

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

IN RE: APPLICATION OF  
MARY LEE COOK AND PAUL COOK

NO. 2017-06  
APPLICATION FOR VARIANCES/  
SPECIAL EXCEPTION

**DECISION**

The Applicants/Owners, Mary Lee Cook and Paul Cook, propose to demolish and reconstruct a bar/restaurant at 3223 Germantown Pike, Worcester Township, in the R-100 Residential Zoning District.

Public hearings on the above Application were held on June 27, 2017 and July 25, 2017 at 6:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, pursuant to Notice as required by the Worcester Township Zoning Ordinance, as amended (hereinafter "Zoning Ordinance") and the Pennsylvania Municipalities Planning Code. Upon consideration of the evidence and testimony presented regarding the Application, the Zoning Hearing Board of Worcester Township enters the following Order:

**ORDER**

The following requests for relief from the provisions of the Zoning Ordinance are granted in part and denied in part. All approvals are subject to the conditions noted below.

(1) A variance from §150-153.B(11), so as to permit 44 parking spaces, rather than the 65 spaces required, is **GRANTED**;

(2) A variance from §150-156, so as to not require separate loading and unloading areas, is **GRANTED**;

(3) A variance from §150-69.A to allow a structure in the 50' minimum front yard setback, as currently exists, is **GRANTED**;

(4) A variance from §150-69.C to allow a structure in the 25' minimum side yard setback, so as to permit a 7' setback on the north side of the property, is **GRANTED**;

(5) A variance from §150-70.B to permit maximum (40%) impervious coverage of 65% is **DENIED**, however a variance from §150-70.B to permit maximum impervious coverage not to exceed 59.4% is **GRANTED**;

(6) A variance from §150-72.B to permit parking to remain in the front and rear yards and the south side yard is **GRANTED**;

(7) A variance from §150-72.C to permit parking to remain within 5 feet of the property line in the front and on the south side of the property is **GRANTED**;

(8) A variance from §150-181 to allow a structure encroachment in the minimum front and side yards setbacks is **GRANTED**;

(9) Variances from §150-162.1 and §150-162.2 to allow improvements to a nonconforming structure are **GRANTED**; and

(10) A special exception under §150-166 to permit expansion of a nonconforming use is **GRANTED**.

The request for a variance from §150-69.B to allow a structure in the 75' minimum rear yard setback was withdrawn by the Applicant at the hearing.

**CONDITIONS:**

This Decision is subject to the following conditions:

1. The Applicant shall reconstruct the bar/restaurant and install parking in the locations as shown on the plans marked as Exhibits A-4, A-5, A-6, A-7 and A-11.
2. The Applicant shall apply for and obtain all applicable Township, County and State permits and approvals relative to the demolition and reconstruction of the bar/restaurant.
3. Use of the second floor shall be limited to storage and office space associated only with the bar/restaurant.
4. Deliveries shall be limited to one (1) morning per week.
5. The Applicant shall maintain a fence along the south side of the property at all times. The Applicant shall either enter into an agreement with the adjacent property owner to the south

of the property to maintain the existing fence, and provide a copy of such agreement to the Township, or shall replace the fence on the Applicant's property should the existing fence be removed or damaged beyond repair.

6. Parking shall be located no closer than one (1) foot from the south side property line, so as to accommodate the reinstallation of a fence along the south side of the property, if the existing fence is removed or damaged, and line striping and parking bumpers shall be installed.
7. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
8. Except as permitted by prior Decisions of this Board, the use of the subject property shall otherwise comply with the Worcester Township Code, including, but not limited to, all storm water management, fencing, setback, parking, lighting, sign and noise regulations, and all other codes, regulations and ordinances of Worcester Township.
9. Pursuant to Section 150-225 of the Worcester Township Zoning Ordinance, a special exception or variance shall expire if the Applicant fails to obtain a permit in connection therewith within one (1) year of the date of authorization thereof. When land development/subdivision approval is required, the special exception or variance shall expire if the Applicant fails to make a diligent effort to obtain such approval within six (6) months following the date of the Zoning Hearing Board's Order. Upon receipt of land development/subdivision approval, the special exception or variance shall expire if a building permit is not obtained within six (6) months of the date of the land development/subdivision approval.

WORCESTER TOWNSHIP ZONING HEARING BOARD



Michael Libor, Chair



Caesar Gambone, Vice Chair



John D'Lauro, Secretary

(Alternate)

Bradford Smith

Order Entered: July 31, 2017

Circulation Date: July 31, 2017

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 Circulation Date set forth above. The Board reserves the right to prepare Findings of Fact and Conclusions of Law in support of this Decision if an appeal is filed.