

**BEFORE THE ZONING HEARING BOARD OF WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

IN RE: APPLICATION OF
GEORGE AND TARA LEMING

NO. 2017-09
APPLICATION FOR A VARIANCE

DECISION

The Applicants/Owners, George and Tara Leming, request relief to permit a 54" high fence at 1899 Cassel Road, Worcester Township, in the AGR – Agricultural Zoning District.

A public hearing on the above Application was held on July 25, 2017 at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, pursuant to Notice as required by the Worcester Township Zoning Ordinance, as amended (hereinafter "Zoning Ordinance") and the Pennsylvania Municipalities Planning Code. Upon consideration of the evidence and testimony presented regarding the Application, the Zoning Hearing Board of Worcester Township enters the following Order:

ORDER

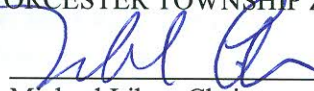
(1) A variance from Section 150-182(A) of the Zoning Ordinance so as to permit a 54" high fence to encroach into the 3' setback so as to maintain a 3" setback on one side and a 9" setback on the other side, is **GRANTED**.

This Decision is subject to the following conditions:

CONDITIONS:

1. The Applicant shall maintain the fence in the locations as shown on the plan marked as Exhibit A-4, at the setbacks noted.
2. The Applicant shall apply for and obtain all applicable Township, County and State permits and approvals relative to the fence in a timely manner.
3. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
4. Except as permitted by prior Decisions of this Board, the use of the subject property shall otherwise comply with the Worcester Township Code, including, but not limited to, all storm water management, fencing, setback, parking, lighting, sign and noise regulations, and all other codes, regulations and ordinances of Worcester Township.
5. Pursuant to Section 150-225 of the Worcester Township Zoning Ordinance, a special exception or variance shall expire if the Applicant fails to obtain a permit in connection therewith within one (1) year of the date of authorization thereof. When land development/subdivision approval is required, the special exception or variance shall expire if the Applicant fails to make a diligent effort to obtain such approval within six (6) months following the date of the Zoning Hearing Board's Order. Upon receipt of land development/subdivision approval, the special exception or variance shall expire if a building permit is not obtained within six (6) months of the date of the land development/subdivision approval.


WORCESTER TOWNSHIP ZONING HEARING BOARD



Michael Libor, Chair



Caesar Gambone, Vice Chair



John D'Lauro, Secretary

(Alternate)
Bradford Smith

Order Entered: Aug. 7, 2017

Circulation Date: Aug. 7, 2017

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the Circulation Date set forth above. The Board reserves the right to prepare Findings of Fact and Conclusions of Law in support of this Decision if an appeal is filed.