

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

IN RE: APPLICATION OF
DAVID MARKEL

NO. 2021-12
APPLICATION FOR SPECIAL
EXCEPTIONS AND VARIANCES

DECISION

The Applicant/Owner, David Markel, proposes to add a third apartment to a mixed use commercial/retail/apartment use on the property located at 3401 Skippack Pike, Worcester Township, in the LPD Land Preservation Zoning District and the Cedars Village Overlay Zoning District

A public hearing on the above Application was held on November 23, 2021 at the Worcester Community Hall, 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

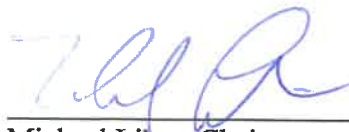
(1) A Special Exception under Zoning Ordinance Section 150-166.B, so as to permit the expansion of a nonconforming use in order to add the third apartment on the second floor of the building, and a Variance from Section 150-166.B, so as to permit the expansion of the residential use greater than 25% of the second floor of the building, are **GRANTED**.

(2) The requests for Variances/Special Exceptions from Zoning Ordinance Sections 150-110.22, 150-146.22, 150-163, and 150-165 were withdrawn by the Applicant.

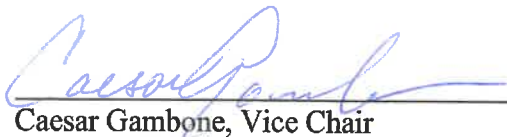
This Decision is subject to the following conditions:

1. The development and use of the property shall be as shown on the Plan marked as Exhibit A-2.
2. 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.
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.
5. 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. 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.

WORCESTER TOWNSHIP ZONING HEARING BOARD



Michael Libor, Chair



Caesar Gambone, Vice Chair



John D'Lauro, Secretary



Bradford Smith

Order Entered: 12/16/21

Circulation Date: 12/16/21

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.