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October 2, 2017

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7015 3430 0000 4433 5679**

Mr. Stephen B. Parris
PO Box 1219
Oaks, PA 19456

**RE: Lower Providence Township Zoning Hearing Board
Application of Stephen B. Parris
Application No. Z-17-12**

Dear Mr. Parris:

In accordance with your Application for variances from Lower Providence Zoning Ordinance 143-240.A., B. and C., enclosed please find a copy of the Opinion, Decision and Order of the Lower Providence Township Zoning Hearing Board. Please be sure you follow the conditions set forth in the Opinion when building your home.

Should you have any questions, please contact me. Good luck with your project.

Very truly yours,


Keith B. McLennan

KM/jds

Enclosure

pc: Kathie A. Eskie, Chairwoman
Gail Hager, Vice Chairwoman
Robert G. Hardt
Joseph Pucci
Patricia Alzamora
Joseph Bergquist
Michael Mrozinski, Community Development Director

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO.	Z-17-12	:	HEARING DATE:
		:	August 24, 2017
		:	
APPLICATION OF:		:	
Stephen B. Parris		:	
		:	
		:	
PROPERTY:		:	
7 Acre Lot, Level Road		:	
Collegeville, PA 19426		:	
Parcel No. 43-00-07306-00-4		:	

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

On July 7, 2017 applicant, Stephen B. Parris (hereinafter "Applicant") filed an application for variances from the following sections of the Lower Providence Township Zoning Ordinance ("Ordinance"):

- §143-240.A. prohibiting freestanding structures, buildings and retaining walls in the steep slope conservation district;
- §143-240.B. prohibiting the installation of roads, access driveways and parking facilities in the steep slope conservation district;
- §143-240.C. prohibiting the clearing or excavation of land in the steep slope conservation district.

The Application was properly advertised, and a public hearing was held at the Lower Providence Township Building before the Lower Providence Township Zoning Hearing Board ("Board") on August 24, 2017. Chairwoman Kathie A. Eskie, Vice Chairwoman Gail Hager and members Robert G. Hardt, Joseph Pucci and Joseph Bergquist of the Zoning Hearing Board were present at the hearing. Also present at both hearings were, Michael Mrozinski, the Director of

Community Development responsible for Zoning/Code Enforcement, Paula Meszaros, the Court Reporter and Keith B. McLennan, Esquire, the Solicitor.

FINDINGS OF FACT

1. The Applicant is Stephen B. Parris the owner of the approximate seven (7) acre wooded tract of ground located on the west side of Level Road between that road and the Perkiomen Creek and across from 300-306 Level Road, Collegeville, Lower Providence Township, Montgomery County, Pennsylvania at parcel number 43-00-07306-00-4 (the "Property").

2. The applicable zoning district is R-3 residential which permits single-family detached and two-family and duplex dwellings only.

3. The Property is located in the steep slope conservation district.

4. The Property includes an existing paved driveway in disrepair and ruins from a previous structure.

5. Applicant's land surveyor Andrew Miller from Hopkins and Scott, Inc. professional land surveyors 207 Franklin Ave, Phoenixville, PA 19460 testified for the Applicant at the hearing.

6. Applicant intends to construct a single-family home on the Property as his primary residence with a 2 car attached garage, outside parking area and turnaround.

7. The Property will be located above the floodplain and floodway of the Perkiomen Creek.

8. The steep slope disturbance area outside of the floodplain is 0.26 acres at the maximum.

9. The residence will be constructed at least ninety (90) feet from the watercourse.

10. Installation of a retaining wall is intended to protect the integrity of the existing steep slopes above the proposed single-family residence.

11. The proposed location of the single-family residence, driveway and retaining wall assures that there will be no impact on the Perkiomen Creek or its flow in the ordinary course or in the event of a flood.

12. The proposed location of the single-family residence, driveway and retaining wall within the Steep Slope Conservation District is the only feasible location due to the unique nature of the property with the Perkiomen Creek and floodplain to the west and the steep slopes to the south and east of the Property.

13. No alternative means of design or construction exist to avoid the encroachment of 0.26 acres of steep slopes with the building of the single-family dwelling, driveway and retaining wall where proposed.

14. David Cooksley, 7008 Shawnee Circle testified both in support and against the Application with his opposition primarily based upon his concern with erosion control in the sanitary sewer right of way during installation of the sewer lateral.

15. Applicant submitted its intended development plan for the Property to the Lower Providence Township Planning Commission on August 23, 2017.

16. The Lower Providence Township Planning Commission recommended that the proposed disturbance of the steep slopes be permitted by a vote of 8 for and 1 against.

17. The Applicant has timely submitted its development plans to the Montgomery County Conservation District.

18. Applicant has otherwise agreed to comply with all other applicable sections of the Ordinance, the flood plain ordinance and the Township's Subdivision and Land Development

Ordinance (“SALDO”).

19. Applicant consents to the imposition of the condition that the property will not be subdivided in the future for construction of another structure.

20. Granting the requested variance will not alter the essential character of the neighborhood in which the Property is located.

21. Absent the requested relief, the Applicant will suffer a hardship not created by the Applicant. Rather, it results from the unique physical characteristics of the Property including the unique topography of the Property, the Perkiomen Creek, floodway and flood plain.

22. The following exhibits were made of record:

A-1 Artist’s rendering of the proposed home design (7 pages);

A-2 Building Permit Plan – Existing Conditions/Natural Resources/Proposed Site Plan dated July 5, 2017;

A-3 Building Permit Plan – Erosion and Sedimentation Control/Grading Plan dated July 5, 2017;

B-1 Application Advertisement.

B-2 Proof of Publication of the Advertisement.

C-1 Enlarged section of the Building Permit Plan with emphasis on the sanitary sewer right of way offered by Mr. Cooksley (2 pages).

DISCUSSION

I. Dimensional v. Use Variance.

There are 2 types of variances, a “dimensional” variance and a “use” variance. Differing standards apply to use and dimensional variances. One who advances a dimensional variance seeks to adjust zoning regulations so that the property can be used in a manner consistent with

the zoning regulations. Hertzberg v. Zoning Bd. Of Pittsburgh, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998). In contrast, a use variance seeks to use the property in a way that is inconsistent or outside of the zoning regulations. Tidd v. Lower Saucon Township Zoning Hearing Board, Green Gable Investment Partners, LP and Lower Saucon Township, 118 A. 3d 1 (Pa. Cmwlth. 2015). Regardless of whether the variance sought is a use or dimensional variance, 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. Cmwlth. 1999); Soteneanos, Inc. v. Zoning Board of Adjustment of the City of Pittsburgh, 711 A.2d 549 (Pa. Cmwlth. 1998). The Supreme Court in Hertzberg held that the Zoning Hearing Board must, at the beginning of its analysis of an appeal from the terms of the Zoning Ordinance, determine whether the requested relief is for a use variance or a dimensional variance. Id. at 263-64, 721 A.2d at 50. In this case the Board is asked to grant a series of variances that are of the more restrictive “use” variety.

II. Use Variance Legal Standard.

A. Use Variance Generally.

A traditional use 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. To obtain a variance the Applicant must pass the following five (5) part variance test set forth in §143-168 of the Ordinance:

A. Variance. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical 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) That 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) That the unnecessary hardship has not been created by the applicant.

(4) That 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) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In the context of use variances, “unnecessary hardship” is established by evidence that: (1) the physical features of the property are such that it cannot be used for a permitted purpose; or (2) the property can be conformed for a permitted use only at a prohibitive expense; or (3) the property has no value for any purpose permitted by the zoning ordinance.” Marshall v. City of Philadelphia, 626 Pa. 385, 395, 97 A.3d 323, 329 (2014) (citing Hertzberg v. Zoning Bd. Of Pittsburgh, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998) and 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)). In establishing hardship, an applicant for a variance is not required to show that the property at issue is valueless without the variance or that the property cannot be used for any permitted purpose, though there must be more than mere economic hardship or increase in property value. *Id.*

B. Steep Slope Use Variance.

When dealing with steep slope variances the procedures and standards utilized in non-steep slope districts changes by adding to the “undue hardship” standard noted generally above additional considerations articulated in §143-242 of the Ordinance as follows:

§143-242 Procedures and standards for special exception uses and

variances.

A. Procedures for consideration of a special exception or variance. All applications for approval by special exception or variance shall be considered in accordance with the following procedures:

- (1) The Zoning Hearing Board shall hold a public hearing, giving public notice in accordance with Article XI hereof.
- (2) In addition to submission of the application and plans to the Zoning Hearing Board as required in accordance with § 143-241A and B herein, the applicant shall submit the same material to the Office of the Montgomery County Conservation District for review, at least 30 days prior to the public hearing.
- (3) Township staff shall request, at least 30 days prior to the public hearing, the review and recommendations of the Lower Providence Township Planning Commission.
- (4) Township staff may request the review and recommendations of technical agencies or appropriate planning agencies to assist in determining the environmental impact of the proposed use(s). Any such review shall be requested at least 30 days prior to the public hearing.
- (5) In rendering a decision, the Zoning Hearing Board may impose special measures or conditions as deemed reasonably necessary and appropriate for the proposed use(s) to conform to the intent of this article.

C. Standards for approval of uses by variance. In considering a use by variance, the Zoning Hearing Board shall consider the following:

- (1) The applicant's compliance with the burdens of proof required by Section 910.2 of the Pennsylvania Municipalities Planning Code, and as may be amended.
- (2) Compliance with the standards of Subsection B(2) through (7) herein.

Subsection B of §143-242 although addressed to special exceptions, was by express operation of subsection C made applicable to use variances in the Steep Slope Conservation District as follows:

B. Standards for approval of uses by special exception. In considering a use as a special exception, the Zoning Hearing Board shall consider the following:

- (1) (not applicable).
- (2) The relationship of the proposed use to the specific objectives set forth in § 143-235 of this article.¹
- (3) The design standards set forth in the Subdivision and Land Development Ordinance of Lower Providence Township.
- (4) The erosion and sediment control plan submitted with the application, drawn in accordance with the requirements of the Subdivision and Land Development Ordinance of Lower Providence Township.
- (5) Abutting property shall not be adversely affected by runoff or erosion from the proposed use.
- (6) The general welfare, safety and public interest of Lower Providence Township or adjacent municipalities shall not be adversely affected.
- (7) Any use permitted by special exception shall provide evidence that:

(a) Proposed buildings or structures are of sound engineering design and that footings are designed to extend to stable soil and/or bedrock as required by the Township Building Code.

(b) Proposed vehicular facilities, including roads, drives and/or parking areas, shall be so designed that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignments of vehicular facilities shall be so designed that hazardous circulation conditions shall not be created.

(c) Proposed on-lot sewage disposal facilities shall be properly designed and installed in conformance with all pertinent health regulations.

(d) Proposed nonagricultural displacement of soil shall be for causes consistent with the intent of this article and shall be executed in a manner that will not cause excessive erosion or other unstable conditions.

(e) Surface runoff of water will not create unstable conditions, including erosion, and that appropriate stormwater drainage facilities or systems

¹ §143-235 A. – K. sets forth the public policy reasons why steep slopes are regulated. When analyzing Applicant's plans at the hearing, each of these considerations were reviewed to the satisfaction of the Board.

will be constructed as deemed necessary.

Finally, these are the operative sections of the Ordinance that must be applied to any analysis of a request for a variance in the steep slope conservation district. In light of the public policy considerations regarding steep slopes, it should be no surprise that the test is more rigorous than when addressing a variance request in a non-steep slope district.

III. Facts Applied to the Legal Standard.

A. Freestanding structures, buildings and retaining walls in the Steep Slope Conservation District under §143-240.A.

This section of the Ordinance states that freestanding structures, buildings and retaining walls are prohibited in the Steep Slope Conservation District. Applying the *standard* variance test embodied in §143-168.A. and the standards articulated in §143-242.A. of the Ordinance to this section warrants the same result.

Applicant seeks to construct a single-family residence on the Property, which, in and of itself does not materially impact the steep slopes. Rather, the reconstruction of the existing driveway that will include widening and the installation of a turnaround area and a retaining wall encroach on the steep slope area. Fortunately, for the Applicant, the overall encroachment of the steep slopes only impacts 0.26 acres of the steep slopes. As testified by the both the Applicant and his land surveyor, there is no other location for the home due to the Perkiomen Creek to the west and the Level Road to the east. Further, any movement of the home down the slope would place it squarely in the flood plain and the floodway. Finally, access to the property would be via the existing driveway to be improved but its location would remain the same. Due to the very nature of the property use of the Property is limited to say the least.

The competing interests of the Township to preserve the steep slopes in order to

minimize erosion, stream siltation and soil failure to preserve public safety versus the property owner's right to develop its property is the crux of the regulation at issue. When a property owner is unable to reasonably develop its property in strict conformity with the Ordinance due to the unique nature of that property the law says something has to give. That is particularly true where the public policy objectives of the Ordinance can be sufficiently preserved as in this case.

Here the Applicant has carried his burden under §143-168.A to establish the existence of an unnecessary hardship. Subsection A.(1) requires a finding that the physical characteristics of the property are unique. Not only is the lot at issue irregular in that it is either located in the flood plain or steep slope district but of its 7 acres approximately 0.52 acres will be subject to disturbance, of which only 0.26 is in the steep slope. The resulting residence will be a modest 1,974 square feet demonstrates a nominal amount of buildable land from which the Applicant must choose for his home. Thus, in satisfaction of §143-168.A.(2) there was no reasonable use of the land without the variance. Perhaps the most compelling evidence that the physical conditions of the Property make it impossible to develop the property in conformity with the Ordinance is the fact that nothing has been constructed there since at least the 1960's when it is believed that the dwelling that is now a ruin, burned down.

The next part of §143-168.A. is (3) which provides that the unnecessary hardship cannot be created by the applicant. Much controversy exists in the case law regarding this element. The conventional wisdom of zoning hearing boards and applicants alike is that if one buys a property with knowledge of the offending condition, in this case, steep slopes, the hardship was "created by the applicant." The Pennsylvania Supreme Court has rejected the notion that the hardship was self-created, where a developer knew of the steep slopes when it entered into an agreement to purchase the property. In Wilson v. Plumstead Township Zoning

Hearing Board, 936 A.2d 1051 (Pa. 2007), the Court affirmed that the purchase of land with prior knowledge of zoning restrictions, without more, does not give rise to self-inflicted hardship.²

Next we turn to §143-168.A.(4) which concerns itself with: (i) alteration of the neighborhood, (ii) effect upon the use or development of adjacent property, and (iii) impact upon public welfare. Those issues are addressed hereafter seriatim:

(i) As noted previously, the Property is located in the R-3 residential zone. The R-3 zone permits single-family detached dwellings, precisely what is being proposed in this case.

(ii) Further, Mr. Cooksley testified that he has lived at 7008 Shawnee Circle, the street adjacent to the Property, for approximately 7 years. He intimated that the property at issue has remained as it presently is all that time. His only concern about the development of the parcel related to erosion and the work to be performed in the sanitary sewer right of way. The work proposed that is closest to Mr. Cooksley's house in the sewer right of way is not in the steep slope section nor is it close to any other neighbor. What is more, his concerns regarding erosion in the sanitary sewer right of way manifestly addressed in the Township SALDO but also §143-235. A. – E. and H. as well as §143-242.C. of the Ordinance, other similar Township ordinances and conditions imposed by the Board.

(iii) Finally, the Applicant has testified that other than the 0.52 acres to be disturbed he will keep the Property wooded and agreed to the imposition of a no subdivision

² Where zoning regulations prevent any use of a property the "hardship" requirement for a variance exists. When the other requirements for a variance are met by the development plan, the availability of a variance will itself give the property a value. The hardship is not "created" by the fact that the purchaser bought the property knowing that a variance is needed. However, where the purchaser's basis for the variance is the fact that she paid a lot of money for the land, that is not a valid basis for the variance since the hardship was self-inflicted. See: Pohlig Builders v. Zoning Hearing Board of Schuylkill Township, 25 A.3d 1260 (Pa. Cmwlth. 2011) and Manayunk Neighborhood Council v. Zoning Board of Adjustment of the City of Philadelphia, 815 A.2d 653 (2003) which held that unless the hardship arises from the purchase itself, as where the price paid was too dear, transfer of the property does not create the hardship.

condition. Thus the property will be essentially the same as it is now. No argument has been or could be made after 50 years that the Property in its current state is detrimental to the public welfare.

Our final standard that must be applied to determine whether an unnecessary hardship exists is §143-168.A.(5) to wit: whether the variance, if authorized represents the minimum variance that will afford relief and represents the least modification of the steep slope ordinance. Applicant and Mr. Miller, his land surveyor testified that utilization of the existing driveway and car port areas is not only the best place to locate the dwelling because of the flood plain to the west but also because most of that land is not steep slopes. In fact, Mr. Miller testified that the 0.26 of an acre of steep slopes impacted was conservatively high. Further, Applicant and Mr. Miller each testified that the existing steep slopes were sufficiently stable and that the minimal area for development would not alter the stability of the existing slopes. The retaining wall and improved driveway would only enhance that stability. There simply is no other positioning of the home that would impact the steep slopes less. Any other result would render the only remaining buildable portion of the Property useless and thus a hardship. Add the conditions imposed by the Board herein and the spirit of the Ordinance can be maintained. Thus it is hard to conceive of a less impactful variance from the steep slope ordinance. When, after considering all of these factors the Applicant establishes a sufficiently serious and compelling reason for relief, a variance should issue. Larsen v. Zoning Board of Adjustment of the City of Pittsburgh, 543 Pa. 415, 672 A.2d 286 (1996). The requested variance is warranted subject to the conditions articulated below.

B. *Roads, access driveways and parking facilities in the steep slope conservation district §143-24.B.*

This section of the Ordinance states that roads, access driveways and parking

facilities are prohibited in the Steep Slope Conservation District. The facts regarding the installation of a single family residential dwelling noted above are equal in their application to the installation of the access driveway and parking area that support the dwelling. Thus applying the same variance legal analysis regarding §143-168.A. and §143-242.A. made in III. A. above to this section warrants the same result. Factors 1-4 of §143-168.A., by their very nature have not changed when applied to a driveway and parking area. The only possible factor under §143-168.A. is (5) regarding the minimum variance that represents the least modification possible of the steep slope regulation. According to Exhibit A-3, the proposed improved driveway and parking area will amount to 2,870 square feet or 6.6% of an acre or .94% of the entire parcel.³ Further, a significant portion of that square footage is not even impacted by steep slopes. Reviewing Exhibit A-3 it can be seen that other than utilization of the existing driveway and car port for the driveway and parking areas placement of those 2 things elsewhere would invade significantly more steep slopes. The variance represents the least modification of the steep slope regulation.

C. *Clearing or excavation of land in the steep slope conservation district*
§143-240.C.

This section of the Ordinance states that clearing or excavation of land are prohibited in the Steep Slope Conservation District except when related to an activity approved either by special exception as set forth in §143-239 or by variance. A review of §143-239 reveals that the clearing/excavation of land in this case does not fit within subsections A-E. Therefore, the Applicant must again demonstrate that an unnecessary hardship exists to obtain a variance to permit him to perform land clearing/excavation in the steep slope district.

Just as with III. B. above the facts regarding the installation of a single family

³ There are 43,560 square feet in an acre. $43,560 \times 7 \text{ acres} = 304,920 \text{ square feet}$.

residential dwelling noted above are equal in their application to land clearing and excavation necessary to construct that dwelling. Thus applying the same variance legal analysis regarding §143-168.A. and §143-242.A. made in III. A. above to this section warrants the same result. Factors 1-4 of §143-168.A., by their very nature have not changed when applied to land clearing/excavation. Similarly, regarding §143-168.A.(5) regarding the minimum variance that represents the least modification possible of the steep slope regulation, the only land clearing/excavation to be performed applies to the same driveway and parking area noted above. Thus the result of our analysis in III.B. that the variance requested was the minimum variance that represents the least modification possible of the steep slope regulation applies equally to land clearing/excavation.

Accordingly, the Board concludes that the test for a variance embodied in §143-168.A. has been met. In addition, the Board concludes that the legislative intent of §143-235 and the procedures and standards for variances from the steep slope regulations of §143-242 have been satisfied subject to those conditions specified below.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Denial of the requested variance relief addressed hereby will impose an unnecessary hardship on the Applicant.
3. The proposed use will not alter the essential character of the neighborhood in which the Property is located, and will not contravene the use of adjacent property or endanger public safety.
4. Rigid compliance with the Ordinance in this case is unnecessary for preservation of the public interest sought to be protected by the Ordinance.

5. 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 regulations at issue.

DECISION

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

1. The Application for a variance from the use requirements of Lower Providence Township Zoning Ordinance §143-240.A. to permit the installation of the single family detached residential dwelling and accompanying retaining wall within the Steep Slope Conservation District as depicted on the plans introduced as Exhibits A-2 & A-3 is Granted subject to the following conditions:

- a. Compliance with §143-235 of the Ordinance regarding erosion, soil failure, silt vacation/restriction via a silt protection berm;
- b. No future subdivision of the property (by agreement of the Applicant);
- c. No more than .26 acres of disturbance of the steep slopes as depicted on the plans introduced as Exhibits A-2 & A-3.

2. The Application for a variance from the use requirements of Lower Providence Township Zoning Ordinance §143-240.B. to permit the installation of a driveway and parking area within the Steep Slope Conservation District as depicted on the plans introduced as Exhibits A-2 & A-3 is Granted subject to those same conditions set forth in 1.a.-c. above.

3. The Application for a variance from the use requirements of Lower Providence Township Zoning Ordinance §143-240.C. to permit land clearing and excavation within the

Steep Slope Conservation District as depicted on the plans introduced as Exhibits A-2 & A-3 is
Granted subject to those same conditions set forth in 1.a.-c. above.


Applicant shall otherwise comply with all other applicable Lower Providence Township
Ordinances, Pennsylvania State laws, codes or regulations and federal laws, codes or
regulations.

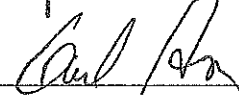
Dated: October 2, 2017

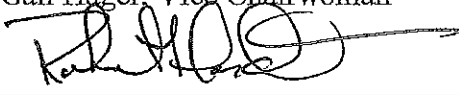
ORDER

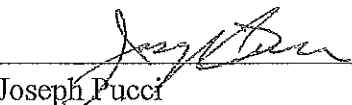
The foregoing Findings, Discussion and Decision are hereby approved and ordered.

LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD

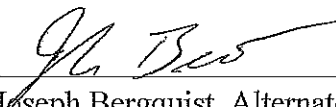

Kathie A. Eskie, Chairwoman


Gail Hager, Vice Chairwoman


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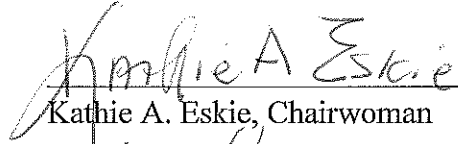
NOTICE TO APPLICANT

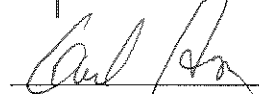
There is a thirty (30) day period after the date of a decision for an aggrieved person to file an appeal in the Court of Common Pleas of Montgomery County to contest an approval or denial by the Zoning Hearing board. If the Applicant has been granted Zoning Hearing Board approval, the Applicant may take 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.

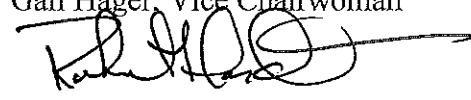
ORDER

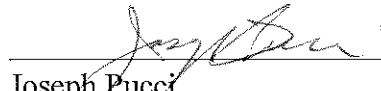
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LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD

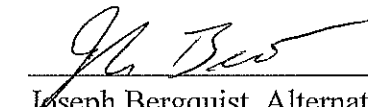

Kathie A. Eskie, Chairwoman


Gail Hager, Vice Chairwoman


Robert G. Hardt


Joseph Pucci

Patricia Alzamora


Joseph Bergquist, Alternate

NOTICE TO APPLICANT

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