

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

IN RE: APPLICATION OF  
BT WORCESTER, LLC

NO. 2022-08

**DECISION**

The Applicant/Equitable Owner, BT Worcester, LLC, proposes to construct a multi-family development on the property located at 2974 Germantown Pike, Worcester Township, in the C-Commercial District and MR-Multi-Residential Zoning District.

A public hearing on the above Application was held on June 7, 2022 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**

(1) A Special Exception under Section 150-138.A of the Zoning Ordinance, so as to permit stormwater conveyance facilities, curbing, and sidewalk crossings in the FP Floodplain Conservation District, is **GRANTED**.

(2) Variances from Sections 150-138.A and 150-138.B of the Zoning Ordinance, so as to permit stormwater conveyance facilities, curbing and sidewalk crossings in the FP Floodplain Conservation District, are **GRANTED**.

(3) A variance from Section 150-88.D of the Zoning Ordinance, so as to permit a setback for the parking lot to be 25 feet on the Park Avenue frontage and 20 feet on the Germantown Pike frontage, rather than the 75 feet required, is **GRANTED**.

This Decision is subject to the following conditions:

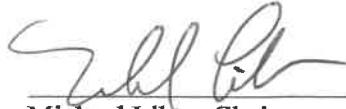
1. The Applicant shall construct the multi-family development as shown on the plans marked as Exhibits A-5 through A-8.
2. The Applicant shall comply with all requirements of the Worcester Township Subdivision and Land Development Ordinance, except to the extent waived by the Board of Supervisors.
3. The Applicant shall install trees and landscaping along Germantown Pike and Park Avenue to the satisfaction of the Township Engineer, the Township Planning Commission, and the Board of Supervisors,
4. The Applicant shall apply for and obtain all applicable Township, County and State permits and approvals relative to the construction and use in a timely manner.
5. 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.
6. 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 other provisions of Article XX of the Zoning Ordinance governing the Floodplain Conservation District, as well as all storm water management, fencing, setback, parking, lighting, sign and noise regulations, and all other codes, regulations and ordinances of Worcester Township.

7. Pursuant to Section 150-225 of the Worcester Township Zoning Ordinance, a special exception or variance shall expire if the applicants fail 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 applicants fail 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. The expiration date for obtaining the building permit as set forth herein may be extended by the Township for two (2) successive six (6) month periods, if, in the opinion of the Zoning Officer, the applicant is diligently pursuing the building permit.

**NOTICE:**

**Pursuant to Section 150-139.F(3) of the Zoning Ordinance, the Applicant is on notice that the granting of a variance from the zoning provisions of the Floodplain Conservation District may result in increased premium rates for flood insurance. Development in the Floodplain Conservation District may increase the risks to life and property. All development in the Floodplain Conservation District is solely at the risk of the Applicant/Developer.**

WORCESTER TOWNSHIP ZONING HEARING BOARD



Michael Libor, Chair



John D'Lauro, Vice Chair



Caesar Gambone, Secretary

Bradford Smith

Order Entered: 6/15/22

Circulation Date: 6/15/22

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 and issue Findings of Fact and Conclusions of Law in support of this Decision if an appeal is filed.