

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

IN RE: APPLICATION OF
STEVEN AND NICOLE KINDRED

NO. 2021-06
APPLICATION FOR VARIANCES

DECISION

The Applicants/Owners, Steven and Nicole Kindred, propose to install a pool, spa, related pool equipment, fencing and deck at the property located at 2901 Clyston Road, Worcester Township, in the R-75 Zoning District.

A public hearing on the above Application was held on June 7, 2021 at the 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. 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 150-177.A(3), so as to permit the proposed pool, spa and related equipment to be located not entirely in the rear yard as shown on the Plan marked as Exhibit A-5, is **GRANTED**.
- (2) A variance from Zoning Ordinance Section 150-181.C, so as to permit the proposed deck to be located in the front yard setback as shown on the Plan marked as Exhibit A-5, is **GRANTED**.
- (3) Variances from Zoning Ordinance Sections 150-182.A and 150-182.B, so as to permit the proposed fence to be located in the setbacks as shown on the Plan marked as Exhibit A-5, are **GRANTED**.

This Decision is subject to the following conditions:

1. The Applicants shall install the pool, spa, related pool equipment, fence and deck in the locations shown on the Plan marked as Exhibit A-5, and install and maintain continuous evergreen landscaping, six (6) feet in height at time of planting, to shield the view of the fence to the satisfaction of the Township.
2. 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.
3. 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.
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 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



Caesar Gambone, Vice Chair



John D'Lauro, Secretary

Bradford Smith

Order Entered: 6/22/21

Circulation Date: 6/22/21

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.