

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

IN RE: APPLICATION OF
CARL AND RACHEL MARSH

NO. 2021-13
APPLICATION FOR A SPECIAL
EXCEPTION

DECISION

The Applicants/Owners, Carl and Rachel Marsh, propose to add an addition to the single-family house on the property located at 2901 Woodlyn Ave., Worcester Township, in the R-175 Zoning District, for a second housekeeping unit (in-law quarters).

A public hearing on the above Application was held on December 28, 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 special exception under Section 150-9 Definition of "Family" subsection B, so as to permit a second non-profit housekeeping unit on the property for an in-law quarters, is **GRANTED**.

This Decision is subject to the following conditions:

1. The Applicants and successors in interest shall comply with all requirements of Zoning Ordinance Section 150-9 Definition of Family regarding the two (2) non-profit housekeeping units, including, but not limited to, recording a deed restriction acceptable to the Township Solicitor related to the use of the in-law quarters addition, and the removal of cooking facilities in the in-law quarters when the main residence is no longer owned and occupied by the Applicants, (or a person related by blood, marriage or adoption to the person for whom the in-law quarters addition was originally built), or the in-law quarters is no longer occupied by the person for whom the in-law quarters addition was originally built. The Applicants shall pay for all costs for the preparation and recording of the deed restriction, including reimbursing the Township for the related charges of the Township Solicitor.
2. The in-law quarters shall never be rented out to a third party.
3. The Applicants shall:
 - A. Apply for all permits, and pay the corresponding permit application fees for all work performed on the property, and occupancy of the property.
 - B. Apply for and obtain all approvals related to the good operation of the onsite septic system for the occupancy permitted in compliance with all current regulations, follow testing protocols regarding percolation rates under the guidance of a soils scientist, and under the supervision of the Department of Health, make upgrades and improvements as required, and provide proof of same for review by the Township Engineer, and comply with all requirements of the Township with respect to onsite sewer.

- C. Install stormwater facilities on the property as required by the Township Engineer.
 - D. Install and continuously maintain a landscape buffer to the satisfaction of the Township Engineer.
 - E. Allow for Township inspections of the property upon 24-hour notice.
 - F. Comply with all requirements of the Township regarding the posting of escrow for the professional review and inspection services of the Township Engineer.
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



Caesar Gambone, Vice Chair



John D'Lauro, Secretary

Bradford Smith

Order Entered: 1/25/22

Circulation Date: 1/25/22

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