

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO. Z-20-15

:
:

STEPHEN HAMADAY

22 DORCHESTER RD.

Tax parcel 430010219007

:

HEARING DATE: October 29, 2020

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

INTRODUCTION AND BACKGROUND

Applicant seeks side and rear yard setback relief in connection with a proposed 18' x 36' detached garage. A 60 foot rear yard and 20 foot side yard setback are required, 143-37A.2, and Applicant proposes a 10 foot side yard setback and 33'6" rear yard setback.

The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board (the "Board") on October 29, 2020 at 7:00 p.m. at the Lower Providence Township Building. Joseph E. Bresnan, Esquire served as conflict counsel to the Zoning Hearing Board. The Board and parties were present in the hearing room, while other citizens participated via the internet due to the pandemic. Board member Alzamora recused herself and alternate Gerdes participated.

Board exhibits included:

B-1, Copy of application

B-2, Legal notice and proof of publication

B-3 Certificate of notification to neighbors

B-4, Letter to neighbors and list of addresses

B-5, Certificate of posting

Applicant submitted a diagram as exhibit A-1. Several illustrations are attached to his application and were also referred to during testimony.

FINDINGS OF FACT

1. Applicant is the legal owner of the subject parcel.

2. His home was built in 1972 and is in the Cold Springs Development.
3. Applicant wishes to build a detached garage primarily to store a collectible car that he owns.
4. The garage would be an all steel prefabricated structure, painted to match the color of the house. It would hold two cars plus storage of yard equipment and like items.
5. As Applicant explained, if he were to meet the setback requirements, then he could only build a garage of 11 feet in length, which is too short to store the vehicles. This is so because anything longer would prevent vehicles from turning into the existing garage.
6. The neighbor to the rear's home is several hundred feet from the rear property line.
7. The closest neighbor to the side, Nicholas Mancini, has no objection to the requested variance.
8. Ilissa Thorpe, 3549 Arcola Rd., lives behind Applicant and participated with comments and questions with respect to buffering of the proposed garage. This resulted in the conditions that are included in the order, which appeared to satisfy Ms. Thorpe.
9. The Board voted 5-0 to approve the application, with conditions noted in the order.
10. A letter was sent to Applicant the following day, summarizing the relief granted.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. The Board has jurisdiction over applications seeking variance relief.
3. The Board finds on a consideration of the totality of the evidence that Applicant sustained its burden of proof and therefore the requested variance is granted. An order follows.

{ORDER FOLLOWS ON NEXT PAGE}

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ORDER

For the reasons set forth in the foregoing decision, the Order of the Lower Providence Township Zoning Hearing Board is as follows:

The application for a variance from Ordinance 143-37A.2 is GRANTED and Applicant may install a detached garage as illustrated in his application at setbacks of 10 feet for side yard and 33'6" for rear yard, subject to the following conditions:

1. The garage may not be taller than 12 feet.
2. Existing trees not in the area of construction will remain and Applicant will add evergreens behind the garage along the outside rear garage wall to buffer it from view as a supplement to existing trees. The Board does not set an exact number of new plantings but anticipates 3 or 4 new trees. The exact number will be determined by the zoning officer after accounting for sight lines and existing foliage.

**LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD**

Kathie A. Eskie, Chairwoman

George J. Ozorowski, Vice Chairman

Gail Hager

Joseph Pucci

Chris Gerdes