generally defined as the past tense of the verb "to change or transform from one state to another; alter in form, substance or qualify." *Webster's Third International Dictionary*. We agree that this is certainly a generally accepted meaning of the word. Furthermore, the change in usage of the structure from a commercial to a residential use is obviously a change in the substance or usage. Therefore, appellants' attempt to use the model home as a residence is indeed a conversion of the structure and as such, is prohibited by Section 300.8.a of the zoning ordinance.

Second, appellants assert that the use of the building as a dwelling is "incidential and accessory" to its principal commercial use. The structure was built to fulfill the business purpose of a demonstrator home and was in total compliance with the zoning regulations. To suddenly change the usage of the structure from one which is permitted to one that is strictly prohibited cannot be viewed as incidental or naturally related to the original use.

For these reasons, we must conclude that appellants have failed to establish their position that Section 300.8.a does not prohibit use of the model home as a dwelling.

Appellants also assert on appeal that they should be granted a variance for their property because the use of the model home as a dwelling is the only practical and reasonable use of the disputed property. Ann applicant must sustain the heavy burden necessary to warrant the grant of a variance and also the burden of proving unnecessary hardship. *Nardozza Zoning Case*, 45 Pa. Cmwlth. 482, 405 A. 2d 1020 (1979). Section 912 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. Sec. 10912, lists the prerequisites for the granting of a variance. Inter alia, the Board must find that there is no possibility of developing the property in accordance with its present zoning and that the variance requested represents the minimum variance that will afford relief. *Kernick v. Zoning Hearing Board of Municipality of Penn Hills*, 56 Pa. Cmwlth. 512, 425 A. 2d 1176 (1981).

In the case at bar, the record is devoid of any evidence tending to show that the property in question cannot be developed as presently zoned, and, in fact, appellants concede that no effort had been made on their part to ascertain whether the property could be used as zoned. Under the rationale of *Bruni v. Zoning Hearing Board of Plymouth Township*, 52 Pa. Cmwlth. 526, 416 A. 2d 111 (1980), since appellants failed to

submit evidence showing that the permitted uses are not feasible for the property in question, then the claimed hardship is economic only and not the required unnecessary hardship. The reasonable use argument of appellants must fail because insufficient evidence of the unsuitability of the property for its zoned use was presented and economic hardship is legally insufficient to consitute an unnecessary hardship.

Appellants were given adequate notice of the hearing date. They were permitted to present unlimited testimony before the Board. Their request for a continuance after their evidence had been presented and after the motion to deny the variance had been made and seconded by two members of the three-man Board, was clearly untimely and properly denied.

We find no error of law or abuse of discretion and, therefore, the order of the Zoning Hearing Board of Washington Township denying appellants' application for a variance shall be affirmed.

ORDER OF COURT

NOW, this 9th day of March, 1982, the appeal of Ellsworth McCrea and Jean McCrea is dismissed, and the Order of the Zoning Hearing Board of Washington Township, Pennsylvania affirmed.

Costs to be paid by appellants.

Exceptions are granted appellants.

MONN v. MONN, C.P. Franklin County Branch, No. 1980 - 298

Support - Jurisdiction - Out of State Defendant

1. Where defendant attended a conference before the Domestic Relations Hearing Officer, her appearance constituted a waiver of any defect in service or jurisdiction over the person of the defendant.

2. The Pennsylvania Rules of Civil Procedure are not meant to govern actions under the interstate provisions of the Revised Uniform Reciprocal Enforcement of Support Act.

3. Pa. R.C.P. 1910.6 (c) provides an option for plaintiff to proceed under the Pennsylvania long-arm statute.

4. The word "harm" as used in the long-arm statute includes economic detriment and the failure to support children residing in Pennsylvania is harmful to them.

Kenneth F. Lee, Esq., Attorney for Defendant

Michael B. Finucane, Esq., Attorney for Plaintiff

OPINION AND ORDER

EPPINGER, P.J., March 4, 1982:

We are primarily concerned with whether this court has jurisdiction in this case. William C. Monn, plaintiff, has custody of the parties' two children. After his complaint for support was filed, both parties attended an office conference at the Franklin County Domestic Relations Section and the hearing officer recommended an order in favor of William in the amount of $27 each week for the support of the two children. The recommended order was approved by the court on November 19, 1981 and Mary Jane filed a demand for a hearing by a judge. In the meantime she filed a Petition Raising a Question of Jurisdiction. The matter came to the court for disposition.

The complaint alleges that Mary Jane resides in Washington County, Maryland. She has resided there since June 25, 1981, is laid off from her employment at Regency Thermographers, a business located in Franklin County, is collecting Unemployment Compensation in the amount of $84.00 weekly, and received a substantial sum from her husband in a property settlement from which the hearing officer concluded she had potential investment income. He arrived at his recommended order based on defendant's weekly income of $115.00.

William lives in Franklin County and was found by the hearing officer to have a weekly income of $215.00. The parties obtained a divorce in this court. There was an earlier nonsupport proceeding which was dismissed by stipulation.

The Complaint contains the required notice to the defendant that she should attend the conference before the Domestic Relations Hearing Officer saying she has the right to have a lawyer, that the lawyer could attend the conference with her and that if she couldn't afford legal help, she should call the Franklin-Fulton Co. Legal Reference Service.

She says she objected to jurisdiction of this court at the conference, saying something like: "How can you decide this case here when I live in Maryland?" She claims a response not from the hearing officer but from the plaintiff's attorney. We do not accept this testimony, so the first attack on jurisdiction occurred December 7, 1981 when the petition raising a question of jurisdiction was filed by her attorney.

The order fixing the time for the conference was signed by our court on October 5, 1981 and the conference was held on November 17th, allowing her plenty of time to make arrangements for an attorney if she wanted one. Nevertheless, she appeared at the conference without counsel. Her appearance at the conference constituted a waiver of any defect in service or jurisdiction over the person of the defendant. See *Susie v. Susie*, 72 D&C 2d 240, 35 Beaver 56 (1976) (personal appearance at Master's Hearing in divorce constitutes waiver of such defects).

The Rules of Civil Procedure, Nos. 1910.1 to 1910.31, are not meant to govern actions under the interstate reciprocal provisions of the Revised Uniform Reciprocal Enforcement of Support Act (1968), 42 Pa. C.S. Sec. 6741, et seq. Rule 1910.1 (b) (1) (a). However, Rule 1910.6(c) provides an option in which plaintiff can elect to proceed under the long-arm statute of Pennsylvania, the Act of 1976, July 9, P. L. 586, 42 Pa. C.S.A. Sec. 5321 and Pa. R.C.P. 2079. (See Rules Committee Comment under Rule 1910.1, Scope.)

The plaintiff opted to bring this case under Rule 1910 and it was established in the testimony that the plaintiff resides in Franklin County, that prior to being laid off and now collecting Unemployment Compensation the defendant was employed in Franklin County and that this is the county in which the last family domicile was located. (See Rule 1910.2 and Rule 1910.6(b).) It seems to be defendant's argument, however, that Rule 1910 is not itself a long-arm statute and that in order for our court to have jurisdiction, we must find some basis for personal jurisdiction over her under the long-arm statute.

Within this Commonwealth reside the defendant's two children. Her failure to support them is causing harm within the Commonwealth under 42 Pa. C.S.A. Sec. 5322(a)(4). "Harm" as used in a long-arm statute includes economic detriment. *Monroeville Land Co. v. Sonnenblick-Goldman Corp. of Western Pennsylvania*, 247 Pa. Super. 61, 67, n.5, 371 A.2d 1326, 1329, n.5 (1977); *B. J. McAdams, Inc. v. Boggs*, 426 F. Supp. 1091 (E.D. Pa., 1977). We conclude that

the defendant is amenable to service under the long-arm statute of Pennsylvania and that our court has both subject-matter and personal jurisdiction.

The evidence before us showed that Mary Jane Monn is receiving Unemployment Compensation of $84.00 each week and that she received $20,000 from the sale of real estate. She accounted for the expenditure of about $12,000 of that, including the purchase of a new car, a gift to a church school and two vacations. Taking all of this into account, we thing the hearing officer was correct in finding that she would have income from this money.

After reviewing this and all of the other evidence, including the income of the father, we find that $27.00 per week to be paid by the mother for the support of these two boys is proper.

We will dismiss the Petition Raising a Question of Jurisdiction and affirm our order of November 19, 1981 adopting the Hearing Officer's order of November 17, 1981 as the order in this case.

ORDER OF COURT

March 4, 1982, the Petition Raising a Question of Jurisdiction is dismissed and the order of our court dated November 19, 1981 adopting the Hearing Officer's order of November 17, 1981 is affirmed. Costs to be paid by the defendant.

BROOKENS v. BROOKENS, C.P., Franklin County Branch, F.R. 1980 - 727 - D

Divorce - Bifurcated proceeding - Constitutionality of Equitable Distribution - Counsel Fees

1. In accordance with public policy and the legislative intent of the Divorce Code, a final divorce decree may be entered prior to the resolution of all related issues.

2. The equitable distribution provisions of the Divorce Code as applied to property acquired prior to the Code's effective date is constitutional as a