

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

APPLICATION 1835-09

First Hearing: July 16, 2009

Appeal of Metro PCS, LLC

Decided: July 16, 2009

Property Address: (640) 648 Skippack Pike
Blue Bell, PA 19422

Copy Mailed: July 17, 2009

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 XIX, Section 160-119 (formerly Section 160-112) to permit the construction and operation of a wireless communications service facility on the existing water tower consisting of six(6) panel-style antennae at the height of 103 ft. (antenna centerline) and radio equipment on a 10 ft. by 16 ft. leased area at the subject property is hereby GRANTED.
2. The variance from the terms of Article XIX, Section 160-120 (formerly Section 160-113) to increase the maximum height of the six (6) communication antennae from 40 ft. to 103 ft. (antennae centerline) at the subject property is hereby GRANTED.
3. The variance from the terms of Article XIX, Section 160-201.A (formerly Section 160-191.A) to increase the maximum height of the six (6) communication antennae from 40 ft. to 103 ft. (antennae centerline) at the subject property is hereby GRANTED.

APPLICATION 1835-09 - Appeal of Metro PCS, LLC

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. The color of the cable lines shall be painted or manufactured to match the color of the tower.

4. The equipment shall be removed from the subject property within six months after the termination of the lease for the subject property or nonuse of the subject property.
5. Landscaping shall be installed along the fence behind the library to the satisfaction of the Township.

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.

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

APPLICATION 1836-09

First Hearing: July 16, 2009

Appeal of Thomas J. & Mary Ann Messmer,
equitable owners

Decided: July 16, 2009

Property Address: 730 Penllyn Pike
Blue Bell, PA 19422

Copy Mailed: July 17, 2009

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

The variance from the terms of Article XXIII, Section 160-157 (formerly Section 160-149) to allow private horse grazing at the subject property is hereby GRANTED.

APPLICATION 1836-09 - Appeal of Thomas J. & Mary Ann Messmer, equitable owners

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. There shall not be more than 2 horses on the subject property on a regular basis.
4. There shall not be any commercial use of the subject property.
5. A stock fence 4 foot in height shall be installed on the rear property line and shall be set back at least 10 foot from the rear property line.