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April 5, 2018

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7015 3010 0002 1910 8312**

Superiorland Concessions, LLC
c/o Shane DeVought
5317 Fruitville Road, #160
Sarasota, FL 34232

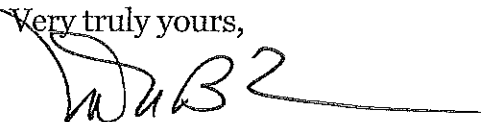
**RE: Lower Providence Township Zoning Hearing Board
Application #Z-18-01**

Dear Mr. DeVought:

I am writing to advise you that on February 22, 2018 your Application for a special exception under §143-24.G. of the Lower Providence Township Zoning Ordinance was denied for the reasons outlined in the attached Opinion, Decision and Order.

If you should have any questions regarding the Board's decision, please do not hesitate to contact me.

Very truly yours,



Keith B. McLennan

KBM/jds
Enclosure

pc: Kathie A. Esie, Chairwoman
Gail Hager, Vice Chairwoman
Joseph Pucci
Patricia Alzamora
George J. Ozorowski, Esquire

Jill Zimmerma, Esq.
Robert G. Hardt
Michael W. Mrozinski
(via e-mail)

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-18-02 : HEARING DATE: February 22, 2018
:
:
APPLICATION OF: :
Superiorland Concessions LLC :
:
PROPERTY: :
2800 Ridge Pike :
Lower Providence Township :
Trooper, PA 19403 :
Parcel No. 43-00-11512-00-1 :

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

The applicant, Superiorland Concessions LLC (hereinafter "Applicant") filed an application on January 26, 2018 requesting a special exception under Section 143-24.G. of the Lower Providence Township Zoning Ordinance ("Ordinance") entitled Temporary structure or use. Applicant seeks permission for the outdoor sale of Philadelphia Eagles merchandise leading up to their participation in the Super Bowl in the Shell gas station parking lot located at 2800 Ridge Pike, Lower Providence Township, Trooper, PA 19403. The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board on February 22, 2018 at the Lower Providence Township Building. The following members of the Zoning Hearing Board were present: Kathie Eskie, Chairwoman, Gail Hager, Vice-Chairwoman, Joseph Pucci, Patricia Alzamora, George J. Ozorowski and Robert Hardt, and Jill Zimmerman, alternates. Also present were Michael Mrozinski, the Director of Community Development responsible for Zoning/Code Enforcement, Paula Meszaros, Court Reporter and Keith B. McLennan, the solicitor.

FINDINGS OF FACT

1. The Applicant is Superiorland Concessions LLC, a Florida limited liability

company not registered to do business in Pennsylvania.

2. In an effort to capitalize on the Philadelphia Eagles Football Club's reaching the Super Bowl, the Applicant established a tented retail location at the subject property located at 2800 Ridge Pike, Lower Providence Township, Trooper, PA 19403, parcel number is 43-00-11512-00-1 (hereinafter the "Property").

3. Upon being cited for failure to comply with Section 143-24.G. of the Ordinance the Applicant filed the instant application.

4. At the hearing on February 22, 2018 the case was called however, the Applicant failed to appear.

5. The following exhibits were admitted:

B-1 Advertisement;

B-2 Proof of Publication.

DISCUSSION

The Applicant requested a special exception under §143-24.G. of the Ordinance to allow for the establishment of a tent for peddling purposes on the Property.

In order to obtain a special exception §143-168.D. of the Ordinance places the burden upon the Applicant to establish by competent evidence and testimony that:

(a) the applicant's application falls within the provisions of the ordinance which accords to the applicant the right to seek a special exception; and

(b) the allowance of a special exception will not be contrary to the public interest.

By its failure to appear at the hearing the Applicant failed to meet its burden leaving the Board no choice but to deny Applicant's request.

DECISION

Accordingly, the unanimous decision of the Lower Providence Township Zoning Hearing Board is that the Application for a special exception under §143-24.G. of the Lower Providence Township Zoning Ordinance is denied.

Dated: April 5, 2018

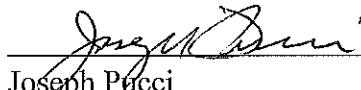
ORDER

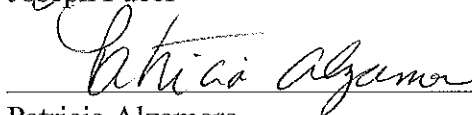
The foregoing Findings, Discussion and Decision are hereby approved and ordered.

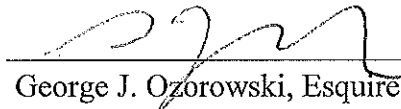
LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD


Kathie A. Eskie, Chairwoman


Gail Hager, Vice Chairwoman


Joseph Pucci


Patricia Alzamora


George J. Ozorowski, Esquire

Jill Zimmerman, Esquire Alternate

Robert G. Hardt, 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.