

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. : 19-09 DATE FILED: May 28, 2019

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: May 20, 2019

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 Paull Cook
 - 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: Andrew C. Laird, Esquire
 - b. Address: 360 W 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

Mary Lee Cook
 Printed Name


 Signature

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.

Mauphe C
Applicant

[Signature]
Applicant

Sworn to and subscribed before me this 20th day of May, 2019

[Signature]

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Andrew C. Laird, Notary Public
Montgomery County
My commission expires June 30, 2022
Commission number 1225733
Member, Pennsylvania Association of Notaries

Date Received: 5-28-19

Andrew C. Laird

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.

Applicants' previously submitted Application Number 17-06, seeking variances from the following sections of the Township Code to demolish and reconstruct a bar/restaurant: Section 150-153. B (11), to permit less than 65 parking spaces; Section 150 – 156, so as to not require separate loading and unloading areas; Section 150 – 69A to allow a structure and parking area encroachment any minimum front yard setbacks; Section 150 – 69B to allow a structure and parking area encroachment and a minimum rear yard setback; Section 150 – 69C to allow a structure and parking area encroachment in minimum side yard setback; Section 150 – 70B to permit maximum impervious coverage greater than 40%; Section 150 – 72B to permit parking to remain in the front and side yards, Section 150 – 72C to permit parking to remain within 5 feet of the property line; Section 150 – 181 two allow a structure encroachment in the minimum front and side yard setbacks, Section 150 – 162.1 and Section 150 – 162.2 to allow improvements to a nonconforming structure, and, special exception from Section 150-166 to permit expansion of a nonconforming use.

On Tuesday, June 27, 2017, a Hearing took place before the Zoning Hearing Board. On July 31, 2017, the Zoning Hearing Board, entered a Decision and Order. A true and correct copy of said Decision and Order is attached as Exhibit A – 2.

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 was 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.

More than one (1) year has passed since the issuance of the Decision and Order and Applicants' desire to proceed with the improvements subject to application Number 17-06.

Therefore, Applicants request variances from the following Sections of the Zoning Code **Section 150-225.**

EXHIBIT
“A-1”

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. 752-8

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

130
130
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 Northwestery 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.

005433PG1577

RECORDED 9 OCT 31 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
L

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.

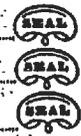
THIS IS A CONVEYANCE BETWEEN WIFE AND HUSBAND AND THEREFORE NO TRANSFER TAX IS REQUIRED.

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]

Mary Lee Cook
MARY LEE COOK



DB 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 25, 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

7525 John C. Clark Co., Phila.

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



Margaine B. Schumacher

DB 5433PG1579

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



EXHIBIT
“A-2”

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

Board of Supervisors
SUSAN G. CAUGHLAN, CHAIR
STEPHEN C. QUIGLEY, VICE CHAIR
ARTHUR C. BUSTARD

1721 Valley Forge Road
Post Office Box 767
Worcester, PA 19490

July 31, 2017

Paul & Mary Lee Cook
3223 Germantown Pike
Norristown, PA 19403

RE: ZHB 17-06

Dear Paul & Mary Lee,

Enclosed find an executed Order regarding the above-noted application to the Zoning Hearing Board.

Please contact me at the below number should you have any questions, require additional information or if I can be of further assistance.

Sincerely,



Tommy Ryan.
Township Manager.

cc: Mike Furey, Esq. (via e-mail)
Andy Laird (via e-mail)
ZHB File
Property File

**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:

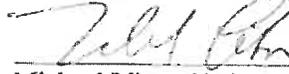
This Decision is subject to the following conditions:

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.