

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

RECEIVED  
FEB 25 2016

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. : 16-04      DATE FILED: 2/25/16 , 20

APPLICATION:     BOARD OF SUPERVISORS  
                       ZONING HEARING BOARD

1.    Date of Application:    February , 2016

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: Church of the Nazarene of Fairview Village, Pennsylvania
- b.    Mailing address: 3044 Germantown Pike, Eagleville, PA 19403
- c.    Telephone number: 610-539-3333
- d.    State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: Owner of 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. See attachment 3.D.**

4.    Applicant's attorney, if any:

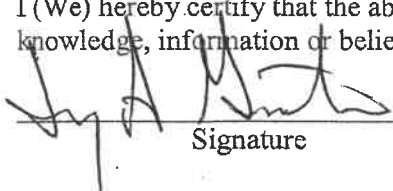
- a.    Name: Jeffrey A. Drake, Esquire
- b.    Address: Drake, Hileman & Davis  
P.O. Box 1306, Doylestown, PA 18901
- c.    Telephone number: 215-348-2088

5. Property Details:
- a. Present Zoning Classification: ARG AGRICULTURAL DISTRICT
  - b. Present Land Use: Place of religious worship (Church)
  - c. Location (Street Address):  
3044 Germantown Pike, Eagleville, PA 19403
  - d. Parcel #: 67-00-01585-00-4 BL 3 Unit 30 and 67-00-01585-10-4 BL 3 Unit 99, Deed Book 4873
  - e. Lot Dimensions: Page 2415
    - (1) Area: Total Gross Lot 19.2741 acres - Lot Net RW 18.4569 acres
    - (2) Frontage: 439.45 feet
    - (3) Depth: 1,022.77 feet
  - f. Circle all that apply in regards to the above specified property:
 

<input checked="" type="checkbox"/> Public Water	<input checked="" type="checkbox"/> Public Sewer
<input type="checkbox"/> Private Well	<input type="checkbox"/> Private Septic
  - g. Size, construction, and use of existing improvements; use of land, if unimproved: **(Please submit as an attachment)** See Attachment 5.G.
6. Proposed Use(s):
- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)** See Attachment 6.A.
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 Attachment 7.
8. Has any previous appeal been filed concerning the subject matter of this appeal?  
 Yes     No    See Attachment 8.
- 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)**  
 See Attachment 10 setting forth said list of names and addresses.

**CERTIFICATION**

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.

  
 \_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Signature

Jerry A Ginter  
 \_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 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.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
KENDRA RUTH CLAY, Notary Public  
East Norriton Township, Montgomery Co.  
My Commission Expires June 30, 2019

Jerry A Ginter Executive Director  
Applicant

N/A  
Applicant

Sworn to and subscribed before me this 22nd day of FEBRUARY, 2016

[Signature]  
Notary Public

Date Received: 2/25/16

[Signature]  
Zoning Officer

008082

13.00  
350.00  
20.00

# This Indenture Made the

23rd day of May in the year of our Lord one thousand nine hundred and eighty-eight (1988).

REALTY TRANS. TAX PAID
STATE 350.00
LOCAL 350.00
PER 47

## Between

ROBERT J. CANFIELD and CAROLANN S. CANFIELD, husband and wife  
(hereinafter called the Grantor),

and

CHURCH OF THE NAZARENE OF FAIRVIEW VILLAGE, PENNSYLVANIA  
(hereinafter called the Grantee),

## Witnesseth, That in consideration of

Thirty-five thousand (\$35,000.00) . . . . . Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, its successors ~~and~~ and assigns.

ALL THAT CERTAIN lot or parcel of land, SITUATE in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Subdivision Plan prepared for Robert J. Canfield on October 7, 1987, last revised February 24, 1988, by Czop/Specter, Inc., as recorded in the Office of the Recorder of Deeds of Montgomery County in Plan Book page , as follows:

BEGINNING at a point on the center line of Germantown Pike (reserved for an ultimate right of way of 100.00 feet wide), a corner of this and Lot No. 1, as shown on said Plan; thence extending along line of Lot No. 1, the two following courses and distances: (1) South 40 degrees, 45 minutes, 00 seconds West 372.89 feet to an iron pin (set), and (2) South 50 degrees, 00 minutes, 00 seconds East 175.00 feet to a point a corner in line of land now or late of Howard C. and H. Ruth Bean, as shown on said Plan; thence extending South 40 degrees, 45 minutes, 00 seconds West along line of land of Bean 617.11 feet to an iron pin (found and held), a corner on the township line dividing Worcester and Lower Providence Townships; thence extending North 50 degrees, 00 minutes, 00 seconds West along said township dividing line 176.55 feet to a point a corner of land now or late of Church of the Nazarene of Fairview Village, PA.; thence extending North 40 degrees, 45 minutes, 00 seconds East along line of land of said church 990.00 feet to an iron pin (set) a corner on the aforesaid center line of Germantown Pike; thence extending South 50 degrees, 00 minutes, 00 seconds East along said center line of said road 1.55 feet to a point a corner of Lot No. 1, aforesaid, the first mentioned point and place of beginning.

BEING Lot No. 2, as shown on said Plan.

BEING Parcel No. 67-00-01585-10-4 (N) *Revised 5/21/88 QYMS 34* of the Montgomery County Board of Assessments.

BEING part of the same premises which Grace L. Berry, Widow by Deed dated June 26, 1987 as recorded in the Office of the Recorder of Deeds of Montgomery County in Deed Book 4842 page 1384 &c., granted and conveyed unto Robert J. Canfield and Carolann S. Canfield, his wife, in fee.

AND in accordance with the terms of the approval as granted by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania of the subdivision above referenced, as set forth as Note #2, the grantee herein acknowledge and consent that the above described premises shall be joined in common with existing lands of the said grantee.

PHILLY 25 4842 18

**And** the said Grantor does hereby covenant and agree to and with the said Grantee that they the Grantor and for their heirs all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against the said Grantor and against all and every person and persons whomsoever lawfully claiming or to claim the same as any part thereof, by, from or under him, her, them, each or any of them, shall and will subject to conditions of record specially WARRANT and forever DEFEND.

**In the Event** that there is more than one party named herein as Grantor or Grantee, the word "Grantor" or "Grantee" wherever occurring herein shall mean the plural. The masculine herein shall refer to and include the feminine as well as the corporate gender.

**In Witness Whereof**, said Grantor, has hereunto set their hand and seal the day and year first above written.

**Sealed and Delivered**  
IN THE PRESENCE OF

*Robert J. Canfield* (SEAL)  
ROBERT J. CANFIELD  
*Carolann S. Canfield* (SEAL)  
CAROLANN S. CANFIELD

Commonwealth of Pennsylvania

County of Montgomery

On the 23rd day of May, 1988, before me

the undersigned officer, personally appeared

Robert J. Canfield and Carolann S. Canfield

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, and desired the same might be recorded as such.

In Witness Whereof, I hereunto set my hand and official seal.

The address of the within-named Grantee  
P.O. Box 265  
Fairview Village, Pa.  
19409

*Rosalind Baker*

ROSALIND H. BAKER, Notary Public  
Erie County, Pennsylvania  
My Comm. Expires: \_\_\_\_\_

Commonwealth of Pennsylvania

County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_

, 19\_\_\_\_, before me,

personally appeared \_\_\_\_\_  
to be the \_\_\_\_\_

of \_\_\_\_\_

the undersigned officer,  
who acknowledges himself (herself)

a corporation, and that he as such

, being authorized to do so, executed

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

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

DEED.

COMMONWEALTH OF PENNSYLVANIA, } ss.

County of Montg



Recorded

on this 25<sup>th</sup>

day of May

A.D. 19 88, in the Recorder's Office of the said County, in

Deed Book \_\_\_\_\_ Vol. 4873 Page 2415

under my hand and the seal of the said office, the date

above written.

*[Signature]*  
Recorder

REC 4873-2417

## **ATTACHMENT 5.G. - PROPERTY DETAILS**

The subject Property is presently being used as a place of religious worship (Church). The Church has operated from this location for approximately forty-eight (48) years. The attached Plan, dated January 29, 2016, prepared by Woodrow & Associates, sets forth all applicable information relating to the size and construction of the improvements existing on the Property.

## ATTACHMENT 6.A. - PROPOSED USE

There will be no change in the proposed use. The use will continue to be a Church. The Church needs to rearrange various areas within its building to more effectively accommodate the needs of its congregants. While there may not be one exclusive reason for the rearrangement of the facilities, safety is an important factor in the Church's decision. The Church wants to limit access to its children's nurseries and kindergarten room. Presently, the nurseries and kindergarten room are located at the end of a hallway and they can be accessed from two (2) points coming from outside the building. The new facilities will only be able to be accessed from the front of the Church. Further, the proposed changes will enable the Church to limit access (by way of a greeter's desk) and create a more safe environment for the children. Additionally, some other rooms in the Church are in need of remodeling and an increase in size.

As a result of the needs of the Church, the Church is proposing to enclose a certain 2,100 square foot area. This particular area is presently located **between the buildings and is currently enclosed on three (3) sides by existing walls**. Basically, the Church only has a need to construct a "fourth wall" which will enclose the aforementioned area. (See attached Plan) This will give the Church an additional 2,100 square feet of area in which to rearrange and remodel its existing facilities. This proposed construction will result in creating a safer environment for the children, and better space utilization.



## ATTACHMENT 7. - LEGAL GROUNDS FOR APPEAL

The Church is requesting both a Special Exception and a Variance.

1. Special Exception - Section 150-166 Expansion of Non-Conforming Uses. It is noted that a place of religious worship is not now a non-conforming use in the Agricultural District of Worchester Township. Rather, it is presently permitted as a conditional use in this particular Zoning District. However, the Church use of this particular Property long precedes Ordinance 230, adopted on August 17, 2011 which made the subject use permitted as conditional use. Originally, the Church received a Special Exception to construct the original Church building in 1968. The Church sought, and received, Special Exceptions in 1976 and 1982 to expand. Additionally, in 1998, Special Exceptions were sought and received in regard to an expansion.

The Applicant is now seeking a Special Exception because it is proposing to construct a 2,100 square foot addition. Also, as will be discussed below, since the proposed addition will have an effect on the yard coverage (impervious surface), a Variance from Section 150-11 D(4) is also being sought. In order to establish that a Special Exception in this case is warranted, the Applicant shall produce evidence at the Zoning Hearing establishing that this proposed minor expansion shall:

- a. Be suitable for the Property.  
(Already a Church and has been a Church for a long time)
- b. Be consistent with the spirit, purpose and intent of the Zoning Ordinance.  
(Already a Church and has been a Church for a long time)
- c. The substantial use will not injure or detract from the use of the neighborhood or from the character of the neighborhood.  
(Again, already a Church)
- d. The use will serve the best interest of the Township.  
(A Church is beneficial to the neighborhood and has been located there for a long time)
- e. There will be no logistical effects.  
(The proposed addition is very small and is to accomplish the purpose previously set forth in the Answer to Question 6.)
- f. Any sewage or waste resulting from the use can be satisfactorily disposed of.  
(Property is serviced by public sewer. The small addition is to accomplish the purpose set forth in the Answer to Question 6.)

- g. There will be no effects of the proposed change or improvements in any run-off or drainage.  
(This will be established by the Engineer's testimony. Additionally, as will be seen, it will be a de minimis effect on the impervious surface coverage which currently exists at the Property)
  - h. There will be no adverse effects on the highway traffic associated with the Property.  
(The Church use already exists and the proposed expansion is not seeking to increase the size of the Auditorium, but rather, rearranging space for the reasons set forth above in the Answer to Question 6.)
  - i. Not Applicable. There is no sub-division.
  - j. Imposition of Conditions. Although Applicant is not aware of the need for any additional conditions, Applicant would, of course, accept reasonable conditions should the Board so determine.
  - k. See answer below in regard to Variances.
  - l. See answer below in regard to Variances.
  - m. See answer below in regard to Variances.
2. Variances. In accordance with Section 150-11 D(4) - Place of Worship, a place of worship is currently permitted if the impervious surface coverage does not exceed 30% of the net lot area. There have been previous proceedings before the Zoning Hearing Board (see Answer to Question 8) authorizing the Church's use of the Property. The existing approved impervious surface coverage is 39.06%. By enclosing the area located between the existing buildings as discussed above in the Answer to Question 6, there will be an additional 2,100 square feet of lot coverage. Increasing the impervious surface coverage by 2,100 square feet raises the impervious surface coverage from 39.06% to 39.33%, an increase of .27%. This is basically an increase of one-quarter of one percent of the impervious surface. Such additional coverage is de minimis, and will have no adverse effect on the drainage of the Property as will be addressed by the Applicant's Engineer.

In regard to the compliance with the Variance Standards, note the following.

First, this is a Dimensional, not a Use, Variance. The use has been long permitted.

Second, the Variance being sought is about as de minimis as one could possibly be. (An increase of only .27% above and beyond what is existing)

Third, since this is a de minimis Dimensional Variance (as opposed to a Use Variance), not all of the factors set forth in the Zoning Ordinance would apply. Having said this, it is noted that there are certain peculiarities to this lot and the construction of the existing structure located thereon. As previously stated, all that is being proposed is to enclose the subject area (by connecting one additional wall).

Fourth, the proposed Variance is necessary to the reasonable use of the Property as discussed above in the Answer to Question 6. Without making the changes which are requested, the safety of the children could be at issue.

Fifth, to the degree that there is a hardship, this has not been created by the Applicant. Rather, the desired changes (to address the need for protecting children) is a driving factor for this addition.

Sixth, this Variance will, in no way, alter the essential character of the neighborhood. The Church is already there. The Church has been a good neighbor for many years.

Seventh, it is hard to conceive of any proposal that would be less of a minimum Variance than what is being proposed in this case.

Eighth, while the Applicant is not aware of any additional conditions which would be necessary, the Applicant would, of course, be agreeable to any reasonable conditions that the Board may attach.

## **ATTACHMENT 8 - PREVIOUS APPEALS**

Technically, there have been no previous Appeals filed concerning the subject matter (the 2,100 square foot addition) of this Appeal. However, this Property has been the subject of various Appeals over the years. See the Applicant's Plan, at General Plan Notes, Paragraph 9: Prior Relief Granted for this Property, for a listing of the previous proceedings.

ATTACHMENT 10 - SURROUNDING PROPERTIES

Parcels: [19 matching records] EDIT LIST Labels 5160

Map: Surrounding Property Owners List

Row	Parcel Number	Land Use	Property Location	Unit	Owner Name	Address	City	State	Zip
1	<u>670001468004</u>	SINGLE FAMILY	3041 GERMANTOWN PIKE		PILEGGI FRANCESCO & CARMEN	801 SCHWENKSVILLE RD			19473
2	<u>670000961016</u>	CAR WASH	3008 GERMANTOWN PIKE		ASHER LANCE & CINDY JEAN	1621 KREIBEL MILL RD			19426
3	<u>670001594004</u>	SINGLE FAMILY	3016 GERMANTOWN PIKE		BÉTZ LOUIS C & LINDA M	3012 GERMANTOWN PIKE			19403
4	<u>670001483007</u>	SINGLE FAMILY	3023 GERMANTOWN PIKE		HEYSER JOHN E	80 SMITH RD			19426
5	<u>670001480001</u>	RETAIL, OFFICE, APT.-MULTI-USE	3025 GERMANTOWN PIKE		KENTRY PARTNERS LP	18 RED ROWAN RD			19403
6	<u>670001591007</u>	SINGLE FAMILY	3028 GERMANTOWN PIKE		BEAN TIMOTHY A & TAMMY E	3028 GERMANTOWN PIKE			19403
7	<u>670001477004</u>	SINGLE FAMILY	3029 GERMANTOWN PIKE		JAYNE JOHN A & EVELYN C	3029 GERMANTOWN PIKE			19403
8	<u>670001474079</u>	MORE THAN 1 HOUSE, DETACHED	3031 GERMANTOWN PIKE		HEYSER JOHN E & IDA JANE	80 SMITH RD			19426
9	<u>670001588001</u>	MORE THAN 1 HOUSE, DETACHED	3036 GERMANTOWN PIKE		ODONNEL WILLIAM D	3036 GERMANTOWN PIKE			19403
10	<u>670001471001</u>	SINGLE FAMILY	3037 GERMANTOWN PIKE		BROOKE WARREN E & CAROLYN A	3037 GERMANTOWN PIKE			19403
11	<u>670001585104</u>	EXEMPT MISCELLANEOUS	3044 GERMANTOWN PIKE		CHURCH OF THE NAZARENE OF	FAIRVIEW VILLAGE			19409
12	<u>670001465007</u>	SINGLE FAMILY	3045 GERMANTOWN PIKE		VENEZIA CHARLES J JR & TONI A	3045 GERMANTOWN PIKE			19409
13	<u>670001462001</u>	SINGLE FAMILY	3053 GERMANTOWN PIKE		CALDWELL HARRY D & BETTY LOU EMEL	3053 GERMANTOWN PIKE			19403
14	<u>670001585004</u>	EXEMPT CHURCH	3060 GERMANTOWN PIKE		FIRST CHURCH OF THE NAZARENE OF FAIRVIEW VILLAGE OF FAIRVIEW VILLAGE	PO BOX 265			19409
15	<u>670001591016</u>	RES VAC LAND 2.00-4.99 ACRES	N PARK AVE		CANE VINCENT &	819 N PARK AVE			19403

16	<u>670000958001</u>	RETAIL, OFFICE, APT.- MULTI-USE	901 N PARK AVE	BARBARA CANE VINCENT & BARBARA	819 N PARK AVE	19403
17	<u>670000961007</u>	TENNIS AND/OR RACQUETBALL CLUBS	951 N PARK AVE	KINETIX SPORTS CLUB LTD	VLY FORGE RD & GERMN PK	19409
18	<u>670003505001</u>	SINGLE FAMILY	950 ST DAVIDS LN	DEWEES R RICHARD	950 ST DAVIDS LN	19403
19	<u>670003502004</u>	SINGLE FAMILY	980 ST DAVIDS LN	MCNEIL JAMES MEAD	980 ST DAVIDS LN	19409