

ERECTED INTO A TOWNSHIP IN 1733
TOWNSHIP OF WORCESTER
AT THE CENTER POINT OF MONTGOMERY COUNTY
PENNSYLVANIA

1721 Valley Forge Road
P.O. Box 767
Worcester, PA 19490

Phone (610) 584-1410
Fax (610) 584-8901

THIS SECTION COMPLETED ONLY BY TOWNSHIP:

APPEAL NO. : 16/09 DATE FILED: 10/31, 20 16

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: October 31, 2016

2. Classification of Appeal (Check one or more, if applicable):
 - a. Appeal from the Zoning Officer's Determination
 - b. Request for Variance
 - c. Request for Special Exception
 - d. Challenges to the Validity of Zoning Ordinance or Map
 - e. Request for Conditional Use Hearing
 - f. Request for Amendment to Zoning Map
 - g. Request for Zoning Ordinance Amendment
 - h. Request for a Curative Amendment
 - i. Request for other relief within the Jurisdiction of the Zoning Hearing Board as established in Section 909.1(a) of the Pennsylvania Municipalities Code

3. Applicant:
 - a. Name: Brendan and Megan Whelan
 - b. Mailing address: 1884 Keyser Road, Lansdale, PA 19446
 - c. Telephone number: 215-287-1884
 - d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: Owner of legal title (REQUIRED)

Please attach Deed to prove ownership, an Agreement of Sale to prove equitable ownership, or an Affidavit allowing Tenant to apply for necessary relief.

4. Applicant's attorney, if any:
 - a. Name: Kimberly A. Freimuth, Esq.
 - b. Address: Fox Rothschild LLP, 2700 Kelly Rd., Ste. 300, Warrington, PA 18976
 - c. Telephone number: 215-918-3627

5. Property Details:

- a. Present Zoning Classification: AGR
- b. Present Land Use: Residential
- c. Location (Street Address):
1884 Keyser Road, Lansdale, PA 19446
- d. Parcel #: 67-00-02648-427
- e. Lot Dimensions:
 - (1) Area: 22,907 sq. ft.
 - (2) Frontage: _____
 - (3) Depth: _____
- f. Circle all that apply in regards to the above specified property:
 - Public Water
 - Public Sewer
 - Private Well
 - Private Septic
- g. Size, construction, and use of existing improvements; use of land, if unimproved: **(Please submit as an attachment)**

6. Proposed Use(s):

- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)**

7. Legal grounds for appeal (Cite specific sections of Pennsylvania Municipalities Planning Code, Zoning Ordinance, Subdivision Regulations, and/ or other Acts or Ordinances). All sections that apply must be listed in which relief is required and an explanation provided. **(Please submit as an attachment)** See Addendum attached hereto.

8. Has any previous appeal been filed concerning the subject matter of this appeal?
 Yes No

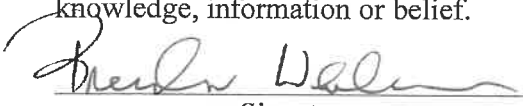
If yes: specify: **(Please submit as an attachment)**

9. Challenges please list requested issues of fact or interpretation:
(Please submit as an attachment)

10. Worcester Township to provide the list of names and addresses of all property within 500 feet of the perimeter of the subject property. **(REQUIRED: SECTION 150-224)**

CERTIFICATION

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.


Signature

Brendan Whelan
Printed Name


Signature

Megan Whelan
Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF MONTGOMERY : SS

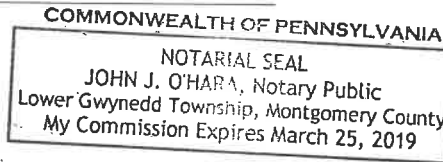
The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

Brendan Whelan
Applicant Brendan Whelan

Megan Whelan
Applicant Megan Whelan

Sworn to and subscribed before me this 31 day of October, 2016

John J. O'Hara
Notary Public



Date Received: 10/31/16

[Signature]
Zoning Officer

**ADDENDUM TO ZONING HEARING BOARD APPLICATION
OF
BRENDAN AND MEGAN WHELAN
FOR
1884 KEYSER ROAD, TOWNSHIP OF WORCESTER, MONTGOMERY CO., PA**

BACKGROUND

Brendan and Megan Whelan (“Applicants”) are the owners of that certain property known as Tax Map Parcel No. 67-00-02648-427, located at 1884 Keyser Road in the Township of Worcester, Montgomery County, Pennsylvania (the “Property”).

The Applicants are proposing to build a 950 square foot deck on the rear of the Property, a portion of which, consisting of 225 square feet, will be covered by a roof. The Property contains an in-law suite utilized by Mrs. Whelan’s parents, one of which has been diagnosed with melanoma. As a result, the Applicants desire to cover a portion of the exterior deck.

REQUESTED RELIEF

The Applicants hereby request a variance from Section 150-181 of the Worcester Township Zoning Ordinance to allow the covered portion of the deck to encroach 3.8 feet into the required 40-foot rear yard setback. Given that the encroachment is only 3.8 feet, the Applicants believe that the requested relief is de minimis in nature. In addition, the rear yard of the Applicants’ Property abuts open space and, as a result, there will be no adverse impact to any adjacent property owners.



RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker

One Montgomery Plaza
 Swede and Airy Streets ~ Suite 303
 P.O. Box 311 ~ Norristown, PA 19404
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 5982 PG 02754 to 02758
 INSTRUMENT # : 2015096229
 RECORDED DATE: 12/22/2015 06:56:07 AM



3285230-0014L

MONTGOMERY COUNTY ROD
OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed
Document Date: 11/25/2015

Reference Info:

RETURN TO: (Simplifile)
 Commonwealth Agency, Inc
 25 Skippack Pike
 Broad Axe, PA 19002
 (215) 643-7744

Transaction #: 3310601 - 2 Doc(s)
Document Page Count: 4
Operator Id: sford

PAID BY:
 COMMONWEALTH AGENCY INC

*** PROPERTY DATA:**

Parcel ID #: 67-00-02648-42-7
Address: 1884 KEYSER RD

Municipality: PA
 Worcester Township (100%)
School District: Methacton

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION / SECURED AMT: \$957,324.00
TAXABLE AMOUNT: \$957,324.00

FEES / TAXES:

Recording Fee: Deed	\$95.00
State RTT	\$9,573.24
Worcester Township RTT	\$4,786.62
Methacton School District RTT	\$4,786.62
Total:	\$19,241.48

DEED BK 5982 PG 02754 to 02758
 Recorded Date: 12/22/2015 06:56:07 AM

I hereby CERTIFY that
 this document is
 recorded in the
 Recorder of Deeds
 Office in Montgomery
 County, Pennsylvania.



Nancy J. Becker

Nancy J. Becker
 Recorder of Deeds

PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
 *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

Prepared by:
Westminster Abstract Company
250 Gibraltar Road, 1 West
Horsham, Pennsylvania 19044
800-265-0425

Return to:
Commonwealth Agency
25 W. Skippack Pike
Ambler, Pennsylvania 19002
215-643-7744

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
67-00-02648-42-7 WORCESTER TOWNSHIP
1884 KEYSER RD
TOLL PA LP
B 022A L 39 U 039 2104 12/21/2015 \$15.00
CS

Parcel ID No.: 67-00-02648-42-7

0349508 AB

DEED

THIS INDENTURE MADE THE 25th day of *November* in the year two thousand and fifteen (2015)

BETWEEN

Toll PA, L.P.

(hereinafter called the Grantor), of the one part, and

Brendan J. Whelan and Megan A. Whelan, married to one another

(hereinafter called the Grantees), of the other part,

Witnesseth, that the said Grantor

For and in consideration of the sum of **Nine Hundred Fifty Seven Thousand Three Hundred Twenty Four Dollars 00/100 (\$957,324.00)**

Lawful money of the United States of America, unto it well and truly paid by the said Grantees, at or before the sealing and delivery, hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantees, their heirs and assigns, as tenants by the entirety.

SEE ATTACHED LEGAL

DESCRIPTION OF PROPERTY
LOT 39
PRESERVE AT WORCESTER

All that certain lot or parcel of land situated in the Township of Worcester, County of Montgomery, and Commonwealth of Pennsylvania, being known as Lot 39 as shown on a plan entitled, "The Preserve at Worcester, Final Cluster Land", dated April 01, 2006, last revised January 17, 2014, sheets 1 through 48 of 48, prepared by Woodrow & Associates, Inc., Lower Gwynedd, Pa, 19002, recorded in the Montgomery County Recorder of Deeds Office on May 2, 2014, Plan Book 40, Page 335, Instrument No. 2014026469, more particularly described as follows;

Beginning at a common corner of Open Space 'C' and Lot 39, on the easterly side of Cassel Road (A) (50' R.O.W.) and running;

1. Along said easterly side, the following two (2) courses and distances, North 52 degrees 51 minutes 37 seconds West, a distance of 110.00 feet to a point of curve; thence
2. Passing along an arc of a circle curving to the right, having a radius of 40.00 feet, an arc distance of 62.83 feet to a point of tangency on the southerly side of Keyser Road (D) (40' R.O.W.); thence
3. Along said southerly side, North 37 degrees 08 minutes 23 seconds East, a distance of 115.00 feet to a corner of Lot 38; thence
4. Along Lot 38, South 52 degrees 51 minutes 37 seconds East, a distance of 150.00 feet to a point on line of Open Space 'C'; thence
5. Along Open Space 'C', South 37 degrees 08 minutes 23 seconds West, a distance of 155.00 feet to the first mentioned point and place of beginning.

Containing 22,906.64 square feet of land.

Subject to a Storm Easement 'N' as shown on the above referenced plan.

Subject to restrictions and easements of record, if any.

Parcel Number: 67-00-02648-42-7.

Address: 1884 Keyser Road.

BEING PART OF THE SAME PREMISES which Keystone Lands, Inc., a Pennsylvania Corporation by deed dated May 1, 2014 and recorded in the Office of the Recorder of Deeds in and for the County of Montgomery on May 2, 2014, Document #2014026472, in Book 591, Page 02448/ to 02453, granted and conveyed unto Toll PA L.P., in fee.

BEING PART OF THE SAME PREMISES which The Maple Glen Group, a Pennsylvania General Partnership, by deed dated April 28, 201, recorded in the Office of the Recorder of Deeds in the County of Montgomery on May 2, 20104, Document #2014026473, in Book 5911, Page 02454 to 02459, granted and conveyed unto Toll PA, L.P., in fee.

SUBJECT TO Covenants, Conditions and Restrictions contained in "Declaration of The Preserve at Worcester, A Planned Community", dated April 6, 2015 and recorded in the Office of the Recorder of Deeds in the County of Montgomery on April 9, 2015, in Book 5949, Page 1460 and any future amendments thereto.

Together with all and singular the buildings improvements, ways, streets, alleys, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor In law as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

To have and to hold the said lot or piece of ground with the buildings and improvements thereon erected with the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances unto the said Grantees, their heirs and Assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever, as tenants by the entirety.

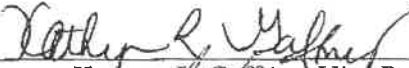
UNDER AND SUBJECT, to all easements, restrictions and matters of record.


And the said Grantor for itself, its successors and assigns does by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that it the said Grantor, all and singular the Hereditaments and Premises herein above described and granted, or mentioned and intended so to be, with the Appurtenances, unto the said Grantees, their heirs and Assigns, against it the said Grantor and against all and every Persons or Persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them or any of them, shall and will WARRANT and forever DEFEND.

In Witness Whereof the said Grantor has caused these presents to be duly executed the day and year first herein above written.

**Sealed and Delivered
IN THE PRESENCE OF US:**

Toll PA, L.P.
BY TOLL PA GP CORP, GENERAL PARTNER


BY: Kathryn R. Gaffney, Vice President

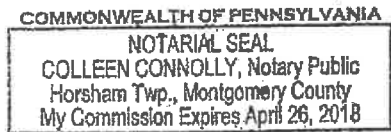

ATTEST: Stacey Rothaus, Assistant Secretary

Commonwealth of Pennsylvania
County of Montgomery

On this, the 25th day of November, 2015, before me Colleen Connolly
the undersigned officer,
personally appeared Kathryn L. Gaffney who acknowledged himself (herself)
to be the Vice President of Toll PA GP Corp., General Partner of Toll PA, L.P.
a corporation, and that he (she) as such Officer, being authorized to do so, executed
the foregoing instrument for the purposes therein contained by the signing the name of the corporation by himself
(herself) as Vice President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Colleen Connolly



DEED.

Parcel ID No. 67-00-02648-42-7

Toll PA, L.P.
250 Gibraltar Road, Horsham, Pennsylvania 19044

To

Brendan J. Whelan and Megan A. Whelan, Married to one another

Premises:

Homesite # 39,-Preserve at Worcester
Worcester Township
Montgomery County, Pennsylvania

The address of the above-named Grantees is

1884 Keyser Road
Lansdale, Pennsylvania 19446

On behalf of the Grantees



Fox Rothschild LLP
ATTORNEYS AT LAW

Stone Manor Corporate Ctr.
2700 Kelly Road Suite 300
Warrington, PA 18976
Tel (215) 345-7500 Fax (215) 345-7507
www.foxrothschild.com

KIMBERLY A. FREIMUTH
Direct No: 215-918-3627
Direct Fax:(215) 345-7507
Email: KFreimuth@FoxRothschild.com

October 25, 2016

VIA HAND DELIVERY

Tommy Ryan
Zoning Officer
1721 Valley Forge Road
P.O. Box 767
Worcester, PA 19490

Re: 1884 Keyser Road, Lansdale, PA, Montgomery County

Dear Tommy,

This office represents Brendan and Megan Whelan (the "Applicants"), who are the owners of that certain property known as Tax Map Parcel No. 67-00-02648-427, located at 1884 Keyser Road in Worcester Township (the "Property").

The Applicants are proposing to construct a new deck on their Property, a portion of which will be a covered deck which will encroach approximately 3.8 feet into the required 40-foot rear yard setback. In order to construct the covered portion of the deck, the Applicant is seeking a variance from Section 150-181 of the Township Zoning Ordinance and, as such, I am enclosing the following:

1. One (1) original and fourteen (14) copies of a completed Zoning Hearing Board Application.
2. Fourteen (14) copies of the Proposed Deck Floor Plan, prepared by Dream Deck Designs Construction, Co. Inc. consisting of one (1) sheet, dated October 21, 2016.
3. Fourteen (14) copies of a marked-up plot plan of the Property showing the location of the new proposed deck.

RECEIVED
OCT 31 2016