

**DECISION AND ORDER**

**WHITPAIN TOWNSHIP ZONING HEARING BOARD**

**APPLICATION 1767-07**

Appeal of T-Mobile Northeast, LLC

First Hearing: January 17, 2008

Decided: *JANUARY 17, 2008.*

Property Address: 1904 Morris Road  
Blue Bell, PA 19422

Copy Mailed: *JANUARY 18, 2008.*

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The variance from the terms of Article XI, Section 160-59 to allow the establishment of a telecommunications facility including a Fort Worth power mount of 135 ft. and an antenna height of 4 ft. to be attached to the existing PECO transmission tower with accompanying antennas and radio equipment cabinets on the subject property is hereby GRANTED/~~DECLINED~~.
  2. The variance from the terms of Article XI, Section 160-62 to allow the establishment of a telecommunications facility on the property consisting of a 135 ft. Fort Worth power mount and an antenna height of 4 ft. to be attached to the existing PECO transmission tower, increasing the maximum height of the communications tower from 40 ft. to 139 ft. on the subject property is hereby GRANTED/~~DECLINED~~.
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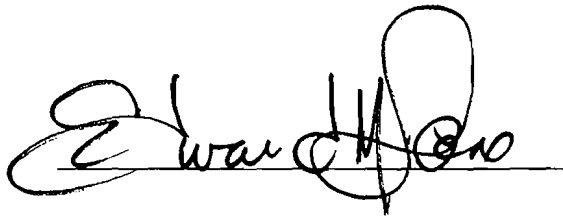
**THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:**

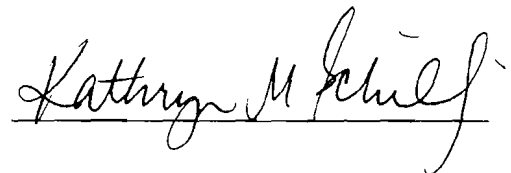
1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

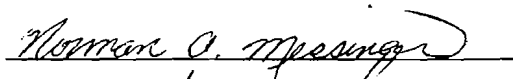
2. The Applicant shall obtain a grading permit if required by the Township Engineering Department.

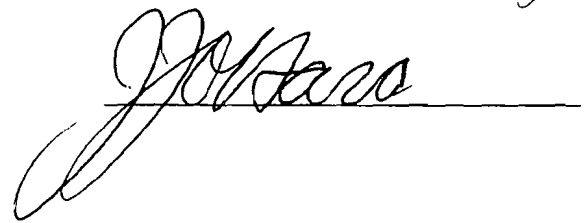
3. LEAK Agreement with PECO to be filed with the Township prior to issuance of building permit.

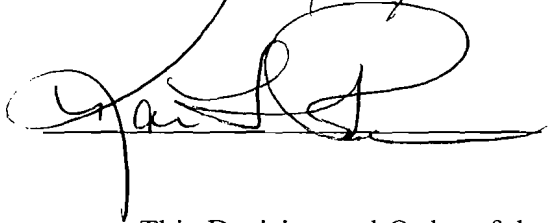
4. Within 6 months of nonuse of the tower, Applicant will remove the equipment from the property.

  
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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 copy mailing date set out above.

Section 116-226. *Expiration of Special Exceptions and Variances.* of the Whitpain Township Zoning Ordinance of 1950, as amended, Chapter 160 of the Code of the Township of Whitpain provides that unless otherwise specified by the Board, a special exception or variance shall expire if the Applicant fails to obtain a building permit or use and occupancy permit, as the case may be, within six (6) months from the date of authorization thereof.

## Whitpain Township Zoning Hearing Board

### Notice of Hearing

No. 1769-08

The Whitpain Township Zoning Hearing Board will hold a public hearing at the Township Building, 960 Wentz Road, Blue Bell, PA 19422, on **Monday, March 31, 2008** commencing at 7:00 P.M. The Zoning Hearing Board will consider the following application/appeal for relief under the Whitpain Township Zoning Ordinance of 1950, as amended, Chapter 160 of the Code of the Township of Whitpain: Application filed by Cricket Communications as tenant of the property located at 640 Skippack Pike, Center Square, Penna., 19422 for the following relief at the subject property:

1. A variance from the terms of Article XVII, Section 160-112 to permit the construction and operation of a wireless communications service facility on the existing water tower. The proposed facility consists of three (3) communications antennae and two (2) equipment cabinets.
2. Variances from the terms of Article XVII, Section 160-113 and Article XXV, Section 160-191.A to increase the maximum height in the "C" Commercial District from 40' to 173.7'.
3. A variance from the terms of Article XVII, Section 160-114.C and Article XXV, Section 160-192 to reduce the minimum required height from 25' to 17'.
4. A special exception under Article XXV, Sections 160-206, 160-207 and 160-208 to permit the construction and operation of a wireless communications service facility on the existing water tower, consisting of three (3) communications antennae and two (2) equipment cabinets with a maximum height of 173.7'.
5. All additional relief from the terms of the Whitpain Township Zoning Ordinance, including but not limited to, any approvals, certifications, waivers, design exceptions, variances, expansion of non-conforming uses, or expansion of non-conforming structure that may be deemed necessary or required to develop the subject property as proposed by the application and all supporting documentation.

The zoning classification of the subject property is "C" Commercial District.

The application and plans are on file and may be examined at the Whitpain Township Office. **THE APPLICANT AS WELL AS ALL PERSONS INTERESTED AND/OR WISHING TO BE HEARD IN THIS MATTER MUST BE PRESENT FOR THE HEARING.** Notice is being sent to all property owners in the immediate vicinity of the subject premises. **ANYONE WISHING NOTICE OF THE DECISION MUST APPEAR AND SIGN THE REGISTER AT THE HEARING.**

WHITPAIN TOWNSHIP ZONING HEARING BOARD

March 15, 2008

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodations to participate in the hearing, please contact David M. Camarda, Whitpain Township ADA Coordinator, at (610) 277-2400.