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.: 20-08 DATE FILED: May 29,2020				
AF	PLICATION: BOARD OF SUPERVISORS ZONING HEARING BOARD				
1.	Date of Application: 5/26/2020				
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 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: George and Tara Leming b. Mailing address: 1899 Cassel Rd. Lansdale, PA 19446 c. Telephone number: 484-319-8007 d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: (REQUIRED) Owner of legal title 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.	Proper	ty Deta	ails:		
		a.	Present Zoning Classifica	ation: AGR	
		b.	Present Land Use: Resid		
		c.	Location (Street Address		
			1899 Cassel Rd. Lansdal		
		d.	Parcel #: 67-00-02648-25	4	
		e.	Lot Dimensions:		
			(1) Area: 29,055 SF		
			(2) Frontage: 141.95'		
		C	(3) Depth: 243.47'		
		f.		gards to the above specified property:	
			Public Water	Public Sewer	
			Private Well	Private Septic	
		g.	Size, construction, and us unimproved: (Please sub	se of existing improvements; use of land, if omit as an attachment)	
6.	Propos	ed Use	(s):		
		a.	Proposed use(s) and cons	truction: Please provide size, construction and submit as an attachment)	
-	· 1				
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	y: (Please submit as an a	ttachment)	
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)				
CERT	TFICAT	TION			
			that the above information	is true and correct to the best of my (our)	
knowle	dge, inf	formatio	on or belief.	is true and correct to the best of my (our)	
Jo	Live	je "	Li	GEORGE LEWING	
and the same of th		Signatu	ure	Printed Name	
70	Las.	LOW	$\sqrt{}$	Tara Leming	
		Signati	ure	Printed Name	

Website: www.worcestertwp.com Last Revised: January 30th, 2014

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Managamery	: SS	
The undersigned, being duly sworn above names applicant, that he/she is authorowner, and foregoing facts are true and corn	rized to and does take thi	
	Gronge	
	Applicant	V
	Applicant	7
Sworn to and subscribed before me this		, 20 <u>20</u>
alle Con		Commonwealth of Pennsylvania
Notary Public		NOTARIAL SEAL Jeffery W Cosey, Notary Public Whitpain Township, Montgomery Count My Commission Expires October 06, 202
Date Received: 5/29/20	Plant	le Megt

Zoning Officer

ADDENDUM TO ZONING HEARING BOARD APPLICATION OF

GEORGE AND TARA LEMING FOR

1899 CASSEL ROAD, TOWNSHIP OF WORCESTER, MONTGOMERY CO., PA

BACKGROUND

George and Tara Leming ("Applicants") are the owners of that certain property known as Tax Map Parcel No. 67-00-02648-254, located at 1899 Cassel Road in the Township of Worcester, Montgomery County, Pennsylvania (the "Property").

The Applicants are proposing to construct a pool in the rear of their property as set forth on the enclosed Zoning Permit Plan.

REQUESTED RELIEF

The Applicants hereby request the following relief from the Worcester Township Zoning Ordinance:

1. Variances from Section 150-177.A(3) of the Township Zoning Ordinance, which requires private swimming pools to be located entirely within the rear yard but in no event less than 25 feet of the side or rear property lines except in the AGR District where the pool shall be not less than 50 feet from the side and rear yard, whereas the Applicants are proposing to construct the pool entirely in the rear yard within 40'9" from the rear property line and 26' from the right side property line.

LEGAL GROUNDS FOR APPEAL

Due to the unique physical circumstances which include the irregularity, or otherwise exceptional topographical and physical conditions of this property there is no possibility for the property to be developed in strict conformity with the township 50' setbacks for our zoning district.

The relief sought is the minimum variation from the dimensional provisions of the zoning ordinance and are based on the requirements for the R-75 Zoning District in Worcester Township. The R-75 Zoning District has similar lot size requirements but the setbacks for a swimming pool are 25' to side and rear property lines.





RECORDER OF DEEDS MONTGOMERY COUNTY 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 DEED BK 6013 PG 01817 to 01821

INSTRUMENT #: 2016066195

RECORDED DATE: 08/31/2016 09:45:55 AM



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MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Transaction #: 3435893 - 2 Doc(s) **Document Page Count:** 4

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Page 1 of 5

Operator Id: PAID BY:

WESTMINSTER ABSTRACT

Reference Info: RETURN TO: (Simplifile) Westminster Abstract 250 Gilbraltar

Horsham, PA 19044 (215) 293-5090

Document Type:

Document Date:

* PROPERTY DATA:

Parcel ID #: Address:

67-00-02648-25-4 1899 CASSEL RD

PA

Deed

08/30/2016

Municipality:

Worcester Township (100%)

School District:

Methacton

* ASSOCIATED DOCUMENT(S):

CONSIDERATION/SECURED AMT: **TAXABLE AMOUNT:**

\$806,402.00 \$806,402.00

FEES / TAXES:

Recording Fee:Deed State RTT

\$95.00 \$8,064.02

Worcester Township RTT Methacton School District RTT

\$4,032.01 \$4,032.01

Total:

\$16,223.04

DEED BK 6013 PG 01817 to 01821

Recorded Date: 08/31/2016 09:45:55 AM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



Jeanne Soro Recorder of Deeds

Rev1 2016-01-29

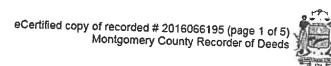
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PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes. *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION

Signature Not Verified Certified and Digitally Signed



Prepared by and return to: Westminster Abstract Company 250 Gibraltar Road, 1 West Horsham, Pennsylvania 19044 800-265-0425

Parcel ID No.: 67-00-02648-25-4

MONTGOMERY COUNTY COMMISSIONERS REGISTRY 67-00-02648-25-4 WORCESTER TOWNSHIP 1899 CASSEL RD TOLL PA LP \$15,00 8 022A L 24 U 024 2104 08/31/2016 TG

DEED

THIS INDENTURE MADE THE 30th

day of August

in the year two

thousand and sixteen (2016)

BETWEEN

Toll PA, L.P.

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

George Leming and Tara Leming, married to one another

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

Witnesseth, that the said Grantor

For and in consideration of the sum of Eight Hundred Six Thousand Four Hundred and Two Dollars \$806,402.00

Lawful money of the United States of America, unto it well and truly paid by the said Grantees, at or before the scaling and delivery, hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantees, their heirs and assigns, as tenants by the entirety.

SEE ATTACHED LEGAL

DESCRIPTION OF PROPERTY LOT 24 PRESERVE AT WORCESTER

All that certain lot or parcel of land situated in the Township of Worcester, County of Montgomery, and Commonwealth of Pennsylvania, being known as Lot 24 as shown on a plan entitled, "The Preserve at Worcester, Final Cluster Land", dated April 01, 2006, last revised January 17, 2014, sheets 1 through 48 of 48, prepared by Woodrow & Associates, Inc., Lower Gwynedd, Pa, 19002, recorded in the Montgomery County Recorder of Deeds Office on May 2, 2014, Plan Book 40, Page 335, Instrument No. 2014026469, more particularly described as follows;

Beginning at a common corner of Lot 24 and Open Space 'F', on the northerly side of Cassel Road (40' R.O.W.) and running;

- Along said northerly side, the following four (4) courses and distances, South 35 degrees 41 minutes 56 seconds West, a distance of 18.44 feet to a point of curve; thence
- Passing along an arc of a circle curving to the right, having a radius of 47.00 feet, an arc distance of 38.10 feet to a point of tangency; thence
 South 82 degrees 08 minutes 33 accords 100.
- South 82 degrees 08 minutes 23 seconds West, a distance of 22.77 feet to a point of curve;
- Passing along an arc of a circle curving to the left, having a radius of 170.00 feet, an arc distance of 100.74 feet to a corner of Lot 23; thence
- 5. Along Lot 23, North 41 degrees 48 minutes 52 seconds West, a distance of 170.51 feet to a point on line of Block 22, Unit 16; thence
- Along Block 22, Unit 16, North 37 degrees 08 minutes 23 seconds East, a distance of 117.80 feet to a corner of Open Space 'F'; thence
- Along Open Space 'F', South 54 degrees 18 minutes 04 seconds East, a distance of 243.47 feet to the first mentioned point and place of beginning.

Containing 29,055.94 square feet of land.

Subject to a Storm Easement 'H' as shown on the above referenced plan.

Subject to restrictions and easements of record, if any.

Parcel Number: 67-00-02648-25-4.

Address: 1899 Cassel Road.

BEING PART OF THE SAME PREMISES which Keystone Lands, Inc., a Pennsylvania Corporation by deed dated May 1, 2014 and recorded in the Office of the Recorder of Deeds in and for the County of Montgomery on May 2, 2014, Document #2014026472, in Book 591, Page 02448/ to 02453, granted and conveyed unto Toll PA L.P., in fee.

BEING PART OF THE SAME PREMISES which The Maple Glen Group, a Pennsylvania General Partnership, by deed dated April 28, 201, recorded in the Office of the Recorder of Deeds in the County of Montgomery on May 2, 20104, Document #2014026473, in Book 5911, Page 02454 to 02459, granted and conveyed unto Toll PA, L.P., in fee.

SUBJECT TO Covenants, Conditions and Restrictions contained in "Declaration of The Preserve at Worcester, A Planned Community", dated April 6, 2015 and recorded in the Office of the Recorder of Deeds in the County of Montgomery on April 9, 2015, in Book 5949, Page 1460 and any future amendments thereto.



Together with all and singular the buildings improvements, ways, streets, alleys, passages, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor In law as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

To have and to hold the said lot or piece of ground with the buildings and improvements thereon erected with the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances unto the said Grantees, their heirs and Assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever, as tenants by the entirety.

UNDER AND SUBJECT, to all easements, restrictions and matters of record.

And the said Grantor for itself, its successors and assigns does by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that it the said Grantor, all and singular the Hereditaments and Premises herein above described and granted, or mentioned and intended so to be, with the Appurtenances, unto the said Grantees, their heirs and Assigns, against it the said Grantor and against all and every Persons or Persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them or any of them, shall and will WARRANT and forever DEFEND.

In Witness Whereof the said Grantor has caused these presents to be duly executed the day and year first herein above written.

Sealed and Delivered IN THE PRESENCE OF US:

Toll PA, L.P.

BY TOLL PA GP CORP, GENERAL PARTNER

ATTEST: Stacey Rothaus, Assistant Secretary

Commonwealth of Pennsylvania County of Montgomery

On this, the 30th

day of August

,2016, before me

the undersigned officer,

personally appeared

Kathryn L. Gaffney

who acknowledged himself (herself)

to be the Vice President a corporation, and that

of Toll PA GP Corp., General Partner of Toll PA, L.P. he (she) as such Officer

, being authorized to do so, executed

the foregoing instrument for the purposes therein contained by the signing the name of the corporation by himself (herself) as Vice President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

COMMONWEALTH OF PENMSYLVANIA

NOTARIAL SEAL VALERIE A. SCHLECHTER, Notary Public Middletown Township, Bucks County My Commission Expires May 27, 2019

loua S LE

DEED.

Parcel ID No. 67-00-02648-25-4

Toll PA, L.P. 250 Gibraltar Road, Horsham, Pennsylvania 19044

To

George Leming and Tara Leming, married to one another

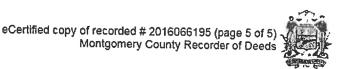
Premises:

Homesite #24-Preserve at Worcester Worcester Township Montgomery County, Pennsylvania

The address of the above-named Grantees is

1899 Cassel Road Lansdale, Pennsylvania 19446

On behalf of the Grantees



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

IN RE: APPLICATION OF

GEORGE AND TARA LEMING

NO. 2017-09

APPLICATION FOR A VARIANCE

DECISION

The Applicants/Owners, George and Tara Leming, request relief to permit a 54" high fence at 1899

Cassel Road, Worcester Township, in the AGR - Agricultural Zoning District.

A public hearing on the above Application was held on July 25, 2017 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 variance from Section 150-182(A) of the Zoning Ordinance so as to permit a 54" high

fence to encroach into the 3' setback so as to maintain a 3" setback on one side and a 9" setback on the

other side, is GRANTED.

This Decision is subject to the following conditions:

CONDITIONS:

- 1. The Applicant shall maintain the fence in the locations as shown on the plan marked as Exhibit A-4, at the setbacks noted.
- 2. The Applicant shall apply for and obtain all applicable Township, County and State permits and approvals relative to the fence in a timely manner.
- 3. 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.
- 4. 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.
- 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
	Jell (4)
•	Michael Libor, Chair
	Caesal pour
	Caesar Gambone, Vice Chair
	,
	Op Co paris
	John D'Lauro, Secretary
	(Alternate)
	Bradford Smith
1	
Order Entered: Aug. 7, 2017	
S: 1.1 D. A = 3	
Circulation Date: Ay. 7, 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.

