

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. : 20-09      DATE FILED: May 29, 2020

APPLICATION:       BOARD OF SUPERVISORS  
                          ZONING HEARING BOARD

1.      Date of Application: 29 MAY 2020

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: MICHAEL HOROWITZ
- b.      Mailing address: 2516 STONY CREEK ROAD  
CANSDALE, PA 19446
- c.      Telephone number: (H) 215-699-4699 (C) 610. 999. 3092
- 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.**

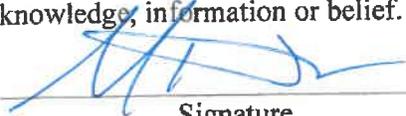
4.      Applicant's attorney, if any:

- a.      Name: \_\_\_\_\_
- b.      Address: \_\_\_\_\_
- c.      Telephone number: \_\_\_\_\_

5. Property Details:
- a. Present Zoning Classification: RAG-200
  - b. Present Land Use: Residential
  - c. Location (Street Address):  
2516 Stony Creek Rd. Lansdale, PA 19446
  - d. Parcel #: 67-00-03506-126
  - e. Lot Dimensions:
    - (1) Area: 11,103
    - (2) Frontage: 200
    - (3) Depth: 130
  - 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

Michael Horowitz  
 \_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Montgomery : SS

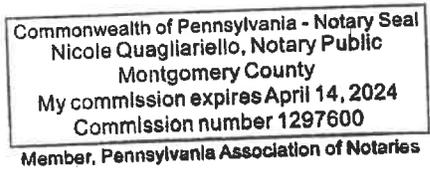
The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

  
\_\_\_\_\_  
Applicant

Applicant

Sworn to and subscribed before me this 29 day of May, 2020

  
\_\_\_\_\_  
Notary Public



Date Received: 5/29/20

  
\_\_\_\_\_  
Zoning Officer

**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



**EXHIBIT "A"**

**ALL THAT CERTAIN** lot or piece of ground **SITUATE** in Worcester Township, Montgomery County, PA, bounded and described according to a Subdivision Plan of Sunny Brook Estates (Phase II - Section C) made by Woodrow & Associates, Inc , dated 5/31/1996 last revised 3/1/2000 and recorded in Plan Book A-59 page 333 as follows to wit

**BEGINNING** at a point on the Westerly side of Stony Creek Road said point being a corner of Lot 115, **THENCE** extending from said beginning point along the same North 84 degrees 51 minutes 14 seconds West, 130 feet to a point in line of common open space, **THENCE** extending along the same the 2 following courses and distances (1) North 13 degrees 08 minutes 02 seconds West, 43 99 feet and (2) South 59 degrees 59 minutes 36 seconds East, 130 feet to a point on the Southwesterly side of Stony Creek Road, **THENCE** extending along the same South 30 degrees 00 minutes 24 seconds East, 1 78 feet to a point of curve, **THENCE** extending along the Southwesterly and Westerly sides of Stony Creek Road along the arc of a circle curving to the right having a radius of 200 feet the arc distance of 122 71 feet to the first mentioned point and place of beginning

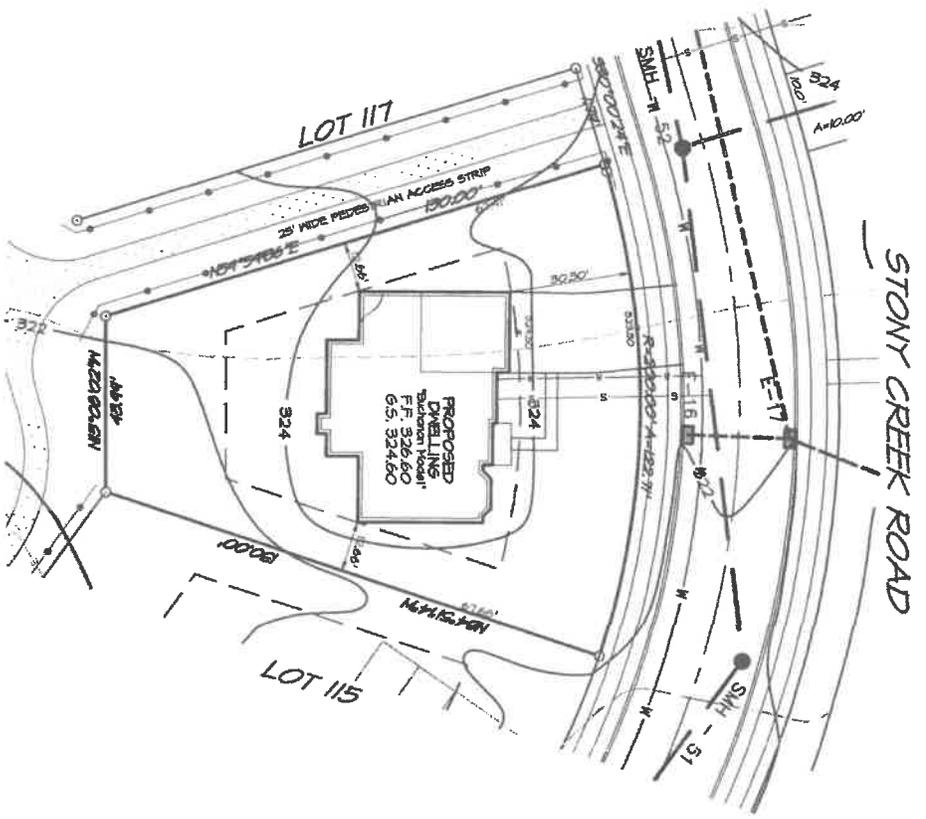
**BEING** Lot 116 as shown on the above mentioned plan

**BEING** 2516 Stony Creek Road

**BEING** Montgomery County Parcel #67-00-03506-126

**BEING** the same premises which Sunny Brook Estates, LLC, a PA Limited Liability Co , by Deed dated June 26, 2003 and recorded in the Office for the Recording of Deeds in and for the County of Montgomery at Norristown, Pennsylvania in Deed Book 5465 page 657, granted and conveyed unto Nicholas Papachristou and Crystal Papachristou, husband and wife, in fee





**ZONING INFORMATION:**  
 ZONED: R-AGR-200 RESIDENTIAL/AGRICULTURAL DISTRICT  
 (PUBLIC WATER & SEWER)

MINIMUM	INDIVIDUAL LOT AREA	11,103.97 SQ. FT.
MINIMUM	INDIVIDUAL LOT AREAS FOR	11,000 SQ. FT.
MINIMUM	AREAS FOR INDUSTRIAL B, S, SH, AND	40,000 SQ. FT.
MINIMUM	FRONT YARD SETBACK	90 FT.
MINIMUM	FRONT YARD SETBACK	30 FT.
MINIMUM	FRONT YARD SETBACK	35 FT.
MINIMUM	FRONT YARD SETBACK	30 FT.
MINIMUM	FRONT YARD SETBACK FOR	45 FT.
MINIMUM	THOSE ABUTTING HIGHER ZONING DISTRICTS	10 FT.
MINIMUM	MINIMUM SIDE YARD SETBACK	25 FT.
MINIMUM	MINIMUM AGGREGATE SIDE YARDS	35%
MINIMUM	LOT IMPERVIOUS COVERAGE	5 FT.
MINIMUM	DRIVEWAY SETBACK TO PROPERTY LINE	

BLDG.:	(2239.51 S.F.)
PORCH:	(48.42 S.F.)
DRIVEWAY:	(634.79 S.F.)
WALKWAY:	(83.94 S.F.)
TOTAL IMPERVIOUS:	27.02% (3,006.81 S.F.)

**NOTES:**

1. LOT & TOPOGRAPHY INFORMATION ILLUSTRATED ON THIS PLAN HAS BEEN TAKEN FROM A SURVEY DATED 1988 BY WOODROW & ASSOCIATES, INC. DATED MAY 11, 1988. ALL SETBACKS AND DISTANCES ARE AS SHOWN.
2. ALL UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ABOVE REFERENCED PLANS.
3. ALL PROPERTY CORNERS ARE TO BE PERMANENTLY MARKED WITH THE PLACEMENT OF IRON PINS.
4. STORM WATER ROOF DRAINS SHALL NOT DISCHARGE OVER SIDEWALKS. ALL ROOF DRAIN SIZES OF EACH ROOF DRAIN SHALL BE DIRECTED WITHIN FIVE FEET FROM THE DWELLING, THE LIGHTING FIXTURE SHALL BE PLACED NO MORE THAN FIVE FEET FROM THE DRIVEWAY EDGE AND TEN FEET FROM THE RIGHT OF WAY. LIGHTING DEVICES SHALL BE EQUIPPED WITH A PHOTOELECTRIC CELL.
5. A MINIMUM OF TWO OFF-STREET PARKING SPACES SHALL BE PROVIDED EXCLUSIVE OF GARAGE SPACES.
6. PROPOSED DRIVEWAY CONSTRUCTION SHALL CONSIST OF 6" OF 24 MODIFIED STONE 1-1/2" ID-2 BINDER COURSE & 1" ID-2 WEARING COURSE.
7. PROPOSED DRIVEWAY SLOPES SHALL NOT EXCEED 4.00%. DRIVEWAYS WITH SLOPES LESS THAN 2.00% SHALL BE CONSTRUCTED WITH A MINIMUM 2.00% CROSS SLOPE.

REV	DESCRIPTION	DATE	BY

DATE:	06-18-02	DESIGNED BY:	R.L.L.
JOB No.:	98-0101-D1	CHECKED BY:	R.L.L.

**BUILDING PERMIT LOT No. 116**  
**SUNNY BROOK ESTATES**  
 WORCESTER TOWNSHIP  
 MONTGOMERY COUNTY, PENNSYLVANIA

**WOODROW & ASSOCIATES, INC.**  
 MUNICIPAL/CIVIL CONSULTING ENGINEERS  
 1454 BETHLEHEM PIKE  
 NORTH WALES, PENNSYLVANIA 19454  
 (215) 542-5948

SCALE: 1" = 30'

SHEET NO. **1** of **1**

**Michael Horowitz**

May 29, 2020

Andrew R. Raquet  
Worcester Township Zoning & Codes  
1721 Valley Forge Road  
PO Box 767  
Worcester, PA 19490

Dear Mr. Raquet,

We are hereby requesting a variance to Zoning Code § 150-177 A (3) (Accessory uses and structures) which requires the distance from the pool to the side or rear of the property be no less than 25 feet.

We would like to place a freestanding spa on our property, but the location we would like to place the spa would be 15' from the property line.

For this reason we are requesting a variance to the Zoning Code to permit the spa to be placed as described herein.

Thank you very much for your consideration.

Sincerely yours,

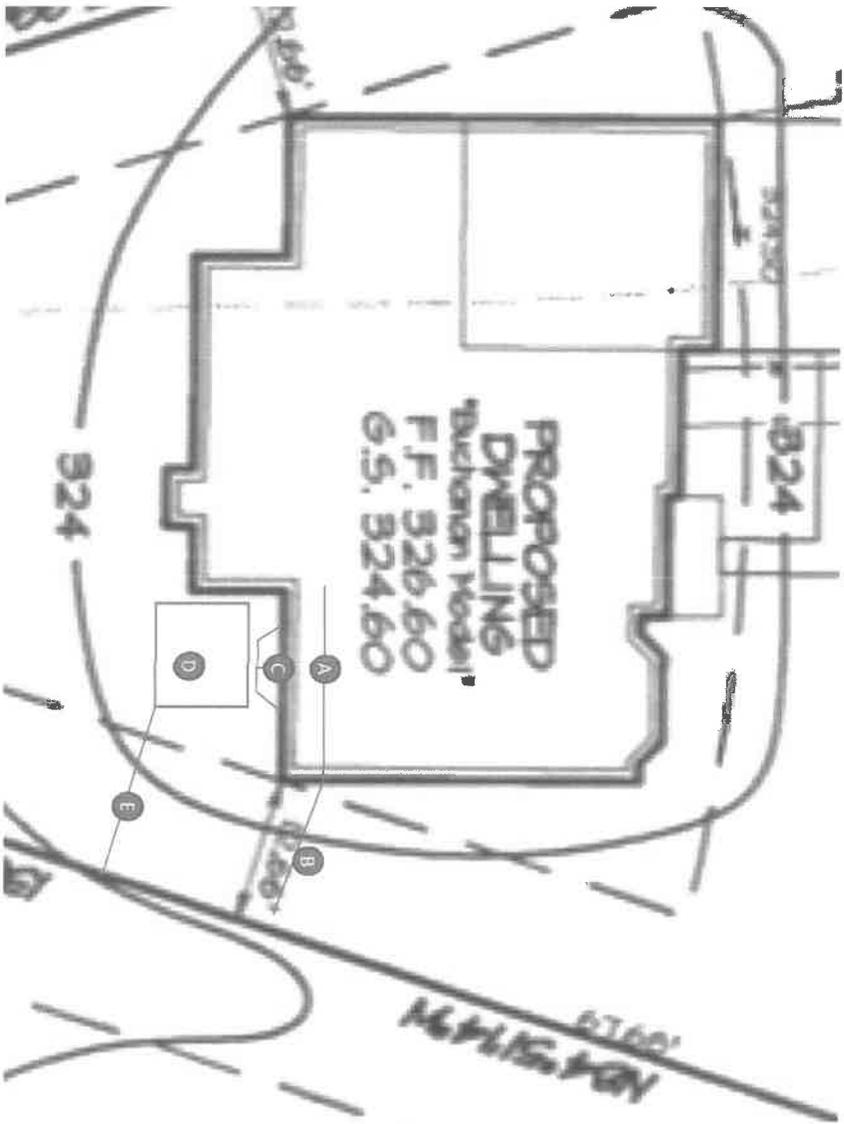
A handwritten signature in black ink, appearing to be 'MH', with a long horizontal flourish extending to the right.

Michael Horowitz

610.999.3092  
PHONE

2516 STONY CREEK ROAD, LANSDALE, PA 19446  
ADDRESS





- A - 16'
- B - 12'6"
- C - Window (depth \_\_\_)
- D - Freestanding spa measures 91"x91" and will be placed approximately 18" from edge of structure.
- E - distance from edge of spa to property line will be 15'

**§ 150-177. Accessory uses and structures. [Amended 4-17-1996 by Ord. No. 146; 8-21-1996 by Ord. No. 150; 7-21-2004 by Ord. No. 200; 7-21-2004 by Ord. No. 201; 12-20-2006 by Ord. No. 212; 5-16-2007 by Ord. No. 215; 12-15-2010 by Ord. No. 227; 12-19-2012 by Ord. No. 239]**

A. Accessory uses and structures to a single-family detached residential use shall be regulated as follows:

- (1) In the AGR, R-175, and R-AG-175 Districts, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, shall be located in the rear yard or side yard only, and no closer than 15 feet to a property line. In all other districts, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, shall be located in the rear yard or side yard only and within the building envelope, except that where the required rear yard setback is greater than 10 feet, said accessory structures may be erected in the rear yard not closer than 10 feet to the rear property line. Unless otherwise permitted below, accessory structures in any zoning district shall not be higher than 15 feet. **[Amended 5-16-2018 by Ord. No. 277]**
- (2) Private garages (whether attached or detached) may not encroach on any yard setback and must be located entirely within the building envelope of the lot on which they are located. Attached garages shall not exceed the height restriction for principal buildings in the applicable zoning district, and detached garages shall not exceed 20 feet in height.
- (3) Private swimming pools shall be constructed in accordance with the applicable Township ordinances, and shall be located entirely within the rear yard of the lot on which the pool is located and at least 10 feet behind the closest part of the main building. However, in no case shall the distance from the pool to the side or rear property line be less than 25 feet. In the AGR, R-175, and R-AG-175 districts, the distance from the pool to the side and rear property lines shall be not less than 50 feet. The water edge shall be the line for measurement of these setbacks. All filters, heaters and accessory structures incidental thereto shall meet the same setback criteria. Freestanding spas and hot tubs shall be exempt from the requirement to be located at least 10 feet behind the closest part of the main building.

- (4) Private tennis courts and private sports courts and all facilities incidental thereto shall be located on a lot 60,000 square feet or larger and in the rear yard only. Except as set forth below for lighted courts, a private tennis court shall not be less than 50 feet from the side and rear property lines, and a private sports court shall not be less than 75 feet from the side and rear property lines. A vegetative screening landscape buffer in accordance with the Worcester Township Landscape Ordinance requirements for rear and side yards as set forth in § 130-28 of the Worcester Township Subdivision and Land Development Ordinance shall be provided for all private tennis courts and private sports courts and all facilities incidental thereto. To the extent required by the Township Engineer, all tennis courts and sports courts shall have stormwater management facilities. All required stormwater management facilities shall be approved by the Township Engineer. The lighting of a private tennis court or private sports court shall conform to § 150-200. Any lighted private tennis court or sports court shall not be less than 100 feet from the side and rear property lines. No tennis court or sports court shall be illuminated after 9:00 p.m. Sunday through Thursday, or after 10:00 p.m. on Friday and Saturday.
- (5) Private stables for the keeping of horses and livestock shall be permitted on properties having a gross lot area of three acres or more. A gross lot area of three acres shall allow a maximum of two large animals (e.g., horses, cattle, llamas). Two small animals (e.g., goats, sheep, mini horses, ponies, yearling horses or cattle, donkeys) shall be the equivalent of one large animal. Each additional acre of gross lot area shall allow the keeping of one additional large animal or the equivalent. All grazing areas shall be suitably fenced to contain the animals at all times. All buildings and structures (including rings, but not including fencing) used for the housing, stabling, training, and recreational enjoyment of such animals shall be located within the building envelope and shall be no higher than 35 feet.
- (6) Decorative structures such as garden trellises, arbors, statues, benches, and the like, but specifically not including storage units, sheds, greenhouses, or other work areas, may be located no closer than 15 feet to any property line, but not within the ultimate right-of-way of any road.
- (7) Private mailboxes shall be located as required by the United States Postal Service. Private newspaper boxes may be

located adjacent to private mailboxes and no closer to the cartway than a private mailbox.

- (8) Private driveways shall be regulated by § 150-155, and private parking spaces shall be regulated by § 150-153.
  - (9) Structures associated with public or private utilities (such as water, stormwater, sanitary waste, power, fuel, telephone, and cable) to serve permitted agricultural and single-family residential uses shall be exempt from the setbacks in this section.
- B. Accessory uses authorized by this chapter shall not be interpreted to include nonpermanent structures for the sale of goods, which are prohibited by Chapter 119,<sup>1</sup> except as otherwise set forth therein.
- C. Private or public school uses. Accessory structures such as backstops, dugouts/team structures, retaining walls, scoreboards, bleachers (permanent or movable), benches, goals (permanent or movable), or similar accessory structures associated with outdoor sports and athletic facilities may be located or erected within 50 feet of a front lot line or 40 feet of any other property line subject to the following: **[Added 1-15-2014 by Ord. No. 248]**
- (1) Backstops shall be permitted on any baseball or softball field but shall be limited to a maximum height of 40 feet;
  - (2) Scoreboards shall be permitted and shall not be considered signs so long as the scoreboard complies with the following:
    - (a) Scoreboards shall not contain any advertisement for any company, product, or service;
    - (b) Scoreboards shall be limited to a maximum size of 36 feet by 10 feet;
    - (c) Scoreboards shall be limited to one per field;
    - (d) Scoreboards shall be limited to a maximum height, when mounted, of 20 feet from average surrounding grade within a stadium and 15 feet when mounted at all other fields on a single property; and
    - (e) Scoreboards, if illuminated, shall:

---

1. Editor's Note: See Ch. 119, Sales from Nonpermanent Structures.

- [1] Be internally illuminated LED displaying only the score and necessary game information and shall be illuminated only during the time of play and for a maximum period of 30 minutes following the end of play; and
- [2] Neither cast any illumination off of the subject property nor create a nuisance or intrusion to the privacy of adjacent residential property owners or the public;
- (3) Dugouts or team shelters shall be limited to two per field, one for the home team and one for the visiting team;
- (4) Dugouts or team shelters shall be a maximum size of 12 feet by 50 feet;
- (5) No structure shall be located or erected so as to interfere with the sight triangle of any intersection; and
- (6) Fences and walls shall be regulated by § 150-182J.