

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. 19-14 DATE FILED: Nov. 26, 20 19

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: November 26, 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: Blue Eagle Property LLC
- b. Mailing address: 3019 West Germantown Pike
Norristown, PA 19403
- c. Telephone number: 610-633-8824 (Ben Gallo), 484-576-0876 (Cindy Gallo)
- d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: _____ **(REQUIRED) 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: Bernadette A. Kearney
- b. Address: P.O. Box 1479
Lansdale, PA 19446
- c. Telephone number: 215-661-0400

5. Property Details:

- a. Present Zoning Classification: R-100 / AGR
- b. Present Land Use: Professional Offices
- c. Location (Street Address):
3019-3021 West Germantown Pike, Norristown, PA 19403
- d. Parcel #: 6700-01486-00-4
- e. Lot Dimensions:
 - (1) Area: 99,685 sf
 - (2) Frontage: 229.06 ft
 - (3) Depth: 381.17 ft
- 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)** See attached drawing.

6. Proposed Use(s):

- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)** See attached drawing.

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)** See attached drawing.

8. Has any previous appeal been filed concerning the subject matter of this appeal?

Yes No - See attached prior decisions related to this parcel.

If yes: specify: **(Please submit as an attachment)**

9. Challenges please list requested issues of fact or interpretation: - See attached. **(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

Ben Gallo, Blue Eagle Property LLC
Printed Name


Signature

Cindy Gallo, Blue Eagle Property LLC
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.


Applicant


Applicant

Sworn to and subscribed before me this 22 day of November, 2019


Notary Public

Commonwealth of Pennsylvania - Notary Public
JENNIFER IWANSKI - Notary Public
Montgomery County
My Commission Expires Mar. 20, 2023
Commission Number: 1348715

Date Received: 11-26-19


Zoning Officer

Zoning Hearing Board Attachment

6. The Applicant is proposing a 525 s.f. expansion to the first floor of the existing office building and 1034 s.f. second floor expansion to the second floor of the existing building as shown on the attached plan (“Expansion”). The existing building is used for office space for an engineering firm and the Expansion will also be used for office space for the engineering firm. A second building on the Property is used for a yoga studio.

The existing building currently has a front yard setback of 18 feet (see attached plan) and the Expansion will be located 21 feet into the front yard rather than the required 50 feet.

7. The Applicant is requesting the following relief for the Expansion:

A variance from Section 150-162.1, Expansion of a nonconforming structure, as the Expansion does not conform to the front yard requirements.

A variance from Section 150-162.2., Vertical expansion of nonconforming structure, as the Expansion does not conform to the front yard requirements.

A special exception, or in the alternative a variance from Section 150-166.B., Expansion of nonconforming uses, which requires any expansion to conform to area, height, setback, width and yard coverage and all other applicable regulations of the district in which the nonconforming use is located.

A variance from Section 150-67, Use regulations in the R-100 Residential District to allow the currently existing office use to be permitted in the Expansion.

If required, a modification of the previously granted zoning relief for the Property to allow the Expansion and to allow office use in the Expansion.

The requested relief for office use is appropriate as variances have been granted in the past to allow office use in the building. The request for the dimensional relief to allow the Expansion is also appropriate. Due to the age of the existing building, it is located in the front yard and therefore the Expansion is located in the front yard. The Applicant did not create the hardship and the requested relief is the minimum to afford relief and will not be adverse to the public health, safety and welfare.

8. Nine (9) Zoning Hearing Board decisions spanning from 1976 to 2012 related to the Property are attached hereto.


2. The subject property may be used, as set forth in Section 150-112 C of the Ordinance, for a professional service shop of a dressmaker, shoe repairer, tailor or hairdresser.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support this Decision if an Appeal is filed.

Worcester Township
Zoning Hearing Board


George Stauffer


Michael R. Libor


Caesar Gambone

Order Entered: June 26, 2012

Circulation Date: *July 26, 2012*

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

IN RE: APPLICATION 10-06 OF : REQUEST FOR
JOHN E. HEYSER : A VARIANCE

DECISION

A Public Hearing on the above Application having been held on May 25, 2010, 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 of 1973, as amended, (hereinafter "Ordinance") and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board of Worcester Township enters the following Decision:

ORDER


Upon consideration of the evidence and testimony presented, Applicant's request for a Variance from S150-147 D and F to permit the replacement of the existing non-conforming sign with an expanded sign square footage is hereby **GRANTED**, subject to the following conditions:

1. The new sign shall be no larger than 48 inches by 48 inches;

2. The sign shall not be internally lighted;
3. The Applicant shall comply with all other relevant provisions of the Worcester Township Zoning Ordinance as it relates to signage.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support this Decision if an Appeal is filed.

Worcester Township
Zoning Hearing Board



Kenneth E. Ryer, Chairman



Harris D. Gramm, III



George Stauffer

Order Entered: May 25, 2010

Circulation Date: *June 17, 2010*

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

IN RE: APPLICATION 02-27 OF : REQUEST FOR
JOHN E. HEYSER : SPECIAL EXCEPTION
: AND/OR A VARIANCE

DECISION

A Public Hearing on the above Application having been held on Tuesday, November 26, 2002, 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 of 1973, as amended, and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board of Worcester Township enters the following Decision:

ORDER

Upon consideration of the evidence and testimony presented, Application No. 02-27 of John E. Heyser, 80 Smith Road, Colledgeville, Worcester, Pennsylvania, owner of the property located at 3019 W. Germantown Pike, Worcester Township, Pennsylvania, in the R-100 District, for a Variance from §150-67 of the Ordinance to permit a change of the current use of the building from a professional office to a hair dresser on the first floor of

the building is hereby **GRANTED**.

Pursuant to §150-225, the within granted relief shall expire if the Applicant fails to obtain a permit in connection herewith within one (1) year of the date of this Decision.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support this Decision if an Appeal is filed.

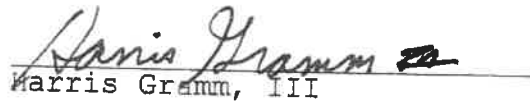
**Worcester Township
Zoning Hearing Board**



Michael Malone, Chairman



Kenneth E. Dyer



Harris Gramm, III

Order Entered: November 26, 2002

Circulation Date: **DEC 24 2002**

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

IN RE: APPLICATION 95-19 OF : REQUEST FOR A
JOHN E. HEYSER : VARIANCE

DECISION

A Public Hearing on the above Application having been held on Tuesday, August 22, 1995, at 7:30 P.M. at the Fairview Village Assembly Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, pursuant to Notice as required by the Worcester Township Zoning Ordinance of 1973, as amended, and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board of Worcester Township enters the following Decision:

ORDER

Upon consideration of the evidence and testimony presented, Applicant's request for a Variance from Article X, Section 1001 to permit the premises to be used as an office and day care center, pursuant to the Plan admitted into evidence as A-1 and amended as A-2 is hereby is hereby **GRANTED** subject to the following conditions:

1. There shall be no children over the age of two (2) years in the day care center;

2. Applicant shall comply in all respects with all Federal, State and Local regulations and Ordinances, including but not limited to Montgomery County Health Department, Commonwealth of Pennsylvania Department of Environmental Resources (DER), and Labor and Industry;
3. The septic system shall be in accordance with the foregoing regulations, where applicable.

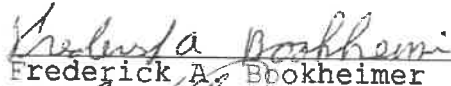
Pursuant to Section 2709, the within granted Variance shall expire if the Applicant fails to obtain a permit in connection herewith within one year of the date of this Decision.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support this Decision if an Appeal is filed.

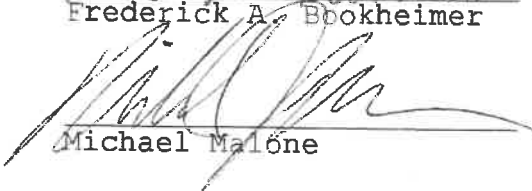
**Worcester Township
Zoning Hearing Board**



Linwood A. Kulp, Jr., Chairman



Frederick A. Bookheimer



Michael Malone

Order Entered: August 22, 1995

Circulation Date: SEPTEMBER 14, 1995

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

IN RE: APPLICATION OF JOHN HEYSER : No. 92-3

DECISION

I. BACKGROUND

A Public Hearing was held on June 23, 1992 with regard to the application of John Heyser. The application requested a variance from Section 1001 of the Worcester Township Zoning Ordinance (1988 Edition). Notices of said public hearing were published in accordance with law in a newspaper of general circulation, and in accordance with such notices, a hearing was conducted at the Fairview Village Assembly Hall in Fairview Village, Worcester Township, Montgomery County, Pennsylvania. Testimony was presented by the applicant, John Heyser.

At the commencement of the proceedings a request was made that anyone who wished to enter an appearance as a party to the proceedings should step forward and identify himself/herself in order to participate as a party. The record reflects that no party chose to enter an appearance in this regard.

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearing were prepared and are hereby made a part of this record. Final vote with regard to this application was taken at the public meeting on June 23, 1992 at the Fairview Village Assembly Hall in Fairview Village, Worcester Township,

Montgomery County, Pennsylvania and this decision follows as a result of that vote.

II. FINDINGS OF FACT

1. The applicant is John Heyser, the record owner of a parcel of ground with the buildings erected thereon located on Germantown Pike, North Side, West of Route 363, Worcester Township, Montgomery County, Pennsylvania.

2. The Zoning applicable to this parcel of ground is R-100 Residential.

3. The applicant submitted a Plot Plan which was marked as Exhibit "A-1" and duly admitted into evidence.

4. The tax map was marked as Exhibit "B-1" and duly admitted into evidence.

5. The applicant requests a variance to convert the two-story garage/barn currently located on the premises into a flower shop and offices.

6. This property was the subject of a decision by this Board at No. 86-8, when this Board recognized that a 1976 variance was granted with regard to the subject garage/barn for a woodworking or cabinet-making shop.

7. The Board noted at that time that the variance was granted due to the commercial area located adjacent to this tract.

8. The applicant requests a variance from Section 1001 of the Zoning Code such that the applicant may use the property for a flower shop and offices.

III. DISCUSSION

The Worcester Township Zoning Ordinance (1988 Edition) Section 1001 sets forth the use regulations permitted in the R-100 Residential District. Applicants who wish to make commercial use of their property located in an R-100 Residential District must appear before the Board for a Use Variance.

In accordance with Section 2701(c) of the Zoning Ordinance, the Zoning Hearing Board is empowered to hear and decide requests for variances and to grant such requests when the Board finds that the variance will not be contrary to the public interest and that a literal enforcement of the provisions of the Zoning Ordinance would result in an unnecessary hardship upon the applicant. In determining whether the variance should be granted or denied in this case, the Board has carefully reviewed the standards for Zoning Hearing Board action as stated in Section 2703 of the 1988 Edition of the Worcester Township Zoning Ordinance and the requirements of Section 910.2 of the Pennsylvania Municipalities Planning Code. As a result of such review, the Board determines that the applicant should be granted a variance from the use requirements as set forth in Section 1001 of the Zoning Code due to the commercial nature of the area and the previous variances granted with regard to the property. None of the surrounding residents or property owners appeared to oppose the application. The Board finds that the proposed use will have no adverse impact on the neighboring properties.

IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application. The applicant is the legal owner of the parcel in question which is located in Worcester Township. The applicant and the subject matter are properly before the Board and the applicant has standing to submit the application.

2. The Hearing Notices were duly published in accordance with law.

3. The Zoning Hearing Board determines that in accordance with Section 2701(c) of the Zoning Ordinance, the applicant should be granted a variance from the use regulations of Section 1001 of the Zoning Code.

4. The Board is satisfied that substantial justice will be done by granting this variance.

V. OPINION

Upon consideration of the above Findings of Fact and Conclusions of Law, the Board determines that the application for a variance should be granted as set forth hereinafter in the Order.

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

IN RE: APPLICATION OF JOHN HEYSER : No. 92-3

O R D E R

AND NOW, this 21ST day of JULY, 1992,
upon consideration of the above Findings of Fact, Discussion and
Conclusions of Law, the Board hereby orders that:

- (1) The applicant is granted a variance from Section 1001 of the Worcester Township Zoning Ordinance (1988 Edition) to establish a flower shop and offices in the barn/garage located on the subject property.
- (2) The uses permitted in the structure shall be (a) a flower shop and (b) offices for one other business.
- (3) The applicant shall comply in all other respects with the zoning, land development and building codes of Worcester Township and the requirements of the township engineer.

WORCESTER TOWNSHIP ZONING HEARING BOARD


MARTIN K. HANSELL



ARTHUR S. ANDERS


FREDERICK A. BOOKHEIMER

Alternate
LINWOOD A. KULP

CC - Worcester Township

Copy of this decision was
mailed this date: 7/21/92


Michael E. Furey, Esquire
Solicitor of the Worcester
Township Zoning Hearing Board

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

IN RE: APPLICATION OF : NO. 86-8
JOHN E. HEYSER :

DECISION

I. BACKGROUND

A public hearing was held on October 28, 1986, at the Assembly Hall in Fairview Village, Pennsylvania, on the application of Mr. Heyser to enclose two small areas in a building located on Germantown Pike in Fairview Village. Notice was published in a newspaper of general circulation. Testimony was presented by John E. Heyser and comments were presented by Joseph Zadlo, the Township Zoning Officer, and by Betty Posner, a nearby resident. The applicant was not represented by counsel.

At the commencement of the proceedings, a request was made to the effect that anyone who wished to enter an appearance as a party to the proceedings could step forward and identify himself in order to participate in the examination of witnesses and otherwise utilize that standing which accrues to a party. No one chose to intervene.

The witnesses were affirmed and a stenographic record was generated and made a part of this record. No request was made by anyone for a copy of the Decision or Opinion. A public discussion of the merits was held by the Board following the close of testimony

and a final vote was taken at the public meeting at which time this document was signed and issued.

II. FINDINGS OF FACT

1. The applicant is John E. Heyser who owns a tract of land of approximately 6.7 acres extending between Germantown Pike and Griffith Road, a parallel street to the rear. The only improvements consist of a home and a small barn or garage located close to Germantown Pike in an area zoned as R-100 Residential. It is adjacent to a "Commercial" area.

2. Located near the house is a two-story three-car garage, approximately 36' x 28' which, in 1976, was authorized to be used as a wood-working or cabinet-making shop, due to the commercial area near this tract.

3. In 1978, the main building, which had been part residential and part office, was authorized to be used totally as an office for medical, dental or similar health providers, limited to such professional practitioners and the necessary supporting staff.

4. Conditions were imposed which required ten parking spaces to be located to the rear of the main building and access to Germantown Pike was by means of a "U" driveway which was to have a hard impermeable surface for the first fifty feet from the edge of Germantown Pike and thereafter to have a permeable surface treated to reduce the generation of dust. Natural screening was to be installed along the northwest edge of the premises for approximately 150 feet commencing from Germantown Pike.

5. Accordingly, the main building is now occupied by a dentist with his hygienist and receptionist occupying about half of the building, while a contracting engineer occupies the other half, with the garage now being used for the storage of materials.

6. The applicant wants to enclose a small area of approximately 63 square feet on the southeasterly side of the main building and, at the northerly corner of the building, to erect a two-story addition of approximately 14 feet by 13 feet, all designed to permit the main building to be used by two full-time dentists and their staffs.

7. The applicant believes that the shift in the nature of the occupation will not result in any increased traffic or parking requirements.

8. To the rear of all of this activity is the remainder of the 6.7-acre tract which is used as a parade field for one occasion a year, the bulk of this tract being located in an area zoned "AGR-Agricultural".

III. DISCUSSION

The Worcester Township Zoning Ordinance of 1953, as amended, does not permit a commercial activity in an area zoned as "R-100 Residential" except to the degree that up to one-half of a residence may be used for the occupant's profession. By the grant of two variances, the shed was allowed to be used as a wood-working shop, but that use has now been abandoned and the shed is being used only for storage. A later variance permitted the entire main building to be used as an

office since the nature of the area had changed so as to make the continued use of this building as a residence impractical. That decision, No. 78-3, is incorporated here by reference.

The two proposed changes to the main building are modest but the more important question is the continuing growth of this commercial activity and its encroachments into the remainder of the large tract.

The site plan produced at the hearing was not drawn to scale and the applicant submitted one subsequently. After review of the more formal site plan and the scaled measurements, the Zoning Board has determined that a limitation has to be placed on the non-conforming activity and the Board has determined that this line shall be located 150 feet from the center line of Germantown Pike and parallel to Germantown Pike. The Board is aware that this line will cut through some of the proposed parking, but then it is believed that the ten parking places appropriate for this activity can be located within this boundary.

IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter and the applicant. The applicant is an owner of a certain tract of land located in Worcester Township which, since 1953, has had a Zoning Ordinance.

2. The application and hearing notice, as published, are in good order.

3. The applicant and subject matter are properly before

the Board, the hearing notice having been published as prescribed by law and the Zoning Ordinance.

4. The applicant has presented an application seeking what is in fact a special exception in order to enlarge a dimensionally non-conforming building used in a commercial activity granted by a prior variance.

5. The two additions, as set forth on the site plan and the plan that was introduced at the hearing, are minimal but constitute the maximum amount of expansion of this building due to the narrowness of the lot on Germantown Pike.

V. OPINION

After consideration of the above Findings of Fact and Conclusions of Law, the Board is of the opinion that the application should be granted to the extent as set forth hereinafter in the Order.

O R D E R

AND NOW, this 16th day of December, 1986, the subject application for a special exception is granted to permit the enclosure of the 63 square feet for the laboratory and the two-story addition of approximately 14 feet by 13 feet, subject to the following conditions:

1. All of those conditions set forth in the Board's Order under No. 78-3 are incorporated here by reference as though fully set forth at length.

2. A line is hereby imposed to be located parallel to

and 150 feet from the center line of Germantown Pike, with this line, the center line of Germantown Pike and the two property lines between them, constituting the total enclosure for this commercial activity. There is to be no further expansion of the buildings or of the uses.

3. A revised site plan is to be submitted to the Zoning Officer to show the lay-out of the two driveways and the ten required parking places, all to be totally within the above envelope.

4. Since the use of the barn or shed as a wood-working shop has since been abandoned, that building may now only be used for the storage of materials or for the parking of vehicles.

5. Due to the ever-increasing traffic flow along Germantown Pike, the applicant is to obtain a current highway occupancy permit from the Department of Transportation of Pennsylvania and to conform with the requirements imposed by that permit.

6. All of the above conditions, including those incorporated by reference, are to be met and the fee paid before any building permit or continued occupancy permit is issued.

WORCESTER TOWNSHIP
ZONING HEARING BOARD


Martin K. Hansell

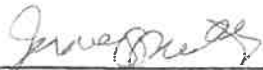

Arthur S. Anders, Jr.


Philip C. Fermier, Jr.

cc: Mrs. Jean Siegl
Mr. John E. Heyser

A copy of this Decision was ~~mailed~~/hand-delivered
to the ~~attorney for the~~ applicant this date.

Dated: December 16 1986



Jerome B. Nulty, Esquire
Attorney for the
Zoning Hearing Board

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

In re:

APPLICATION OF JOHN E. HEYSER

NO. 78-3

OPINION

On May 23, 1978, Mr. Heyser presented an application concerning his 6.7 acre property located at 3019 Germantown Pike, Fairview Village, in an area zoned as R-100 Residential. The tract contains a two-story house and a two-story three-car garage. This latter building was permitted to be used as a woodworking shop following a 1976 hearing while a portion of the house was approved for office use in 1977. The present application is a request to expand the office use throughout the remainder of the house. An office use is only allowed in this zone if connected with the occupation of certain enumerated professions practised by a resident of the house and even then such an office use is to be confined to fifty per cent of the first floor or basement. Mr. Heyser seeks authorization for an office to be used for medical or dental professionals, not residing on the property, to fill the entire building now used as part office and part residence. The residential portion is presently unoccupied.

The property is located adjacent to a large area zoned "Commercial", which is clustered about the major intersection of Valley Forge Road (Pa. Route 363) and Germantown Pike (U.S. Route 422). In the immediate vicinity there are three service stations, a bank, a small shopping center and an automobile agency. Also nearby are various non-conforming uses such as a real estate office and a beauty shop.

Only one neighbor appeared to comment on the application, Edward Bean of 3023 Germantown Pike, and he stated that he did not

oppose the application provided that vehicular traffic did not cause any dust and that no significant odors or noises were generated by the use allowed.

Noting the unique nature of this property, the peculiar location and the earlier approvals for commercial use, the most recent as an office in 1977, it has been determined that the best interests of the township as well as the owner will be served by permitting the use of entire subject building as a professional office subject to the conditions set forth in the attached Exhibit "A".

ORDER

AND NOW, this *sixth* day of *July*, 1978, upon consideration of the subject application and after a full hearing, the Zoning Officer is directed to issue the required permit which shall be qualified to continue in effect only so long as the attached conditions and the remaining provisions of the Zoning Ordinance, as amended, are met.

Mr. William J. Callnin did not participate in the hearing or the deliberations.

WORCESTER TOWNSHIP
ZONING HEARING BOARD

By: _____

Thomas B. Ryan
Thomas B. Ryan

George R. Lewis

cc: Mr. Russell H. Place,
Secretary, Worcester Township

Mr. George B. Standbridge
Zoning Officer, Worcester Township

EXHIBIT "A"

CONDITIONS RE APPLICATION 78-3

1. The entire building may be used as a professional office by one or more medical doctors, dentists, osteopaths, opticians, chiropractors or similar health providers, or combination of them, with such accessory uses as may be necessary and incidental to that profession or professions.

2. The office may not be used by more than a total of two such professional practitioners and the necessary supporting staff.

3. All parking of vehicles, whether of clients or the occupants, shall be on the premises, with no parking on the public road, on a permeable or impermeable lot, as the applicant desires, generally located to the rear of the building, with sufficient space for ten parked vehicles as well as ingress and egress to Germantown Pike. The parking lot shall be separate from the driveway so that the drive does not pass through the lot.

4. The driveway from Germantown Pike to the parking area shall have a hard impermeable surface, for at least the first fifty feet from the edge of Germantown Pike, and shall be located near and generally along the northwesterly side of the premises.

5. All portions of the parking lot and driveway not having an impermeable surface shall be treated from time to time to reduce to a minimum the generation of dust by vehicles or wind.

6. Natural screening is to be installed along the north-west edge of the premises, between the drive and the side of the property, and extending from Germantown Pike to a point near the rear of the parking area so that neither the lot nor the driveway can be readily seen from the neighboring homes. The screening is to consist of arbor vitae, hemlock or similar type as approved by the Zoning

Officer which, after planting, will be at least three feet in height initially and likely to be close to four feet within the first two years. The purpose of the screening is to shield the neighboring property from the view of the traffic in and about the parking area and drive, as well as reducing the noise, dust and other distractions generated by the clients and occupants of the professional offices and the screening is to be maintained in the future to accomplish this.

7. A sign may be installed providing it meets the requirements and limitations set forth in §§1300(B) and 1304 and, if it is to be illuminated, §1305(A)(1) and (D).

8. The applicant is directed to submit sketches and specifications, demonstrating the method by which each of the above conditions is to be implemented, to the Zoning Officer for his prior approval and to permit the Zoning Officer to follow the progress of the work. The Zoning Officer is hereby given the responsibility and authority to determine the precise method and manner by which the above items are to be carried out and shall be the judge of the degree of satisfactory completion, with the necessary permits to be issued when the conditions are met.

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

RE: Application of John Heyser

APPLICATION NO. 77-4

The Application was not contested and the Board therefore renders the following

DECISION

The Application is APPROVED in accordance with the plan and testimony presented at the time of the hearing on April 13, 1977, to permit use of the subject premises as an office not restricted to residents of the attached building; SUBJECT HOWEVER to all other limitations on the proposed use as an office set forth in Section 1605(5) of the Township Zoning Ordinance, and FURTHER SUBJECT TO the requirement that the proposed parking lot be relocated to the rear of the building.

BY THE BOARD:

By: John W. McClure
Chairman

Attest: [Signature]
Secretary

DATED: May 11, 1977

BEFORE THE ZONING HEARING BOARD OF THE TOWNSHIP OF WORCESTER

IN RE: Application of John E. Heyser, for
a variance

No. 76-24

D E C I S I O N

I. History of the Case

John E. Heyser, Smith Road, R.D., Colledgeville, Pennsylvania - 19426 (hereinafter referred to as "Applicant"), filed an application before the Zoning Hearing Board of Worcester Township (hereinafter referred to as "Board"), for permission to utilize an existing barn and garage for a cabinet making and woodworking shop.

A public hearing was held on December 14, 1976, at 8:00 p.m., prevailing time, at the Farmers' Union Hall, Center Point, Worcester Township, Pennsylvania, after due public notice.

At the conclusion of the hearing, the Board makes the following:

II. Findings of Fact

1. The Applicant is the owner of the subject premises and owns it with his wife, Ida Jane Heyser, and has owned that premises since December of 1954.

2. The property is 6.77 acres more or less and is situate along the northerly side of Germantown Pike, west of Valley Forge Road in Fairview Village.

3. The property has a frontage on Germantown Pike of 227 feet and runs through to Griffith Road to the north, with a frontage on Griffith Road of 311 feet.

4. The subject property is located in an R-100 zoning district.

5. Improvements on the property consist of a dwelling, a three-car - two-story garage.

6. The house is presently used for renting two-thirds of it with two tenants in the building.

7. The application proposes the use of the garage only for a cabinet making and woodworking shop.

8. The adjacent uses to the property are as follows:

a. East on Germantown Pike there is a fifty foot right-of-way to the American Bank and Fairview Shopping Center;

b. West on Germantown Pike is the residence of Edward Bean;

c. Next west on Germantown Pike is Pearl Kratz Beauty Salon;

d. Across Germantown Pike is Limbert Machine Shop;

9. The subject garage is located on Germantown Pike side of the property on the easterly portion thereof. It is 27 feet west of the property line and is 55 feet removed from the curb line of Germantown Pike.

10. The building is 40 by 30 feet and is two stories.

11. There are no exterior alterations proposed for the user.

12. There is no residential use of the garage.

13. The garage is not served by water or public sewer although there is a 20 foot well immediately adjacent to it. It does have electric.

14. The house is on a separate well and septic system from the garage.

15. Applicant indicates there is no anticipation in connecting to the house for any water or sewer usage.

16. Parking is available to the subject site although the tenant requires no major parking of more than three vehicles.

17. Applicant proposes to rent the premises to one Gary Staurowsky, who has resided with his parents at 39 Adair Drive, Worcester Township, for 24 years.

18. Mr. Staurowsky would be the sole tenant of the premises and would utilize it for operation of his cabinet and woodworking shop.

19. Applicant testified that he had no major requirements for parking since the Applicant would propose no commercial displays on the premises for trade and marketing on the premises.

20. Applicant testified that he needed no external illumination and would not permit outside storage.

21. The proposed tenant testified that he was agreeable to a time limit of 9:30 p.m. for his hours of operation and intended to work six days per week.

22. The tenant also indicated that there would be a maximum of one additional employee who would work 10 to 16 hours per week.

23. The tenant agreed that no machinery would be operated on a Sunday and that a Sunday operation might be only four or five hours in the morning.

24. The Applicant requested a sign of 10 inches by 20 inches and said he was prepared to abide by the Township regulations with respect to signs.

25. The Applicant advised that tenant would require no deliveries nor outside storage.

26. The tenant indicated that he would undertake reasonable dust and fume control for varnishing and operating of his table saws, radial saws and the like.

27. Applicant has met his burden of proof.

28. The subject property suffers from a unique and unusual hardship by reason of the immediate adjacent commercial uses.

29. The Board finds that the proposed use will not be adverse to health, safety, morals and general welfare of the community.

30. No one appeared to testify in favor of or in opposition to the application other than the Applicant and his tenant.

31. The Board finds that the hearing was properly convened and properly advertised, both in accordance with the Worcester Township Zoning Ordinance and Pennsylvania Municipalities Planning Code.

III. Discussion

The matter before the Board is the question of a use variance for an existing structure which is immediately adjacent to a commercial district. The Applicant has indicated a willingness to undertake dust and fume control, avoid external storage and abide by the hours testified to before the Board.

It is obvious to the Board that the proposed use will not be adverse to the health, safety, morals and general welfare of the community and that, by reason of its proximity to the shopping district, this quasi-commercial usage would not be offensive if properly controlled.

Accordingly, the Board grants the use variance for the existing building pursuant to the following:

IV. Conclusions of Law

1. The Applicant is properly before the Board requesting a use variance for an existing building.

2. The Applicant and his tenant are willing to agree to the conditions as follows:

- a. There will be no external illumination;
- b. A dust control proposal will be submitted to the Zoning Officer for approval;
- c. The sign placed on the premises will be in accordance with the existing Ordinance provisions for such district and in no event will be more than 10 inches by 20 inches and not illuminated;
- d. Applicant will abide by the hours of 8:00 a.m. to no later than 9:30 p.m.;
- e. Applicant agrees that there will be no operation of machinery on Sunday.

3. Upon satisfactory demonstration of compliance with the aforementioned conditions, the Zoning Officer is directed to issue the necessary permits upon payment of appropriate permit fees.

WORCESTER ZONING HEARING BOARD

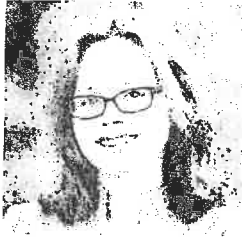
William J. Callnin, Chairman

Thomas B. Ryan

John W. McClure

Dated:

DEED



DEED BK 6145 PG 00531 to 00535
 INSTRUMENT # : 2019047100
 RECORDED DATE: 07/18/2019 11:15:33 AM



5657542-0014W

Rec'd
 11/08/19
 Blue
 Eagle

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

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed
Document Date: 07/16/2019
Reference Info:

Transaction #: 5877156 - 7 Doc (s)
Document Page Count: 4
Operator Id: ppiyakan

RETURN TO: (Mail)
 PENNSBURY ABSTRACT INC
 524 W MARKET ST
 PERKASIE, PA 18944-1419

PAID BY:
 PENNSBURY ABSTRACT INC

*** PROPERTY DATA:**

Parcel ID #: 67-00-01486-00-4
Address: 3019 -3021 GERMANTOWN PIKE
 PA
Municipality: Worcester Township (100%)
School District: Methacton

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:
\$790,000.00

FEES / TAXES:

Recording Fee:Deed	\$86.75
State RTT	\$7,900.00
Worcester Township RTT	\$3,950.00
Methacton School District RTT	\$3,950.00
Misc Fee	\$1.00
Total:	\$15,887.75

DEED BK 6145 PG 00531 to 00535
 Recorded Date: 07/18/2019 11:15:33 AM
 I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



Jeanne Sorg

Jeanne Sorg
 Recorder of Deeds

Rev1a 2016-01-29

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

Prepared by and Return to:

Pennsbury Abstract, Inc.
524 West Market Street
Perkasie, PA 18944
215-453-9993

File No. 7712114

UPI # 67-00-01486-00-4

RECORDED OF DEEDS
MONTGOMERY COUNTY

2019 JUL 18 A 9:37

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

67-00-01486-00-4 WORCESTER

3019 -3021 GERMANTOWN PIKE

HEYSER JOHN E & IDA JANE

\$15.00

B 003 U 018 L 1 4100 DATE: 07/18/2019

JE

This Indenture, made the 16th day of July, 2019,

Between

JOHN E. HEYSER AND IDA JANE HEYSER, husband and wife

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

BLUE EAGLE PROPERTY, LLC, A PA LIMITED LIABILITY COMPANY

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

Witnesseth, that the said Grantors for and in consideration of the sum of **Seven Hundred Ninety Thousand And 00/100 Dollars (\$790,000.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantee, 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 Grantee, its successors and assigns,

See Attached Exhibit A

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, 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 them, the said grantors, 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 above, 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, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors

and assigns, against them, the said Grantors, and their heirs, and against all and every other person and persons whosoever lawfully claiming or to claim the same or any part thereof, shall and will

Warrant and Forever Defend.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered
in the Presence of Us:

Barbara E. Wise

John E. Heyser {SEAL}

Ida Jane Heyser {SEAL}

Commonwealth of Pennsylvania }
County of Montgomery } ss

On this, the 16th day of July, 2019, before me, the undersigned Notary Public, personally appeared **John E. Heyser and Ida Jane Heyser**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

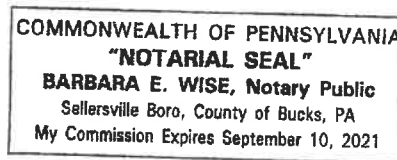
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Barbara E. Wise
Notary Public
My commission expires _____

The precise residence and the complete post office address of the above-named Grantee is:

3019 Germantown Pike
Ardmore, PA 19403

Barbara E. Wise
On behalf of the Grantee



ALL THAT CERTAIN tract or piece of land situate in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania bounded and described according to a Minor Subdivision Plan of lands n/l of John E. Heyser and Ida Jane Heyser, by CKS engineers Inc. dated 7/17/2009 and recorded 7/29/2009 in Plan Book 34 Page 385 as follows to wit:

Beginning at a point on the legal right of way line of Germantown Pike a corner of this and Block 3 Unit 32 as shown on the above mentioned plan; thence along Block 3 Unit 32 the (2) following courses and distances: (1) North 39 degrees 45 minutes 00 seconds East 274.42 feet to a point (2) North 53 degrees 15 minutes 00 seconds West 103.75 feet to a point; thence North 41 degrees 30 minutes 00 seconds East 124.98 feet to a point; thence South 49 degrees 52 minutes 00 seconds East 325.48 feet to a point in line of lands n/l of FVSC Acquisitions LP; thence along the same and also along Block 3 Unit 67 the (3) following courses and distances: (1) South 40 degrees 15 minutes 00 seconds West 280.47 feet (2) South 52 degrees 25 minutes East 5.77 feet (3) South 39 degrees 57 minutes 00 seconds West 100.70 feet to a point on the legal right of way line of Germantown Pike aforesaid; thence along the same North 52 degrees 50 minutes 00 seconds West 229.06 feet to the first mentioned point and place of beginning.

Tax ID / Parcel No. 67-00-01486-00-4

Being part of the same premises which John E. Heyser and Ida Jane Heyser by Deed dated 1/14/1989 and recorded 1/17/1989 in Montgomery County in Deed Book 4899 Page 2409 conveyed unto John E. Heyser and Ida Jane Heyser, in fee.

Deed

UPI # 67-00-01486-00-4

John E. Heyser and Ida Jane Heyser

TO

Blue Eagle Property, LLC

Pennsbury Abstract, Inc.
524 West Market Street
Perkasie, PA 18944

Telephone: 215-453-9993 Fax: 215-453-9994