

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

**IN RE: APPLICATION OF
LEE AND THOMAS WILLIAMSON**

NO. 2021-17

DECISION

I. BACKGROUND

The Applicants, Lee and Thomas Williamson propose to operate a drug and alcohol recovery group home for the housing of individuals recovering from drug and alcohol addiction, at the property located at 3112 Skippack Pike, Worcester Township, in the R-100 Residential Zoning District.

Public hearings on the above Application were held on February 1, 2022, March 1, 2022, April 5, 2022, and April 26, 2022 at Worcester Community Hall, pursuant to Notice as required by the Worcester Township Zoning Ordinance, as amended (hereinafter “Zoning Ordinance”), and the Pennsylvania Municipalities Planning Code.

The Applicants requested a reasonable accommodation, Special Exceptions under Section 150-09, Variances from the definition of “Family” under Section 150-09, and a Variance from the use provisions of Section 150-67 of the Zoning Ordinance, so as to permit the operation of a drug and alcohol recovery house (commonly referred to as a “group home”) on the property for fifteen (15) residents.

A quorum of the Zoning Hearing Board participated in the public hearings and conducted a vote in accordance with law. The Applicant was represented by Ameer Farrell, Esq. and Craig R. Lewis, Esq. The Township Solicitors, Robert Brant, Esq. and Blake Dunbar, Esq. entered appearance on behalf of Worcester Township.

The following neighboring property owners elected to enter appearance as parties represented by Michael Yanoff, Esq.:

Tom and Barbara Andon
Chris and Ann Botcher
Michael and Anne Farrell Browne
Richard and Cindy Crist
Michael and Andrea Duloc
Joseph and Ann Grenko
Andrew McIlhenny
Vince and MaryEllen Pupillo
John and Lisa Roberts
Jeff and Megan Zielinski

The following individuals entered appearance as pro se parties:

Russell Bryant
Melanie Fagan
Elizabeth Pfeifle
Kurt Schweighauser
Lorraine Sutera
Ella Mae Williams

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearings were transcribed and are hereby made a part of this record.

At a public meeting on April 26, 2022, after public discussion, the Board voted to grant the application for Variances and Special Exceptions, subject to specific conditions, which shall apply to the current Owners of the Property and operator of the drug and alcohol recovery house, and any future owners of the Property and operators of the drug and alcohol recovery house. The Board issues Findings of Fact and Conclusions of Law in support of the Decision and Order.

II. FINDINGS OF FACT

1. The Applicants, Lee and Thomas Williamson, (“Applicants”), are the legal owners of the property located at 3112 Skippack Pike, Worcester Township, Montgomery County, PA (“Property”), in the R-100 Residential Zoning District. (N.T. 02/01/22, p. 21, Exhibits A-1, A-2)

2. The following Exhibits were marked and duly admitted into evidence:

BOARD EXHIBITS:

B-1 Public Notice - Proof of Publication

B-2 Public Notice - Proof of Publication for Revised Relief

APPLICANTS’ EXHIBITS:

A-1 Application, Addendum and Agreement of Sale

A-2 Deed

A-3 Confirmation of Nonconforming Use Documents

A-4 Illustrative Images

A-5 PA Recovery House Application

A-6 Way of Life – Hustle Hope – Policies and Procedures

A-7 Email in Support of Application

A-8 Barbara Williamson Certification

A-9 Staff Certifications

A-10 Photos (Prior Conditions)

A-11 Photos (Current Conditions)

A-12 Occupancy Information

A-13 Letter of Counsel Amending Application

OBJECTORS’ EXHIBIT:

O-1 Aerial Photo

3. The Applicants purchased the Property in question in January of 2022. (N.T. 02/01/22, pp. 22, 27, Exhibits A-1, A-2)

4. The Property, as a whole, measures approximately 60,500 square feet, fronting on Skippack Pike, currently occupied by two (2) residential units in the farmhouse on the property, and one (1) residential unit in the barn, for a total of three (3) residential units in the two (2) structures. (N.T. 02/01/22, pp. 23- 24, Exhibits A-1, A-3, A-4)

5. The Property has been used for three (3) residential units since before the enactment of the 1953 Zoning Ordinance in Worcester Township, and the three (3) units are therefore considered existing lawful nonconforming uses. (N.T. 02/01/22, pp. 22-23, Exhibit A-3)

7. The definition of "Family" in the Worcester Township Zoning Ordinance sets a limitation of no more than two (2) persons unrelated by marriage, blood or adoption living in a single-family residence. (N.T. 02/01/22, pp. 24-25)

8. The Board recognizes that federal law, specifically The Fair Housing Act, provides that individuals recovering from drug and alcohol addiction should be treated like a traditional family, and the Township must provide reasonable accommodation under the law for drug and alcohol recovery group homes to be located in residential districts.

9. There was no evidence shown that the Worcester Township Zoning Ordinance discriminates on the basis of whether a single-family residence is used as a drug and alcohol recovery group home or as a traditional family home.

10. In fact, the Zoning Ordinance provides that up to two (2) persons unrelated by blood, marriage or legal adoption may live in a single housekeeping unit by right, and, recognizing that group homes are a legitimate use in a residential district, the Zoning Ordinance further

provides that up to four (4) such unrelated persons may live in a single housekeeping unit by Special Exception granted by the Zoning Hearing Board. (Zoning Ordinance Section 150-09)

11. The Applicants therefore amended the initial Application to seek Special Exceptions as per the Zoning Ordinance for the two (2) units in the farmhouse.

12. Other group homes operate in Worcester Township and have been approved by this Board; one in 2016 by Special Exception, and another by Variance in 2021. (N.T. 02/01/22, p. 26)

13. The Applicants/Owners of the Property, Lee Williamson and Thomas Williamson, intend to rent the Property to Hustle Hope, LLC, d/b/a Way of Life Hustle Hope, (“Hustle Hope”), a for-profit limited liability company owned by the Applicants, and run by Barbara Williamson, the daughter of Lee Williamson and the sister of Thomas Williamson. (N.T. 02/01/22, p. 41; N.T. 03/01/22, pp. 64-65)

14. Thomas Williamson described the property as containing two (2) residential buildings: a farmhouse which contains one (1) unit on the first floor, and one (1) unit on the second and third floors, and a converted barn which consists of a separate single family residential unit. (N.T. 02/01/22, pp. 30-31, Exhibit A-4)

15. The single-family barn structure has three (3) floors consisting of seven (7) bedrooms, kitchen, three (3) baths, and a heated two-car garage. (N.T. 02/01/22, p. 31, Exhibit A-4)

16. The farmhouse contains a duplex with separate entrances with the first floor unit consisting of two (2) bedrooms, kitchen and bath, and the second unit occupying the second and

third floors consisting of three (3) bedrooms, kitchen and bath. (N.T. 02/01/22, pp. 31–32, Exhibit A-4)

17. The renovations conducted thus far with respect to the structures constituted painting and flooring; it is not anticipated that further renovations would be required. (N.T. 02/01/22, pp. 32-33, 40, 41)

18. The property has sufficient space to park six (6) vehicles. (N.T. 02/01/22, pp. 31, 37, Exhibit A-4)

19. The Applicants agreed to obtain any building permits and allow Township inspections as may be required. (N.T. 02/01/22, pp. 33, 112-113)

20. The twelve (12) bedrooms in the three (3) units on the Property are pre-existing, and were not created by the Applicants. (N.T. 02/01/22, pp. 37-38)

21. The Applicants committed to conducting inspections to insure that the septic system was in good working order, and sized for the intended occupancy. (N.T. 02/01/22, p. 39-40)

22. The Property is serviced by public water. (N.T. 02/01/22, p. 40)

23. Barbara Williamson has extensive experience in operating drug and alcohol recovery homes, has been certified by the PA Certification Board as a Certified Recovery Specialist, completed recovery house training as certified by the Behavioral Health Training Education Network, and provided compelling and credible testimony regarding the intended operation of proposed drug and alcohol recovery home. (N.T. 02/01/22, pp. 52-107; N.T. 04/05/22, p.47)

24. Barbara Williamson operates thirty-two (32) sober living residences in Philadelphia, Montgomery County, and Bucks County Pennsylvania.
25. Barbara Williamson's recovery homes have established a remarkable 62% success rate, vastly improving upon the standard success rate of recovery homes generally. (N.T. 02/01/22, p. 57)
26. Residents in the recovery home go to work on a daily basis, and even if not working, attend sessions at outside treatment centers and counseling, as well as AA and NA meetings in the evenings. (N.T. 02/01/22, pp. 58-59)
27. There is a nightly curfew established at the group home. (N.T. 02/01/22, p. 59, 74-75)
28. Individuals living in the sober living residences participate in group activities such as cooking, cleaning, chores and sharing meals. (N.T. 02/01/22, p. 59, 72-73)
29. All of the incoming residents have been discharged from an inpatient program, having been clinically evaluated for at least 21 days or more; residents are not accepted from jail or "off the street." (N.T. 02/01/22, pp. 59-60)
30. Barbara Williamson testified that just the right amount of "community" is required for a successful recovery home, so selecting the number of residents in a particular home is important. (N.T. 02/01/22, p. 61)
31. A typical stay in the sober living residence ranges from ninety (90) days to over a year. (N.T. 02/01/22, p. 62)
32. Most of the residents do not have cars. (N.T. 02/01/22, p. 63)

33. There are no on-site vehicles provided for transportation. (N.T. 02/01/22, p. 63)
34. Each residence has one (1) house manager who has already completed the program and has undergone a state training process to be a Certified Recovery Specialist. (N.T. 02/01/22, p. 64)
35. To become a Certified Recovery Specialist a person must attend a twenty (20) week course at Penn State, a six-week mental health course, and personnel training in order to be qualified to serve as a 24-hour house manager on site. (N.T. 02/01/22, p. 64)
36. Criminal background checks are required on the individuals entering the group home, and certain prior crimes of violence are disqualifying factors for admission. (N.T. 02/01/22, pp. 65-66, 98)
37. Medications are locked in a separate room and are retrieved and self-administered by the residents under the watch of the house manager. (N.T. 02/01/22, pp. 66-67)
38. The first line of treatment for drug or alcohol addiction is to undergo inpatient hospitalization and then, to avoid the high risk of relapse, the patient would be discharged to a set structure in a drug and alcohol recovery group home, to potentially create a safe environment for recovery. (N.T. 02/01/22, pp. 58-59)
39. With respect to the recovery from a drug and alcohol addiction, a group home can, if properly run, provide a safe environment for individuals seeking sustained recovery from their addictions, with the goal for the resident to eventually leave the home permanently, and be reintroduced into the community. (N.T. 02/01/22, p. 68)

40. The Board recognizes that the concept of the group home is to monitor sobriety, holding the patient accountable for sobriety, and providing a safe place, where drugs and alcohol will not be entering the home.

41. Consequently, group homes can serve as an integral part of the success of the treatment of an individual suffering from substance addiction, and the Board recognizes this as an important and vital service offered to such individuals.

42. Policies and Procedures are important in the oversight attendant to group homes providing rules for residency in the home as well as emergency procedures. (N.T. 02/01/22, pp. 75-77, Exhibit A-6)

43. As of the hearing in this matter, the Commonwealth of Pennsylvania's Department of Drug and Alcohol Programs had not finalized the licensing and certification requirements for drug and alcohol recovery houses anticipated by a statute governing same adopted in 2018, but it is anticipated that such licensure or certification will soon be available. (N.T. 02/01/22, pp. 68-70; See also 71 P.S. §§613.11-613.19)

44. Barbara Williamson stated that it is her intention to seek such licensure or certification from the Commonwealth of Pennsylvania with reference to the operation of the drug and alcohol recovery group home, when such licensure/certification is available. (N.T. 02/01/22, pp. 68-70)

45. Barbara Williamson also testified that in addition to licensing, the recovery houses she operates are all part of an association which have adopted a set of rules which provide for inspections on a random basis and if complaints are received. (N.T. 02/01/22, pp. 68-70)

46. There will be one (1) resident who will act as a house manager for each of the three (3) residences on the Property, each with assistant managers, overseen by two (2) regional general managers, all of whom report to Barbara Williamson. (N.T. 02/01/22, pp. 70-72)

47. No counseling or medical services are provided on site, and according to Barbara Williamson, are actually not allowed to be performed in a recovery house. (N.T. 02/01/22, pp. 72-73, 101-102)

48. Residents may only have visitors at the Property to provide transportation for the residents, and as noted, not all residents have a car, so there is sufficient parking area on the Property to accommodate the cars for the residents. (N.T. 02/01/22, pp. 74, 99-100)

49. The proposed occupancy would be no more than two (2) residents per bedroom, with the house manager in each of the three (3) residences. (N.T. 02/01/22, p. 83)

50. The Applicant originally proposed to use the property such that the first floor farmhouse two-bedroom unit would house two (2) residents and the house manager, the second floor farmhouse three-bedroom unit would house two (2) to four (4) residents and a house manager, and the barn would house six (6) to eight (8) residents and the house manager, for a total of twelve (12) residents (male and female) in recovery and three (3) house managers living on the Property. (N.T. 02/01/22, pp. 83-85, 89). The proposal was modified as noted below.

51. A letter of support was the submitted and marked as Exhibit A-7.

52. Training for the house managers is through the Pennsylvania Department of Drug and Alcohol Programs, and certifications are issued through the Pennsylvania Recovery Alliance. (N.T. 02/01/22, pp. 96-97, Exhibits A-8, A-9)

53. The owners of the property, Applicants herein, Lee and Thomas Williamson are just providing financing, but will not be involved in the day-to-day operation of the recovery house; Barbara Williamson will operate the recovery house. (N.T. 03/01/22, pp. 65-66)

54. Hustle Hope, LLC, a for-profit limited liability company, will lease the subject property from the owners. (N.T. 03/01/22, pp. 67-72)

55. There will be no leases with the residents, only rules and regulations governing occupancy will be in effect. (N.T. 03/01/22, pp. 71-72)

56. Hustle Hope, LLC's operation of the group home will be licensed by the Commonwealth of Pennsylvania. (N.T. 03/01/22, pp. 72-76)

57. Hustle Hope, LLC will not accept public funds to operate the group home. (N.T. 03/01/22, pp. 72-74)

58. The operator of the group home, Barbara Williamson, agreed to the following conditions of approval:

(A) Hustle Hope, LLC's operation at the property will seek and maintain licensing by the Commonwealth of Pennsylvania as soon as such licensing is available. (N.T. 03/01/22, p. 75)

(B) The house managers will be identified on a list, which will be updated as required, provided to the State and the Township. (N.T. 03/01/22, pp. 76-77, 116)

(C) The house managers will be trained in accordance with State guidelines, which training includes: fire prevention, emergency preparedness, first aid training, communicable disease training, and CPR training. (N.T. 03/01/22, pp. 77-78)

(D) A roster of residents in the group home will be maintained and provided to the Township on a regular basis. (N.T. 03/01/22, p. 78)

(E) Criminal history checks will be conducted with respect to the house managers and all residents, and the group home will not accept those individuals convicted of violent crimes or those individuals required to be registered under the PA Megan's Law. (N.T. 03/01/22, pp. 77, 95-99; N.T. 04/05/22, p. 78)

(F) The group home operations will comply with all federal, state and local laws, ordinances and regulations, including fire protection and codes, the Americans with Disabilities Act, and all requirements of the Pennsylvania Department of Drug and Alcohol Programs. (N.T. 03/01/22, pp. 78-80, 85-86, 117)

(G) The group home will carry appropriate levels of liability insurance coverage, and shall arrange to have the Township named as additional insured if the Township so requires, with production of certificates of insurance on a yearly basis. (N.T. 03/01/22, pp. 86-88)

(H) The nightly curfew for the group home will be at 10:00 p.m. on weekdays and 1:00 a.m. on Friday and Saturday evenings. (N.T. 03/01/22, pp. 90-91)

(I) Occupancy of the property shall be as follows:

(1) Unit #1 in the farmhouse: one (1) house manager and two (2) residents (by Special Exception).

(2) Unit #2 in the farmhouse: one (1) house manager and three (3) residents (by Special Exception).

(3) Unit #3 in the converted barn: one (1) house manager and seven (7) residents (by Variance). (N.T. 03/01/22, pp. 92-94, Exhibit A-12)

(J) To the extent the Township Engineer requires additional parking areas to be installed, the Applicant shall so comply and install additional parking as required to accommodate parking. (N.T. 03/01/22, pp. 94-95)

(K) The Applicant will install a fence around the property and will install landscaping to the satisfaction of the Township. (N.T. 02/01/22, pp. 154-155; N.T. 03/01/22, pp. 105-108)

(L) The residents of the group home will be required to submit to random drug and alcohol tests at least three times (3x) per week. (N.T. 03/01/22, pp. 110-111)

(M) The Applicant shall obtain a Township permit for any work on the Property requiring a permit, and shall comply with all inspection requirements of the Township. (N.T. 03/01/22, pp. 114-115)

(N) The minimum age of individuals living on the property will be eighteen (18) years of age. (N.T. 03/01/22, p. 115)

(O) The Applicant shall provide to the Township contact information of supervisory personnel for 24/7 contact in the case of an emergency. (N.T. 02/01/22, pp. 106-107; N.T. 03/01/22, p. 116)

(P) No other business will be operated from the Property, and there shall be no vehicle or equipment storage on the Property related to any other business. (N.T. 03/01/22, pp. 116-117)

(Q) No signs shall be placed on the Property identifying the group home. (N.T. 03/01/22, p. 117)

(R) The Township will be afforded access to all areas of the Property on a 24 hour notice basis. (N.T. 03/01/22, p. 117)

(S) The Applicant shall have the septic system on the property evaluated and approved for the proposed uses as in good working order; or repair/replace same, or connect to public sewer as required by the Township. (N.T. 03/01/22, p. 117)

(T) There would be no alteration in the square footage of the buildings, and the number of bedrooms will not be increased. (N.T. 04/05/22, p. 83)

59. With reference to the application for Special Exceptions under Section 150-9 Definition of "Family" to permit occupancy of the two (2) units in the farmhouse, the Applicants complied with the initial duty to present evidence, and presented evidence and testimony sufficient to carry the burden of persuasion that the Applicant's proposal complies with specific criteria and generally applicable requirements of the Ordinance, and therefore entitled to the Special Exceptions requested.

60. Unlike Section 150-215 of the Zoning Ordinance governing Conditional Use Applications, the Worcester Township Zoning Ordinance does not specifically place the burden of proof on the Applicant in Special Exception cases to show that the use will have no detrimental effect on the health, safety and welfare of the community.

61. In a Special Exception case, Zoning Ordinance Section 150-217.B requires the Zoning Hearing Board to determine if the proposed use is in harmony with the general intent of the Zoning Ordinance, but also accords to the Board the ability to impose reasonable conditions and safeguards.

62. As a result, in a Special Exception case, the Objector would have the duty to present evidence, as well as carry the burden of persuasion that, to a high degree of probability, the proposed use will substantially adversely affect, and in fact be contrary to, the health, safety and welfare of the community, which evidence the Objectors failed to present in this case.

63. Even if it could be argued that the Zoning Ordinance impliedly requires the Applicant to carry the burden of persuasion to demonstrate that the proposed use will not be contrary to the health, safety and welfare of the community, such shifting of the burden of proof only occurs in a Special Exception case if the Objectors had met their initial duty to present evidence that the proposed use would be contrary to the health, safety and welfare of the community, which again, did not occur in this case.

64. The Objectors represented by counsel, and the unrepresented Objectors, presented no expert opinion testimony or evidence, and, in fact, other than an aerial photo, the Objectors presented no evidence, and virtually no testimony, in the case. (N.T. 04/05/22, pp. 88-95)

65. The Objectors presented only comment in opposition to the Application, expressing generalized concerns that would arise from any occupancy of this unique 3-unit property, and speculation and conjecture regarding the adverse effect that this particular use will have on their respective properties, and the health, safety and welfare of the community, but clearly related only to the perceived conduct of those persons who will be residing on the property, solely because of their disabilities – ie. recovering from drug and alcohol addiction. (N.T. 04/05/22, pp. 92-122)

66. The Objectors presented no credible evidence or testimony to carry the burden of persuasion that the use will be contrary to the health, safety and welfare of the community, and, in fact, the Applicants rather introduced sufficient evidence to carry the burden of persuasion that the use will not be contrary to the health, safety and welfare of the community.

67. The Objectors were afforded the opportunity to present credible evidence or testimony to carry the burden of persuasion that the use will be contrary to the health, safety and welfare of the community, but that did not happen.

68. With reference to the requests for the Special Exceptions, the Board determines that the Applicants presented sufficient evidence to conclude that the Applicants' proposal complies with the specific and general criteria of the Ordinance, and that the proposed use will not be contrary to the health, safety and welfare of the community, and therefore, the requested Special Exceptions should be granted.

69. The Board finds that the Township has always been willing to work with the Applicants to provide reasonable accommodations for a drug and alcohol recovery group home; the Township entered no opposition to the granting of this relief. (N.T. 04/05/22, p. 90)

70. With reference to the Use Variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, and Section 150-219 of the Worcester Township Zoning Ordinance, the Board determines the following:

- (A) Because of the unique condition of having three (3) existing lawful nonconforming residences on the Property, a condition rarely seen in Worcester Township, a reasonable accommodation to allow three (3) more residents to live in the large converted barn, than allowed by Special Exception, justifies granting the Use Variances requested, on the basis of hardship.
- (B) Since it contains three (3) existing lawful nonconforming uses, the Property can be reasonably used as a group home for twelve (12) residents and three

(3) house managers, and therefore, the authorization of the Use Variances for an occupancy of eight (8) individuals in the converted barn is necessary to enable the reasonable use of the Property.

- (C) A reasonable accommodation to the Applicants requires the Board to recognize a hardship so as to permit the proposed occupants to reside on the Property.
- (D) The granting of the Variances, as limited in this Decision, will not alter the essential character of the neighborhood, nor would the relief granted substantially impair the use or development of adjacent property, or be detrimental to public welfare.
- (E) The Variances requested to allow eight (8) occupants in the converted barn are the minimum Variances to afford relief under the circumstances.

71. Under Section 150-217.C of the Zoning Ordinance, the Board determines that granting the Variances to permit the occupancy by eight (8) individuals in the converted barn would not be contrary to the public interest, and owing to the special conditions regarding this particular property, the literal enforcement of the provisions of the Ordinance would result in unnecessary hardship, and the granting of relief would observe the spirit of the Zoning Ordinance and provide for substantial justice.

72. Under Section 150-218 of the Zoning Ordinance, the Board has considered the following criteria and standards for Zoning Hearing Board action, and determines the following facts:

- (A) The Property is suitable for the use by fifteen (15) occupants, which use would not be contrary to the spirit, purpose and intent of the Zoning Ordinance, if the Applicants comply with the conditions set forth in this Decision, and therefore the Special Exceptions and Variances granted are consistent with the spirit, purpose and intent of the Zoning Ordinance.
- (B) The relief for the use by fifteen (15) occupants will not substantially injure or detract from the use of neighboring property, or from the character of the neighborhood, and considering the conditions imposed by the Board, the neighboring properties will be adequately safeguarded.
- (C) The proposal for use by fifteen (15) occupants will serve the best interest of the Township, the convenience of the community, and the public welfare.
- (D) There will not be an adverse impact upon the public services or facilities such as public water, sewers, police and fire protection, or public schools by the proposed use, provided the Applicants comply with the conditions imposed herein.
- (E) The conditions imposed by the Board will require the Applicants to provide for proper disposal of sewage and waste.
- (F) With the restriction that building coverage may not be increased, and with the oversight by the Township Engineer regarding the installation of additional parking, this residential use will not cause runoff water or drainage problems injurious to adjacent or nearby properties.

- (G) This residential use would not cause congestion or hazard on any streets in the Township.
- (H) If relief were completely denied, the application of the provisions of the Zoning Ordinance would deprive the Applicants of the reasonable use and development of such Property for the legitimate use as a drug and alcohol recovery home.
- (I) The circumstances for which the Variances are sought, whereby a reasonable accommodation should be granted, do not result from general conditions in the zoning district in which the Property is located.

73. To deny relief so as not to reasonably accommodate fifteen (15) occupants on the Property would result in a denial of two (2) uses permitted by Special Exceptions, and would also cause an unnecessary hardship, and, therefore the Special Exceptions and Variances requested should be granted as set forth in this Decision, subject to the conditions imposed.

III. DISCUSSION

There are two 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 may be used in a manner consistent with the zoning regulations. In contrast, a Use Variance seeks to use the property in a way that is inconsistent with the zoning regulations. In Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998), the Supreme Court of Pennsylvania determined that, in evaluating a hardship for a Dimensional Variance, the Zoning Hearing Board should consider various factors, including economics, and the characteristics of the surrounding neighborhood, in

determining whether a Variance would be appropriate. The Court also held that, when considering a Dimensional Variance, a Zoning Hearing Board should adopt a somewhat more relaxed standard of scrutiny than when the Board is considering a Use Variance.

In Marshall v. City of Philadelphia and Zoning Board of Adjustment, 626 Pa. 385, 97 A.3d 323 (2014), the Supreme Court recognized that a property does not have to be valueless in order to obtain a Use Variance. The Court further indicated that economic considerations may be considered in a Use Variance case, if the property can only be brought into conformance at a prohibitive expense. The Supreme Court reiterated in the Hertzberg and Marshall cases, that an Applicant need not prove that the property cannot be used for any other permitted use in order to be entitled to a Variance.

An applicant seeking a Variance must prove that unnecessary hardship will result if the Variance is denied, and must also prove that the proposed use is not contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983). “The burden on an applicant seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious and compelling.” Singer v. Zoning Board of Adjustment, 29 A.3d 144, 149 (Pa. Cmwlth. 2011). Even though economic considerations are now appropriate for Variance cases under Hertzberg and Marshall, the applicable case law still holds that Variances cannot be granted for solely economic reasons, and economic considerations alone cannot support even a Dimensional Variance, let alone a Use Variance. Dunn v. Middletown Township Zoning Hearing Board, 143 A.3d 494 (Pa. Cmwlth. 2016)

The pertinent portion of Section 150-67 of the Zoning Ordinance governing uses in the R-100 Residential Zoning District provides as follows:

§ 150-67. Use regulations.

A building may be erected or used and a lot may be occupied for any of the following purposes and no other:

A.

Agriculture.

B.

One single-family detached dwelling.

C.

Accessory uses in accordance with Article XXIV.

D.

Municipal use, as defined in Article III.

[Added 9-15-1993 by Ord. No. 133]

E.

No-impact home-based business, as defined in § 150-9; provided that the permission for such use granted herein shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

[Added 8-17-2011 by Ord. No. 230]

The pertinent portion of the definition of "Family" as set forth in Section 150-9 of the Zoning Ordinance provides as follows:

FAMILY

Any number of individuals living together as a single, nonprofit housekeeping unit and doing their cooking on the premises, provided that not more than two of such number are unrelated to all others by blood, marriage or legal adoption. As a special exception, the Zoning Hearing Board may interpret the term "family" to include:

A. *A group of individuals, not exceeding four, not related by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit...*

(Subsection B provides for what is commonly known as an in-law's quarters for two nonprofit housekeeping units in a single-family residence.)

The Worcester Township Zoning Ordinance provides for drug and alcohol recovery group homes by Special Exceptions for up to four (4) residents in the home, but the Applicants requested a Variance so as to have eight (8) residents in one of the units. Therefore, the Applicants in this

case are requesting Use Variances, which require a heightened level of scrutiny. Society Hill Civic Association v. Philadelphia Zoning Board of Adjustment, 42 A.3d 1178 (Pa. Cmwlth. 2012).

The Applicants presented credible testimony that the housing of twelve (12) residents and three (3) house managers as proposed, has a significant therapeutic benefit to the recovery of the residents. As a result, the Applicants are entitled to a reasonable accommodation to operate the group home for the residential housing of persons recovering from drug and alcohol addiction.

As the Pennsylvania Commonwealth Court recently noted in City of Clairton, PA v. Zoning Hearing Board of the City of Clairton, PA, 246 A.3d. 890 (Pa. Cmwlth. 2021): ***

*The Fair Housing Act defines "handicap" as a person who has "a mental or physical impairment which substantially *910 limits one or more of such person's major life activities." 42 U.S.C. § 3602(h)(1); Evans v. Zoning Hearing Board of Borough of Spring City, 732 A.2d 686, 692 n.6 (Pa. Cmwlth. 1999). Neither party seems to dispute that recovering addicts are considered to be handicapped under the Fair Housing Act. With regard to the same Property at issue, the Third Circuit Court of Appeals has concluded that*

[t]he [Fair Housing Act] defines handicap as "a physical or mental impairment which substantially limits one or more of such person's major life activities ... but such term does not include current, illegal use of or addiction to a controlled substance." 42 U.S.C. § 3602(h). The [Fair Housing Act], therefore, provides that current addicts are not a protected group. However, we have held, consistent with other courts, that recovering addicts are. See Lakeside Resort Enterprises, LP v. [Board of Supervisors] of Palmyra [Township], 455 F.3d 154, 156 n.5 (3d Cir. 2006) ("We note that at least two other courts have held that recovering alcoholics and drug addicts are handicapped, so long as they are not currently using illegal drugs.").

Cornerstone Residence, Inc., 754 F. App'x at 91. Relying on Lakeside Resort Enterprises, LP, 455 F.3d at 156 n.5, this Court in Bernstein v. City of Pittsburgh Zoning Board of Adjustment (Pa. Cmwlth., No. 1565 C.D. 2010, filed May 5, 2011) 2011 WL 10845847 (unreported),²⁶ contemplated the same. Here, it seems that the individuals which will be residing on the Property are handicapped as defined by the Fair Housing Act. Cornerstone's application explains that in order to qualify, "individuals must be in recovery from drug or alcohol addiction [and] must not be currently using drugs or alcohol. ..." (R.R. at 16a) (emphasis added). The determination of whether an individual meets this criterion is to be made by a licensed professional. Id. Moreover, Cornerstone's application indicates that its role is to ensure all residents are in recovery and are meeting residence standards. Id.

The Township and the Board recognize that federal law, specifically the Fair Housing Act, prohibits discrimination on the basis of a "handicap", with a "handicap" having essentially the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities, and that individuals recovering from drug and alcohol addiction may be treated as having a disability. If that is shown to be the case, then those individuals may be treated like a traditional family, and the Township must provide reasonable accommodation under the law for drug and alcohol recovery group homes to be located in residential districts. The Board commends the Applicants in their pursuit to provide residential housing to individuals recovering from drug and alcohol addiction. Therefore, even though the Zoning Ordinance already provides reasonable accommodation to the use of a residential property for the operation of a drug and alcohol recovery house as required by the Fair Housing Act, the relief granted herein is justified, based on the unique circumstances of operating this particular group home on this very unique 3-unit nonconforming Property, a rare occurrence in Worcester Township.

With reference to the Use Variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, and Section 150-219 of the Worcester Township Zoning Ordinance, the Board determines the following:

- (A) Because of the unique condition of having three (3) existing lawful nonconforming residences on the Property, a condition rarely seen in Worcester Township, a reasonable accommodation to allow three (3) more residents to live in the large converted barn, than allowed by Special

Exception, justifies granting the Use Variances requested, on the basis of hardship.

- (B) Since it contains three (3) existing lawful nonconforming uses, the Property can be reasonably used as a group home for twelve (12) residents and three (3) house managers, and therefore, the authorization of the Use Variances for an occupancy of eight (8) individuals in the converted barn is necessary to enable the reasonable use of the Property.
- (C) A reasonable accommodation to the Applicants requires the Board to recognize a hardship so as to permit the proposed occupants to reside on the Property.
- (D) The granting of the Variances, as limited in this Decision, will not alter the essential character of the neighborhood, nor would the relief granted substantially impair the use or development of adjacent property, or be detrimental to public welfare.
- (E) The Variances requested to allow eight (8) occupants in the converted barn are the minimum Variances to afford relief under the circumstances.

Under Section 150-217.C of the Zoning Ordinance, the Board determines that granting the Variances to permit the occupancy by eight (8) individuals in the converted barn would not be contrary to the public interest, and owing to the special conditions regarding this particular property, the literal enforcement of the provisions of the Ordinance would result in unnecessary hardship, and the granting of relief would observe the spirit of the Zoning Ordinance and provide for substantial justice.

With reference to the application for Special Exceptions under Section 150-9 Definition of “Family” to permit occupancy of the two (2) units in the farmhouse, the Applicants complied with the initial duty to present evidence, and presented evidence and testimony sufficient to carry the burden of persuasion that the Applicant’s proposal complies with specific criteria and generally applicable requirements of the Ordinance, and therefore entitled to the Special Exceptions requested. Unlike Section 150-215 of the Zoning Ordinance governing Conditional Use Applications, the Worcester Township Zoning Ordinance does not specifically place the burden of proof on the Applicant in Special Exception cases to show that the use will have no detrimental effect on the health, safety and welfare of the community. In a Special Exception case, Zoning Ordinance Section 150-217.B requires the Zoning Hearing Board to determine if the proposed use is in harmony with the general intent of the Zoning Ordinance, but also accords to the Board the ability to impose reasonable conditions and safeguards. As a result, in a Special Exception case, the Objector would have the duty to present evidence, as well as carry the burden of persuasion that, to a high degree of probability, the proposed use will substantially adversely affect, and in fact be contrary to, the health, safety and welfare of the community, which evidence the Objectors failed to present in this case. Bray v Zoning Hearing Board of Adjustment, 410 A.2d 909 (Pa. Cmwlth. 1980).

Even if it could be argued that the Zoning Ordinance impliedly requires the Applicant to carry the burden of persuasion to demonstrate that the proposed use will not be contrary to the health, safety and welfare of the community, such shifting of the burden of proof only occurs in a Special Exception case if the Objectors had met their initial duty to present evidence that the proposed use would be contrary to the health, safety and welfare of the community, which again, did not occur in this case. The Objectors represented by counsel, and the unrepresented Objectors,

presented no expert opinion testimony or evidence, and, in fact, other than an aerial photo, the Objectors presented no evidence, and virtually no testimony, in the case. The Objectors presented only comment in opposition to the Application, expressing generalized concerns that would arise from any occupancy of this unique 3-unit property, and speculation and conjecture regarding the adverse effect that this particular use will have on their respective properties, and the health, safety and welfare of the community, but clearly related only to the perceived conduct of those persons who will be residing on the property, solely because of their disabilities – ie. recovering from drug and alcohol addiction. The Objectors presented no credible evidence or testimony to carry the burden of persuasion that the use will be contrary to the health, safety and welfare of the community, and, in fact, the Applicants rather introduced sufficient evidence to carry the burden of persuasion that the use will not be contrary to the health, safety and welfare of the community. The Objectors were afforded the opportunity to present credible evidence or testimony to carry the burden of persuasion that the use will be contrary to the health, safety and welfare of the community, but that did not happen.

With reference to the requests for the Special Exceptions, the Board determines that the Applicants presented sufficient evidence to conclude that the Applicants' proposal complies with the specific and general criteria of the Ordinance, and that the proposed use will not be contrary to the health, safety and welfare of the community, and therefore, the requested Special Exceptions should be granted.

A Zoning Hearing Board is the sole determiner of the credibility of witnesses. Taliaferro v. Darby Township Zoning Hearing Board, 873 A.2d 807 (Pa. Cmwlth. 2005), Tri-County Landfill, Inc. v. Pike Township Zoning Hearing Board, 83 A.3d 488 (Pa. Cmwlth. 2014). The Zoning Hearing Board has discretionary power to determine whether a party has met its burden of

proof. Broussard v. Zoning Board of Adjustment, 831 A.2d 764 (Pa. Cmwlth. 2003), affirmed on appeal @ 589 Pa. 71, 907 A.2d 494 (2006), Cohen v. Zoning Board of Adjustment of the City of Philadelphia, 276 A.2d 352 (Pa. Cmwlth. 1971) The Board determines that the Applicant met its burden of proof to the extent determined by the Board, and such determination is surely within the discretion of the Board.

IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application.
2. The Applicants are the legal owners of the Property in question.
3. The Applicants and the subject matter are properly before the Board. The Applicants have standing to submit the Application. The Objectors have standing to oppose the Application
4. Hearing notices were duly published and posted in accordance with law, by advertisement in the newspaper and posting on the Property.
5. With reference to the application for Special Exceptions under Section 150-9 Definition of "Family" to permit occupancy of the two (2) units in the farmhouse, the Applicants complied with the initial duty to present evidence, and presented evidence and testimony sufficient to carry the burden of persuasion that the proposed use is authorized by Special Exceptions, and that the Applicants' proposal complies with specific criteria and generally applicable requirements of the Ordinance.
6. Unlike Section 150-215 of the Zoning Ordinance governing Conditional Use Applications, the Worcester Township Zoning Ordinance does not specifically place the burden

of proof on the Applicant in Special Exception cases to show that the use will have no detrimental effect on the health, safety and welfare of the community.

7. In a Special Exception case, Zoning Ordinance Section 150-217.B requires the Zoning Hearing Board to determine if the proposed use is in harmony with the general intent of the Zoning Ordinance, but also accords to the Board the ability to impose reasonable conditions and safeguards.

8. As a result, in a Special Exception case, the Objectors would have the duty to present evidence, as well as carry the burden of persuasion that, to a high degree of probability, the proposed use will substantially adversely affect, and in fact be contrary to, the health, safety and welfare of the community, which evidence the Objectors failed to present in this case.

9. Even if it could be argued that the Zoning Ordinance impliedly requires the Applicant to carry the burden of persuasion to demonstrate that the proposed use will not be contrary to the health, safety and welfare of the community, such shifting of the burden of proof only occurs in a Special Exception case if the Objectors had met their initial duty to present evidence that the proposed use would be contrary to the health, safety and welfare of the community, which again, did not occur in this case.

10. The Objectors represented by counsel, and the unrepresented Objectors, presented no expert opinion testimony or evidence, and, in fact, other than an aerial photo, the Objectors presented no evidence, and virtually no testimony, in the case.

11. The Objectors presented only comment in opposition to the Application, expressing generalized concerns that would arise from any occupancy of this unique 3-unit property, and speculation and conjecture regarding the adverse effect that this particular use will have on their respective properties, and the health, safety and welfare of the community, but clearly related only

to the perceived conduct of those persons who will be residing on the property, solely because of their disabilities – ie. recovering from drug and alcohol addiction.

12. The Objectors presented no credible evidence or testimony to carry the burden of persuasion that the use will be contrary to the health, safety and welfare of the community, and, in fact, the Applicants rather introduced sufficient evidence to carry the burden of persuasion that the use will not be contrary to the health, safety and welfare of the community.

13. The Objectors were afforded the opportunity to present credible evidence or testimony to carry the burden of persuasion that the use will be contrary to the health, safety and welfare of the community, but that did not happen.

14. With reference to the requests for the Special Exceptions, the Board determines that the Applicants presented sufficient evidence to conclude that the Applicants' proposal complies with the specific and general criteria of the Ordinance, and that the proposed use will not be contrary to the health, safety and welfare of the community, and therefore, the requested Special Exceptions should be granted.

15. The Board finds that the Township has always been willing to work with the Applicants to provide reasonable accommodations for a drug and alcohol recovery group home.

16. With reference to the Use Variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, and Section 150-219 of the Worcester Township Zoning Ordinance, the Board determines the following, as a matter of law:

- (A) Because of the unique condition of having three (3) existing lawful nonconforming residences on the Property, a condition rarely seen in Worcester Township, a reasonable accommodation to allow three (3) more residents to live in the large converted barn, than allowed by Special

Exception, justifies granting the Use Variances requested, on the basis of hardship.

- (B) Since it contains three (3) existing lawful nonconforming uses, the Property can be reasonably used as a group home for twelve (12) residents and three (3) house managers, and therefore, the authorization of the Use Variances for an occupancy of eight (8) individuals in the converted barn is necessary to enable the reasonable use of the Property.
- (C) A reasonable accommodation to the Applicants requires the Board to recognize a hardship so as to permit the proposed occupants to reside on the Property.
- (D) The granting of the Variances, as limited in this Decision, will not alter the essential character of the neighborhood, nor would the relief granted substantially impair the use or development of adjacent property, or be detrimental to public welfare.
- (E) The Variances requested to allow eight (8) occupants in the converted barn are the minimum Variances to afford relief under the circumstances.

17. Under Section 150-217.C of the Zoning Ordinance, the Board determines that granting the Variances to permit the occupancy by eight (8) individuals in the converted barn would not be contrary to the public interest, and owing to the special conditions regarding this particular property, the literal enforcement of the provisions of the Ordinance would result in unnecessary hardship, and the granting of relief would observe the spirit of the Zoning Ordinance and provide for substantial justice.

18. Under Section 150-218 of the Zoning Ordinance, the Board has considered the following criteria and standards for Zoning Hearing Board action, and determines the following, as a matter of law:

- (A) The Property is suitable for the use by fifteen (15) occupants, which use would not be contrary to the spirit, purpose and intent of the Zoning Ordinance, if the Applicants comply with the conditions set forth in this Decision, and therefore the Special Exceptions and Variances granted are consistent with the spirit, purpose and intent of the Zoning Ordinance.
- (B) The relief for the use by fifteen (15) occupants will not substantially injure or detract from the use of neighboring property, or from the character of the neighborhood, and considering the conditions imposed by the Board, the neighboring properties will be adequately safeguarded.
- (C) The proposal for use by fifteen (15) occupants will serve the best interest of the Township, the convenience of the community, and the public welfare.
- (D) There will not be an adverse impact upon the public services or facilities such as public water, sewers, police and fire protection, or public schools by the proposed use, provided the Applicants comply with the conditions imposed herein.
- (E) The conditions imposed by the Board will require the Applicants to provide for proper disposal of sewage and waste.
- (F) With the restriction that building coverage may not be increased, and with the oversight by the Township Engineer regarding the installation of

additional parking, this residential use will not cause runoff water or drainage problems injurious to adjacent or nearby properties.

- (G) This residential use would not cause congestion or hazard on any streets in the Township.
- (H) If relief were completely denied, the application of the provisions of the Zoning Ordinance would deprive the Applicants of the reasonable use and development of such Property for the legitimate use as a drug and alcohol recovery home.
- (I) The circumstances for which the Variances are sought, whereby a reasonable accommodation should be granted, do not result from general conditions in the zoning district in which the Property is located.

19. To deny relief so as not to reasonably accommodate fifteen (15) occupants on the Property would result in a denial of two (2) uses permitted by Special Exceptions, and would also cause an unnecessary hardship, and, therefore the Special Exceptions and Variances requested should be granted as set forth in this Decision, subject to the conditions imposed.

V. OPINION

Upon consideration of the evidence and testimony presented regarding the Application, the Zoning Hearing Board of Worcester Township determines that the Application should be granted, subject to conditions. The Board therefore enters the following Order.

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

**IN RE: APPLICATION OF
LEE AND THOMAS WILLIAMSON**

NO. 2021-17

ORDER

Upon consideration of the request for a reasonable accommodation to establish a drug and alcohol recovery group home on the Property limited to twelve (12) residents and three (3) house managers, the following relief is **GRANTED**:

(1) A Special Exception under Section 150-09 of the Zoning Ordinance (definition of "Family"), so as to permit one (1) house manager and two (2) residents to reside in Unit #1 of the farmhouse on the Property.

(2) A Special Exception under Section 150-09 of the Zoning Ordinance (definition of "Family"), so as to permit one (1) house manager and three (3) residents to reside in Unit #2 of the farmhouse on the Property.

(3) Variances from Sections 150-09 (definition of "Family") and 150-67 of the Zoning Ordinance, so as to permit one (1) house manager and seven (7) residents to reside in the converted barn on the Property.

This Decision is subject to the following conditions, which shall apply to the current and future Owners and operators of the drug and alcohol recovery house/group home:

1. The Owners, and the operator of the drug and alcohol recovery house, shall apply for and obtain all applicable Township, County and State permits, and approvals, relative to the use in a timely manner.

2. Prior to any occupancy of the Property, the Owners shall submit applications to the Township for permits for any work performed on the Property in order to adapt the use of the Property to a group home, allow the Township to inspect the work performed, comply with all requirements of the Township regarding such work and permits, including installing any electrical upgrades and/or fire safety measures as required, and obtain all required permits from the Township for the use. Prior to any occupancy of the Property, the Owners shall also provide proof to the Township that the water service to the Property produces water sufficient for the occupancy permitted, which in this case is for three (3) dwelling units comprising a total of 12 bedrooms, and as may be required for fire suppression purposes. The Township shall be afforded access to all areas of the Property on a 24 hour notice basis.

3. Prior to any occupancy of the Property, the Owners shall apply for, test as necessary, and obtain all County and State approvals related to proper sizing and good operation of the onsite septic system for the combined number of bedrooms for units 1 and 2 in the farmhouse, and the 7 bedrooms in the converted barn, in compliance with all current regulations, follow testing protocols regarding the sizing of the system and the percolation rates under the guidance of a soils scientist, and under the supervision of the Department of Health, and, to the extent necessary, make upgrades and improvements as

required, and provide proof of same to the Township. If the septic system fails to be so certified, the Owners shall cause the Property to be connected to public sewer.

4. As soon as available, the operator of the drug and alcohol recovery house (Hustle Hope, LLC, and any successors) shall seek, obtain, and maintain in good standing licensure, certification and/or applicable credentials from the Commonwealth of Pennsylvania for the operation of a drug and alcohol recovery house, and those related to the house managers of the operations at the site, and provide a copy of such licenses, certifications, and/or credentials to the Township.

5. The operation of the group home shall be limited to adults, minimum 18 years of age, recovering from alcohol and/or drug addiction. Maximum occupancy at the Property shall at all times be limited to a total of fifteen (15) residents, including house managers. Each dwelling unit shall be limited to a single gender.

6. The Owners, and any operator of the group home, shall follow the procedures outlined in the Recovery House Application for License marked as Exhibit A-5, and the Policies and Procedures Manual marked as Exhibit A-6, specifically including, but not limited to, the discharge process applicable to all residents. The residents shall be required to follow the rules in the Manual, including, as stipulated by the principal of Hustle Hope, LLC, the operator of the group home, that drug and alcohol urine testing be conducted at least three (3) times per week for all residents, and that any residents found to be in violation of the Policies and Procedures are to be discharged. Any further updates or revisions to the policies that relate to qualifications for admission to the group home, and under what circumstances residents may be discharged shall be provided to the Township, and only in accordance with the conditions set forth herein. The Owners and

the group home operator shall have a zero-tolerance for drug and alcohol use. All residents shall be required to have a job or participate in job training, schooling, and/or volunteer work.

7. There shall be no occupancy of any accessory buildings on the Property for overnight accommodations.

8. The operator of the drug and alcohol recovery house shall provide to the Township a 24 hour/7 day emergency contact name and number, as well as secondary contact name and number.

9. Each dwelling unit shall have at least one live-in house manager. The house managers shall be identified on a list, updated as required, which information shall be provided to the State and the Township.

10. The house managers shall be trained in accordance with State guidelines, which training shall include: fire prevention, emergency preparedness, first aid training, communicable disease training, and CPR training. The house managers shall have completed the state and operator programs as certified recovery specialists. The house managers shall supervise, audit, and discipline the residents, when necessary, to ensure that residents follow the rules. The house managers shall log the activities of the residents, require residents to sign in and out when they leave the property, and shall maintain urine testing logs and medication logs of the residents.

11. A roster of residents in the group home shall be maintained and provided to the Township on a regular basis.

12. As stipulated by the principal of Hustle Hope, LLC, the operator of the group home, and to the extent permitted by law, criminal history checks shall be conducted with respect to the house managers and all residents, and the group home shall not accept any individual who is a current user of illegal controlled substances, who has been convicted of possession with intent to deliver controlled substances, who has been convicted of a crime of violence or that which posed a direct threat to the safety of persons or the property of others, who has been convicted of a sex-related offense, or who is required to be registered under the PA Megan's Law.

13. The group home operations shall comply with all federal, state and local laws, ordinances and regulations, including fire protection codes. In the event that fire regulations require the installation of a sprinkler system, or any other primary or other supplemental fire suppression facilities to be installed as a result of the proposed occupancy, the Owners shall so comply.

14. The group home operations shall comply with the Americans with Disabilities Act, and all requirements of the Pennsylvania Department of Drug and Alcohol Programs.

15. The Owners, and the operator of the group home, shall each carry appropriate levels of liability insurance coverage, with at least \$1,000,000 in coverage per claim, and shall arrange to have the Township named as additional insured, if the Township so requires, with production of certificates of insurance on a yearly basis.

16. The Owners shall not operate, or permit the operation of, any other business on the Property, and shall not use, store or keep any business vehicles, equipment, or materials associated with any business on the Property.

17. The nightly curfew for the group home shall be at 10:00 p.m. on weekdays and 1:00 a.m. on Friday and Saturday evenings. There shall be no outdoor activities on the Property from 10:00 p.m. to 6:00 a.m. during the week, and from 1:00 a.m. to 6:00 a.m. on weekends. Outside visitors are not permitted except for a brief introductory tour for families, or during pickup or drop off.

18. There shall be no sign(s) posted on the Property visible to the public with any indication that the property is a group home, including the "Hustle Hope" name, or any other such designation by any other operator of the facility in the future, which will in any way indicate that the use of the Property is for a group home.

19. To the extent the Township Engineer requires additional parking areas to be installed, the Owners shall so comply and install additional parking as required to accommodate parking.

20. There shall be no additional bedrooms created, no expansion of the buildings on the Property, and no additional buildings may be constructed on the Property for overnight accommodations.

21. The Owners shall install a fence around the side and rear yards of the Property in accordance with Township Ordinances and permitting requirements, and install and maintain evergreen landscaping, 8 feet in height at time of planting, to the satisfaction of the Township.


22. The Owners shall install a "No Left Turn" sign at the driveway, so as to allow only right turns out of the Property onto Skippack Pike.

23. All use and development permitted by this Decision and Order shall conform to the exhibits and testimony presented by the Owners and the operator of the group home, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

24. Except as permitted by this Decision and 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, trash, recycling, storage, fencing, setback, parking, lighting, sign, and noise regulations, and all other codes, regulations and ordinances of Worcester Township.

25. This approval shall be subject to the expiration provisions of Section 150-225 of the Worcester Township Zoning Ordinance.

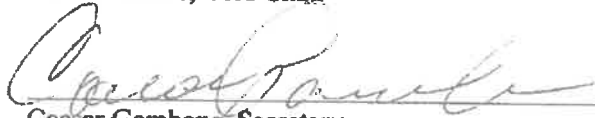
WORCESTER TOWNSHIP ZONING HEARING BOARD



Michael Libor, Chair



John D'Lauro, Vice Chair



Caesar Gambone, Secretary

(Alternate)

Bradford Smith

Order Entered: 5/24/22

Circulation Date: 5/25/22

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 supplement these Findings of Fact and Conclusions of Law in support of this Decision if an appeal is filed.