

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

IN RE: APPLICATION OF
BRENDAN AND MEGAN WHELAN

NO. 2020-05
APPLICATION FOR VARIANCES

DECISION

The Applicants/Owners, Brendan and Megan Whelan propose to install a pool, fence and related pool equipment at the property located at 1884 Keyser Road, Worcester Township, in the AGR – Agricultural Zoning District.

Public hearings on the above Application were held on May 29, 2020 and June 16, 2020 via telecommunication device, pursuant to Notice as required by the Worcester Township Zoning Ordinance, as amended (hereinafter “Zoning Ordinance”), the Pennsylvania Municipalities Planning Code, and Act 15 of 2020. 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 Zoning Ordinance Section 150-110.7, so as to permit 32.8% impervious coverage, rather than the 25% permitted, is **GRANTED**.
- (2) A variance from Zoning Ordinance Section 150-177.A(3), so as to permit the proposed pool to encroach 40' into the required 50' rear yard setback, is **GRANTED**.
- (3) A variance from Zoning Ordinance Section 150-182.B, so as to permit a 6' high black aluminum fence to be installed in the front yard, is **GRANTED**.
- (4) A variance from Zoning Ordinance Section 150-181, so as to permit the proposed pool decking to encroach 15' into the required 20' rear yard setback, is **GRANTED**.
- (5) The request for a variance to locate the pool partially in the front yard was **WITHDRAWN**.

This Decision is subject to the following conditions:

1. The Applicants shall install the pool and related pool equipment in the locations shown on the Plan marked as Exhibit A-7.
2. The Applicants shall install the fence in the location shown on the Plan marked as Exhibit A-7, and in conformity with the detail shown in Exhibit A-9. The Applicants shall submit a letter to the Township from the Homeowners Association confirming that the fence as proposed is in conformity with the Homeowners Association's guidelines.
3. The Applicants shall install and maintain landscaping, 6' in height upon planting, to screen the view of the pool from neighboring properties, as shown on the Plan marked as Exhibit A-7, to the satisfaction of the Township.
4. The Applicants shall apply for and obtain all applicable Township, County and State permits and approvals relative to the construction and use in a timely manner.
5. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicants, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
6. 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.

7. Pursuant to Section 150-225 of the Worcester Township Zoning Ordinance, a special exception or variance shall expire if the applicants fail 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 applicants fail 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. The expiration date for obtaining the building permit as set forth herein may be extended by the Township for two (2) successive six (6) month periods, if, in the opinion of the Zoning Officer, the applicants are diligently pursuing the building permit.

WORCESTER TOWNSHIP ZONING HEARING BOARD



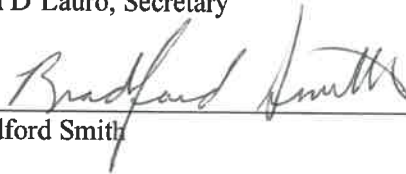
Michael Libor, Chair

(Absent from the first meeting)

Caesar Gambone, Vice Chair



John D'Lauro, Secretary



Bradford Smith

Order Entered: 7-22-20

Circulation Date: 7-22-20

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.