) Such unnecessary hardship has not been created by the applicant.

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. 53 P.S. § 10910.2.

The unique shape and location of the subject Property require the grant of a variance. Undue hardship would result from a denial of the variance. This hardship is not self-imposed but is rather the result of the physical characteristics of the lot and the need for Applicant to add reasonable additions, including a garage, and general modern amenities to the home. There is unnecessary hardship if applicant is unable to build the porch and proposed garage as applicant would not be able to use a building with modern standards. In addition, the garage is replacing existing shed, greenhouse, and carport, which will be demolished. The existing driveway will lead to proposed garage. The variance will not alter the essential character of the residential neighborhood and the additions look to be designed to match the ascetics of the home. Applicant has spoken to adjoining neighbors, and they have no objections. Finally, Applicant has proposed an addition that attempts to limit encroachment into required setback and mirrors, as best possible, the unusual shape of the parcel. It is therefore the minimum variance that will afford the required relief.

Accordingly, the Board finds that the application for a variance from the setback requirements of Section 143-37(A)(2) of the Lower Providence Township Zoning Ordinance is granted.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Denial of the requested relief will impose an unnecessary hardship on the Applicant.
3. The hardship is not self-imposed, and is due to the unique physical circumstances of the Property.
4. The requested relief is necessary to enable the Applicant's reasonable use of the

Property, represents the minimum that will afford relief, and represents the least modification possible of the regulation at issue. The proposed addition to the home will also not alter the essential character of the neighborhood in which the Property is located, and neighbors have no opposition to its construction.

DECISION

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

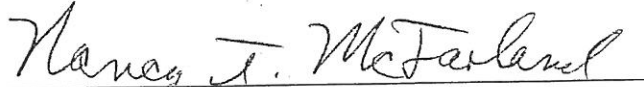
The application for a variance from Section 143-37(A)(2) of the Lower Providence Township Zoning Ordinance is granted.

Dated: December 1, 2014

ORDER

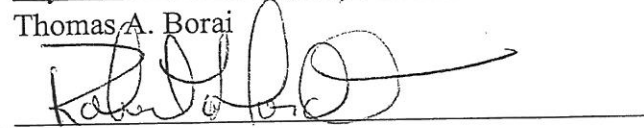
The foregoing Findings, Discussion and Decision are hereby approved and ordered.

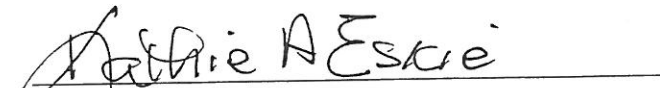
LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD


Nancy McFarland, Chairwoman


Joyce D. Cluley, Vice Chairwoman


Thomas A. Borai


Robert G. Hardt


Kathie A. Eskie

Gail Hager, Alternate

NOTICE 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.