



Law Offices
King Laird

A PROFESSIONAL CORPORATION
360 WEST MAIN STREET
TRAPPE, PA 19426
www.kinglaird.com

May 19, 2017

Andrew C. Laird
Thomas C. Rentschler
*Robert H. McGuckin**
**Member PA and NJ*
Arthur J. King
(Retired)

Berks County Office
875 Berkshire Boulevard, Suite 102-A
Wyomissing, PA 19610

Please direct all communications
to our Trappe Office
Phone: 610-489-0700
Fax: 610-489-6970

Hand Delivered

Tommy Ryan
Township Manager
Worcester Township
1721 Valley Forge Road
Worcester, PA 19490

Re: Request: Variance
Property: 3223 Germantown Pike
Owner: Mary Lee Cook and Paul Cook
Zoning: R 100

Dear Mr. Ryan,

I represent Mary Lee Cook and Paul Cook regarding their application for variance and special exception to renovate the existing structure located on the property. Enclosed for filing is the following:

- 1) Application for Variance
- 2) Addendum to the Application
- 3) Concept Plan
- 4) Montgomery County Tax Map
- 5) Deed

Please schedule this matter for the first available date to appear before the Zoning Hearing Board. Please contact me if any additional items are needed to perfect this application or if you want to discuss anything in greater detail. Thank you for your attention to this matter.

Kind Regards,
King Laird, P.C.

By: 
Robert H. McGuckin, Esquire

cc: Mary Lee Cook
Paul Cook
Enclosures

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

IN RE: Mary Lee Cook and Paul Cook
3223 Germantown Pike

May 19, 2017

| | |
|-----|---|
| A-1 | Zoning Hearing Board Application and Addendum |
| A-2 | Concept Plan |
| A-3 | Tax Map |
| A-4 | Deed |
| A-5 | RESERVED |
| A-6 | RESERVED |
| A-7 | RESERVED |
| A-8 | RESERVED |
| A-9 | RESERVED |

EXHIBIT
“A-1”

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. : 17-06 DATE FILED: 5/19, 20 17

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: 5/19/17

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: Mary Lee Cook and Paul Cook/Lee-Dan Corp.
 - b. Mailing address: 3223 Germantown Pike, Norristown, PA 19403
 - c. Telephone number: 484-614-0349
 - d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner 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: Robert H. McGuckin, Esquire
 - b. Address: 360 West Main Street, Trappe, PA 19426
 - c. Telephone number: 610.489.0700

5. Property Details:

- a. Present Zoning Classification: R100
- b. Present Land Use: bar/restaurant
- c. Location (Street Address):
3223 Germantown Pike
- d. Parcel #: 67-00-01402-00-7
- e. Lot Dimensions:
 - (1) Area: 30,000
 - (2) Frontage: 50
 - (3) Depth: 75
- 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)**

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

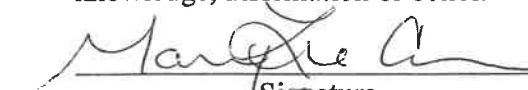
If yes: specify: **(Please submit as an attachment)**

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

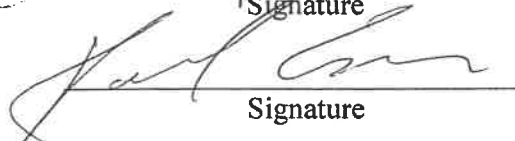
10. Worcester Township to provide the list of names and addresses of all property within 500 feet of the perimeter of the subject property. **(REQUIRED: SECTION 150-224)**

CERTIFICATION

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



Signature



Signature

MARYLEE COOK
Printed Name

PAUL COOK
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.

[Signature]
Applicant

[Signature]
Applicant

Sworn to and subscribed before me this 18th day of May, 2017

[Signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Jeanette Lamb, Notary Public
Trappe Boro, Montgomery County
My Commission Expires May 8, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Date Received: 5/19/17 [Signature]
Zoning Officer

Addendum to Application for Variance
Mary Lee Cook and Paul Cook
3223 Germantown Pike

Applicants' property is located at 3223 Germantown Pike and in the R100 Residential Zoning District. This is a non-conforming property as to both structure and use. The subject property is non-conforming for front yard setback, rear yard setback, side yard setback, impervious coverage (59.4%), location and amount of parking spaces and driveway. Applicants have continuously operated a bar and restaurant at this location since 1998.

Applicants intend to renovate the structure and repair the existing driveway and parking lot. The Board of Supervisors reviewed the proposed plan and approved Applicants' request for Land Development waiver on October 19, 2016. The contemplated renovation would reduce the structure to its foundation and a fully renovated restaurant would then be constructed. The proposed renovations would be limited to the existing "footprint" of the current structure, but would increase the area devoted to patron use to 1,613 S.F.

Therefore, Applicants request variances from the following Sections of the Zoning Code:

1. **Section 150-153.B(11):** The renovations will result in approximately 1,613 S.F. of area devoted to patron use resulting in 65 parking spaces being required under the Code. Applicants seek a variance from Section 150-53.B(11) to be permitted to operate with 44 parking spaces. The total amount of parking spaces is a preexisting non-conformity.
2. **Section 150-156:** Applicants seek a variance from Section 150-56, which requires off street loading and unloading space be provided, which shall be completely separate and distinct from the required off street parking spaces. Applicants have not provided for a separate space for loading and unloading because Applicant intends to maintain the preexisting non-conformity.
3. **Section 150-69.A:** Applicants seek a variance from the required front yard setback of fifty feet under Section 150-56. The existing building and parking sit within the required front yard and thus is an existing non-conformity.
4. **Section 150-69.B:** The existing building and parking are located within the required rear yard setback and are an existing non-conformity. Therefore, Applicants request a variance of Section 150-69.B.
5. **Section 150-69.C:** Twenty-five feet shall be the minimum size of each of two side yards. The existing building and parking sit within the required side yard setbacks and thus Applicants request a variance from Section 150-69C to maintain the current encroachment into the 25 feet setback. This is an existing non-conformity.
6. **Section 150-70.B:** Applicants request zoning relief from Section 150-70.B of the Code to exceed the stated maximum impervious coverage of 40%. The current impervious coverage is 59.4%. This is an existing non-conformity. The proposed improvements would not exceed 65% impervious coverage.
7. **Section 150-72.B:** Applicants seek a variance from Section 150-72.B to maintain parking that currently occupies the front, side, and rear yards. Applicants existing parking, and proposed parking, is non-conforming as it is located in front, side, and rear yards.

8. **Section 150-72.C:** A variance is requested to be permitted to maintain a parking area and/or driveway within five feet of any property line. Applicants existing and proposed parking lot and driveway are located within five feet of the property line and are an existing non-conforming condition.

9. **Section 150-181:** The subject building is non-conforming and a variance is requested to maintain the current encroachment into the front and side yard setbacks. The existing non-conforming building projects into the front and side yard required setbacks.

10. **Section 150- 162.1 and Section 150-162.2:** The subject building is a pre-existing non-conforming structure. Applicants requests variances to the referenced sections to make improvements to the existing non-conforming structure.

11. **Section 150-166:** Applicants request a special exception to expand its non-conforming use. The proposed renovations increase the area devoted to patron use from 1350 Square feet to 1,613 sq. feet.

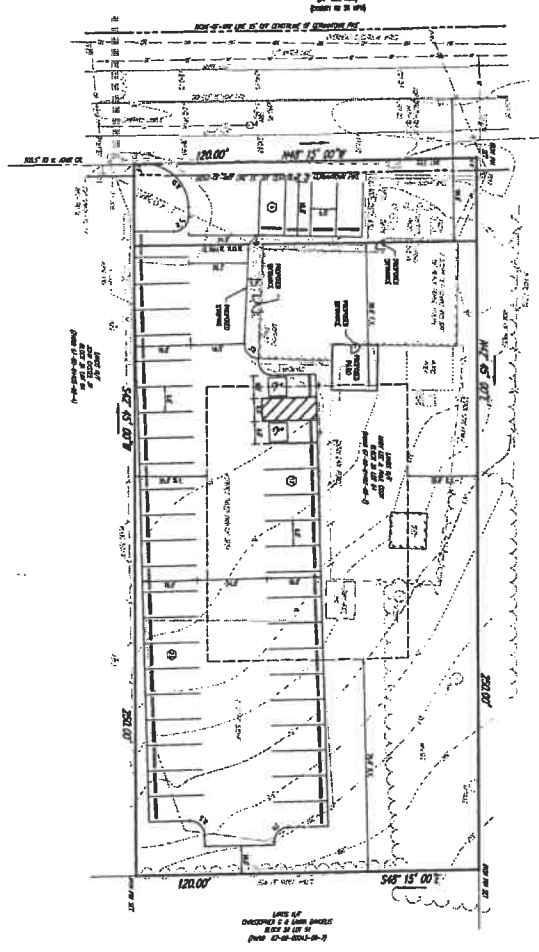
The property's dimensions, shape, size and other characteristics, including the narrowness and preexisting non-conformities, create a unique hardship that makes it impossible to strictly conform to the zoning requirements. Applicants did not create this hardship and the non-conformities have existed prior to 1998. Granting the variances will allow Applicants reasonable use of the Property. Additionally, Applicants will suffer economic hardship if the variance is not granted. Granting the variance would allow the Applicants full use and enjoyment of their property. The proposed improvements are necessary to ensure the health, safety and welfare of the public. Granting this variance is the minimum variance needed to afford the relief requested. The essential character of the neighborhood will not be impacted nor will adjacent properties be impaired. In fact, the proposed improvements will improve the general character of the neighborhood. The relief requested is de minimus in nature, as the relief maintains the current nonconforming characteristics of the property, and the current footprint of the building is being preserved.

Applicants meet the requirements for a variance and special exception. Applicants are entitled to a favorable determination from the Zoning Hearing Board and are legally entitled to the requested relief under Sections 910.2 and 909.1 of the MPC and applicable section of the Township's Code.

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EXHIBIT
“A-2”

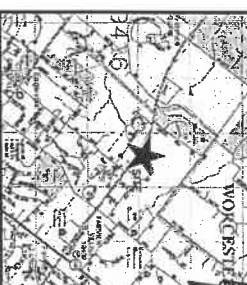
W. GERMANTOWN PIKE



DATE: 08/21/2013
 TIME: 10:00 AM
 DRAWN BY: RAG

GENERAL NOTES

1. PROPERTY BOUNDARIES AS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLAT FOR BLOCK 2A, LOT 84, MONROE COUNTY, PENNSYLVANIA, DATED 08/21/2013.
2. THE PROPERTY BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLAT FOR BLOCK 2A, LOT 84, MONROE COUNTY, PENNSYLVANIA, DATED 08/21/2013.
3. THE PROPERTY BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLAT FOR BLOCK 2A, LOT 84, MONROE COUNTY, PENNSYLVANIA, DATED 08/21/2013.
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10. THE PROPERTY BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLAT FOR BLOCK 2A, LOT 84, MONROE COUNTY, PENNSYLVANIA, DATED 08/21/2013.



ZONING DATA

DATA TAKEN FROM MONROE COUNTY ZONING ORDINANCE

| USE | PERMITTED | PROHIBITED |
|--------------------------------|-----------|------------|
| RESIDENTIAL SINGLE-FAMILY | YES | NO |
| RESIDENTIAL MEDIUM-DENSITY | NO | YES |
| RESIDENTIAL HIGH-DENSITY | NO | YES |
| COMMERCIAL GENERAL | NO | YES |
| COMMERCIAL OFFICE | NO | YES |
| COMMERCIAL SERVICE | NO | YES |
| INDUSTRIAL LIGHT MANUFACTURING | NO | YES |
| INDUSTRIAL MEDIUM-DENSITY | NO | YES |
| INDUSTRIAL HIGH-DENSITY | NO | YES |
| UTILITY | NO | YES |
| RECREATION | NO | YES |
| AGRICULTURE | NO | YES |
| CONSERVATION | NO | YES |
| UNDEVELOPED LAND | NO | YES |

PARKING REQUIREMENTS

1. PARKING SPACES ARE REQUIRED FOR EVERY 200 SQ. FT. OF GROSS FLOOR AREA.
2. PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING TABLE:

| TYPE OF SPACE | PER 100 SQ. FT. OF GROSS FLOOR AREA |
|---------------|-------------------------------------|
| STANDARD | 1.0 |
| COMPACT | 0.5 |
| MINI | 0.25 |
| BIKE | 0.1 |
| HOV 3+ | 0.1 |
| HOV 4+ | 0.1 |
| HOV 5+ | 0.1 |
| HOV 6+ | 0.1 |
| HOV 7+ | 0.1 |
| HOV 8+ | 0.1 |
| HOV 9+ | 0.1 |
| HOV 10+ | 0.1 |

DETAILED LEGEND



PLANNING REQUIREMENTS

1. ALL PLANNING REQUIREMENTS SHALL BE COMPLETED AND APPROVED BY THE APPROPRIATE AGENCIES PRIOR TO THE START OF CONSTRUCTION.
2. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL RECORDS AND DOCUMENTATION RELATED TO THE PROJECT.
4. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR NOTIFYING ALL ADJACENT PROPERTY OWNERS OF THE PROJECT.
5. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
6. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCING.
7. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL.
8. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCOUNTING SERVICES.
9. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TAX SERVICES.
10. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSULTING SERVICES.

CONCEPT PLAN 1

BLACK HORSE TAVERN

PAUL AND MARY LEE COOK

PARCEL # 67-03-01-002-00-7
 BLOCK 2A LOT 84
 3223 W. GERMANTOWN PIKE
 NORRISTOWN TOWNSHIP
 MONTGOMERY COUNTY, PA

GRAF ENGINEERING, LLC
 LAND DEVELOPMENT CONSULTANTS
 410 WEST MAIN STREET, SUITE 202
 P.O. BOX 110
 LANSDALE, PA 19446
 TEL: (267) 263-2634

R. A. GRAF
 PROFESSIONAL ENGINEER
 PENNSYLVANIA LICENSE NO. 44184-E

CALL BEFORE YOU DIG!
 PENNSYLVANIA LAW REQUIRES
 3 WORKING DAYS NOTICE FOR
 CONSTRUCTION PHASE AND 10 WORKING
 DAYS IN DESIGN STAGE - STOP CALL

PA1
 1-800-242-1778
 POC'S SERIAL NUMBER

REV. DATE COMMENT

SCALE 1/8" = 1'-0"

1

EXHIBIT

“A-3”

EXHIBIT

“A-4”

RECORDER OF DEEDS
MONTGOMERY COUNTY PENNSYLVANIA

Jeanne Sorg

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

**I hereby certify that the following is a true and correct
copy of the original document
recorded in Montgomery County, PA**



Jeanne Sorg

Jeanne Sorg, Recorder of Deeds

025756

Fee Simple Deed No. 752-S

Printed for and Sold by John C. Clark Co., 1326 Walnut St., Phila.

130
130
5
50
20
30
10

This Indenture Made the

September in the year of our Lord ~~one thousand nine hundred and~~ ^{TWO THOUSAND} TWO

6th

day of
2002
()

Between

MARY LEE COOK.

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

MARY LEE COOK and PAUL COOK, as Tenants in Common

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

Witnesseth

 That the said Grantor

for and in consideration of the sum of

ONE DOLLAR (\$1.00)

----- lawful money of the United States of America, unto them well and truly paid by the said Grantee^s, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees their heirs and assigns,

ALL THOSE CERTAIN two lots or pieces of land with the buildings and improvements thereon erected, situate in the Township of Worcester, County of Montgomery and State of Pennsylvania, being known and designated as Lots Nos. 4 and 5, Block "E" on Plan of Plumlyn Park Annex, as prepared by H.D. Herbert, May 18, 1949, bounded and described in accordance thereto as follows, to wit:

BEGINNING at a point on the Northeasterly side of Germantown Pike (50 feet wide) at the distance of 205.5 feet measured Northwestwardly (omitted in Deed) along the said side of Germantown Pike, from its point of intersection with the Northwesternly side of Adair Drive West (50 feet wide); thence along the said side of Germantown Pike North 48 degrees 15 minutes West, 120 feet to a point a corner of land now or late of Sylvester Rodenbaugh; thence along the same North 42 degrees 45 minutes East, 250 feet to a point a corner of Lot No. 7; thence along the same South 48 degrees 15 minutes East, 120 feet to a point a corner of Lot No. 3; thence along the same South 42 degrees 45 minutes West, 250 feet to the place of Beginning.

PARCEL NUMBER 67-00-01402-00-7.

BEING the same premises which Ria E. Offner by Indenture dated October 14, 1998 and recorded in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5244, page 2145, granted and conveyed unto Mary Lee Cook.

05433PG1577

SEARCHED OF 3:54

Together with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of

her the said grantor, as well at law as in equity, of, in, and to the same.

To have and to hold the said lot or piece of ground described with the buildings and improvements thereon erected hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee^s their heirs and assigns, to and for the only proper use and behoof of the said Grantee^s, their heirs and assigns forever.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
67-00-01402-00-7 WORCESTER
3223 GERMANTOWN PIKE
COOK MARY LEE
B 002A U 064 L
4281 DATE: 11/08/02

5.00
29

And the said Grantor, her heirs, executors and administrators do^{es} covenant, promise and agree, to and with the said Grantee^s, their heirs and assigns, by these presents, that she the said Grantor and her heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee^s, their heirs and assigns, against she the said Grantor and her heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her or any of them, shall and will

WARRANT and forever DEFEND.

THIS IS A CONVEYANCE BETWEEN WIFE AND HUSBAND AND THEREFORE NO TRANSFER TAX IS REQUIRED.

In Witness Whereof, the party of the first part has hereunto set her hand and seal. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:
Mabel [Signature]

[Signature]
MARY LEE COOK
SEAL
SEAL
SEAL

08 5433PG1578

Commonwealth of Pennsylvania
County of MONTGOMERY

} ss:

On this, the 6th day of September, 2002, before me, a Notary Public for
the Commonwealth of Pennsylvania, residing in the

the undersigned Officer,

personally appeared MARY LEE COOK

known to me (satisfactorily proven) to be the person whose name is (~~is~~) subscribed to the within
instrument, and acknowledged that she executed the same for the purposes therein contained.

I hereunto set my hand and official seal.

Judith C. Zona
Notary Public

NOTARIAL SEAL
JUDITH C. ZONA, Notary Public
Norristown Boro., Montgomery County
My Commission Expires April 26, 2005

DEED

MARY LEE COOK

TO

MARY LEE COOK and
PAUL COOK, as tenants
in Common

Premises

3223 Germantown Pike
Norristown, Worcester
Township, Pennsylvania 19401

John C. Clark Co. Phila.

MICHAEL P. GOTTLIEB, ESQUIRE
VANGROSSI AND RECHUITTI
319 Swede Street
Norristown, PA 19401-4801



Marganne Bykambach

DB 5433PG1579

The address of the above-named Grantee
is 1139 Valley Forge Rd
Norristown, PA 19401
On behalf of the Grantee