

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

IN RE: APPLICATION OF
DINO PELLEGRIN

NO. 2020-15
APPLICATION FOR VARIANCES

DECISION

The Applicant/Owner, Dino Pellegrin, proposes to construct a garage on the property located at 337 E. Mt. Kirk Avenue, Worcester Township, in the AGR - Agricultural Zoning District.

A public hearing on the above Application was held on September 1, 2020 at the Methacton High School Auditorium, 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 Section 150-13.A(3)(a) of the Zoning Ordinance, so as to permit the garage to encroach 43' into the required side yard setback, is **GRANTED**.

(2) A variance from Section 150-13.A(1) of the Zoning Ordinance, so as to permit the garage to encroach 5' into the required front yard setback, is **GRANTED**.

This Decision is subject to the following conditions:

1. The Applicant shall construct the garage in the location as shown on the Plans marked as Exhibit A-3. The Applicant shall install evergreen trees, 6 feet in height at time of planting, along the side of the property where the garage will encroach into the side yard, with spacing and number of trees to the satisfaction of the Township, so as to completely screen the view of the garage from the neighboring property.
2. The Applicant 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 Applicant, 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 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 Applicant is 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: 9.30.20

Circulation Date: 9.30.20

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.