

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

IN RE: APPLICATION OF CLAY AND
SHERRY KOHLER

NO. 2023-01
VARIANCE APPLICATION

DECISION

The Applicants/Owners, Clay and Sherry Kohler, propose to construct a pool and install related pool equipment on the property located at 2602 Resolution Road, Worcester Township, Montgomery County, PA, located in the AGR-Agricultural Zoning District.

A public hearing on the above Application was held on February 28, 2023 at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, 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 §150-110.7, so as to permit 27.54% impervious coverage, rather than the 25% permitted, is **GRANTED**.

(2) A variance from Zoning Ordinance §150-177.A(3), so as to permit pool equipment to be located in the side yard, is **GRANTED**.

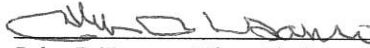
This Decision is subject to the following conditions:

1. The Applicants shall construct the pool and install the pool equipment, substantially in the locations as set forth on the plan marked as Exhibit A-2, but with respect to the location of the pool equipment, the Applicants shall comply with all requirements of the Township Fire Marshal. The Applicants shall install evergreen landscaping, 5 feet in height at time of planting, to shield the view of the pool equipment from the road and adjacent properties.
2. Stormwater management controls shall be designed and installed to the satisfaction of the Township Engineer.
3. The Applicants shall apply for and obtain all applicable Township, County and State permits and approvals relative to the construction in a timely manner.
4. 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.
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.

WORCESTER TOWNSHIP ZONING HEARING BOARD

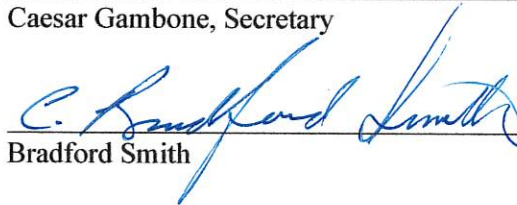


Michael Libor, Chair



John D'Lauro, Vice Chair

Caesar Gambone, Secretary



Bradford Smith

Order Entered: 3/7/2023

Circulation Date: 3/7/2023

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.