

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

**IN RE: APPLICATION 15-03 OF : REQUEST FOR
 PHILIP D. GOLDBLUM, JR. & : VARIANCES
 AMY M. ECKERT : :**

DECISION

Public Hearings on the above Application having been held on December 22, 2015 and January 26, 2016, at 6:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, pursuant to Notice as required by the Worcester Township Zoning Ordinance of 1973, as amended, (hereinafter "Ordinance") and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board of Worcester Township enters the following Decision:

FINDINGS OF FACT

1. This is Application 15-03 of Philip D. Goldblum, Jr., and Amy M. Eckert, 2959 Potshop Road, Worcester Township, Montgomery County, Pennsylvania, 19403, owners of the property located in the R-175 Zoning District for the following relief from the Ordinance to permit the construction of a garage on the premises: a Variance from

\$150-37.A. to permit the garage to be constructed within the front yard setback; a Variance from \$150-37.C.(1) to permit the garage to be constructed within the side yard setback; a Variance from \$150-177.A.(2) to permit the garage height of 22'; and a Variance from \$150-194.A. to permit a recreational vehicle to be parked in required open space on the lot.

2. The subject property is located at 2959 Potshop Road, Worcester Township, Montgomery County, Pennsylvania.

3. The total gross area of the property is 77,548 square feet with net area of 63,257 square feet. There is 215.67 feet of frontage on Potshop Road and 298.37 feet on Landis, and lot depth of 430.81 feet.

4. Public water and private septic are on the property.

5. The property is situate in the R-175 Zoning District and is improved with a private residence and an attached garage.

6. Applicant offered testimony in support of the Application as follows:

A. They would like to add to their home a garage for their cars and a garage for their recreational vehicle. (N.T. 12/22/15, p. 8).

B. The subject home was built in the 1950s and Applicants have occupied it for five years. (N.T. 12/22/15, p. 8).

C. Although the property has an address on Potshop Road, it faces Landis Road. It is a corner lot consisting of two front yard setbacks. (N.T. 12/22/15, p. 8 - 9).

D. The home has a sewage system and the on-site sewer is situate in the back yard, occupying the whole back yard. (N.T. 12/22/15, p. 9).

E. The structure will be constructed so that it "matches" the house. (N.T. 12/22/15, p. 9).

F. The encroachment into the front yard will be 20 feet; the encroachment into the side yard will be 20 feet. (N.T. 12/22/15, p. 10).

G. The reason for the relief requested is that Applicants would use the proposed garage to store a motor home/recreational vehicle, as well as automobiles which are currently parked on the property. (N.T. 12/22/15, p. 11).

H. The recreational vehicle is currently stored in Reading. (N.T. 12/22/15, p. 11).

I. There are currently five vehicles on the premises and the proposed garage would enable Applicants to store all of them indoor. (N.T. 12/22/15, p. 11).

J. The garage would be a three bay vehicle parking area and a single bay for the recreational vehicle. (N.T. 12/22/15, p. 12).

K. The current garage faces out toward Potshop Road and the proposed garage would be "slotted" behind and along side the residence. (N.T. 12/22/15, p. 13).

L. The on-site septic system is built in the remaining area within the building envelope. (N.T. 12/22/15, p. 14.).

M. The recreational vehicle is 43 feet in length. (N.T. 12/22/15, p. 17).

7. David Toddes and Karen Snovel testified in support of the Application. (N.T. 12/22/15, p. 22 - 24).

8. Applicant admitted he could construct a garage to house the recreational vehicle and trailer without the need for variances and that it could possibly fit on the property without the need for relief. (N.T. 1/26/16, p. 43).

9. The present house which includes the garage, is 2,844 square feet; the garage component of the house is 25 feet by 25 feet; therefore the house is approximately 1,800 or 1,900 square feet of living space; (N.T. 1/26/16, p. 52 - 53).

10. The proposed square footage of the building in its entirety is 2,264 square feet. (N.T. 1/26/16, p. 53).

11. The garage portion of the property would be greater than that of the house and living space. (N.T. 1/26/16, p. 53).

12. There would be no commercial use of the property. (N.T. 1/26/16, p. 54).

13. Article XXVI, Section 150-219, Variances, of the Worcester Township Zoning Ordinance provides:

A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the

provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (6) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

14. The Board finds that there was not credible evidence nor credible testimony presented to establish that there are unique physical circumstances or conditions which create an unnecessary hardship.

15. The Board finds that there was not credible evidence nor credible testimony presented to prove that physical circumstances or conditions exist so that there is

no possibility to develop the property in strict conformity with the Zoning Ordinance.

16. The Board finds that there was not credible evidence nor credible testimony presented to prove that the requested relief would not alter the essential character of the neighborhood.

17. The Board finds that there was not credible evidence nor credible testimony presented to prove that the requested relief would represent the least modification possible to the Ordinance regulations.

18. The following exhibits were entered into evidence:

- B-1 Legal Notice
- B-2 Proof of Publication
- A-1 Application
- A-2 Documents attached to Application, including Plot Plan
- A-3 Photograph - 2959 Potshop Road - Driveway taken from Potshop Road
- A-4 Photograph - Example of general layout of proposed garage
- A-5 Photograph - 2959 Potshop original siding restoration
- A-6 Photograph - Motorhome parked at 2959 Potshop
- A-7 Photograph - 2959 Potshop Road - wood pile
- A-8 Rendering of proposed garage
- A-9 Letter from Rowan Keenan dated January 21, 2016 with attachments
 - Site Plan - full property view
 - Site Plan - area of proposal view
 - Proposed building floor plan
 - Proposed front elevation
 - Proposed Potshop Road elevation
 - Proposed rear elevation

- Proposed side elevation
- Proposed roof pitch calculations

CONCLUSIONS OF LAW

1. This Board has jurisdiction over the subject matter of the Application.

2. The Applicant is a proper party before the Board.

3. The Board is of the opinion that the evidence as presented did not establish that an unnecessary hardship exists with regard to the property so as to permit the granting of the relief requested.

4. The requested relief does not constitute de minimus relief.

5. The Board is of the opinion that evidence was not presented which would indicate that there is no possibility that the property could be developed in strict conformity with the provisions of the Zoning Ordinance so that the authorization of a variance or the requested relief is necessary for the reasonable use of the property.

6. The Board is of the opinion that no evidence was presented that the relief requested, if granted, would not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

7. The Board is of the opinion that no evidence was presented that the relief requested, if authorized, would represent the minimum relief that would afford relief and would represent the least modification possible of the regulation in issue.

ORDER

Upon consideration of the evidence and testimony presented, Applicants' request for a Variance from §150-37.A. to permit the garage to be constructed within the front yard setback; a Variance from §150-37.C.(1) to permit the garage to be constructed within the side yard setback; a Variance from §150-177.A.(2) to permit the garage height of 22'; and a Variance from §150-194.A. to permit a recreational vehicle to be parked in required open space on the lot are hereby **DENIED**.

**WORCESTER TOWNSHIP ZONING
HEARING BOARD**


Caesar Gambone


John D'Lauro

Voted to approve
Bradford Smith

Order Entered: January 26, 2016

Circulation Date: February 16, 2016