

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

IN RE: APPLICATION OF
GEORGE AND TARA LEMING

NO. 2020-08
APPLICATION FOR A VARIANCE

DECISION

The Applicants/Owners, George and Tara Leming, propose to install a pool at 1899 Cassel Road, Worcester Township, in the AGR – Agricultural Zoning District.

A public hearing on the above Application was held on June 23, 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 Section 150-177.A(3) of the Zoning Ordinance, so as to permit the pool to encroach 9' 3" into the required rear yard setback and 24' into the required side yard setback, is **GRANTED**.

This Decision is subject to the following conditions:

1. The Applicants shall install the pool and related equipment in the locations as shown on the plan marked as Exhibit A-2.
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. The Applicants shall submit a letter to the Township from the Homeowners Association confirming that the pool is in conformity with the Homeowners Association's guidelines.
4. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
5. 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.
6. Pursuant to Section 150-225 of the Worcester Township Zoning Ordinance, a special exception or variance shall expire if the Applicant fails 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 Applicant fails 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

(Alternate)

Bradford Smith

Order Entered: _____

7-14-20

Circulation Date: _____

7-14-20

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.