

Andrew C. Laird
Thomas C. Rentschler
Robert H. McGuckin*
*Member PA and NJ
Arthur J. King
(Retired)

A PROFESSIONAL CORPORATION 360 WEST MAIN STREET TRAPPE, PA 19426 www.kinglaird.com

November 17, 2016

Berks County Office 875 Berkshire Boulevard, Suite 102-A Wyomissing, PA 19610

> Please direct all communications to our Trappe Office Phone: 610-489-0700 Fax: 610-489-6970

Hand Delivered

Tommy Ryan Township Manager Worcester Township 1721 Valley Forge Road Worcester, PA 19490

Re:

Request:

Dimensional Variance To Construct an Addition

Property:

3070 Mill Road

Owner:

Robert and Debora Cicippio

Zoning:

Agriculture (AGR)

Dear Mr. Ryan,

I represent Mr. and Mrs. Cicippio regarding their application for variance to construct an addition on their home. They are seeking a variance to encroach into the side yard setback of the house by approximately 4 feet. Enclosed for filing is the following:

- 1) Application for Variance
- 2) Addendum to the Application
- 3) Plot Plan
- 4) Architectural Design Plan
- 5) Prior Building Permit
- 6) Deed
- 7) Montgomery County Tax Map

Please schedule this matter for the first available date to appear before the Zoning Hearing Board. Please contact me if any additional items are needed to perfect this application or if you want to discuss anything in greater detail. Thank you for your attention to this matter.

Kind Regards, King Laird, P.C.

Robert H. McGuckin, Esquire

cc:

Mr. and Mrs. Cicippio

Enclosures

Serving clients in Southeastern Pennsylvania since 1970. "We're Available, We're Experienced, And We Keep You Advised."

BEFORE THE ZONING HEARING BOARD

OF

THE TOWNSHIP OF WORCESTER MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: Robert and Debora Cicippio
3070 Mill Road

November 17, 2016

A-1	Zoning Hearing Board Application and Addendum	
A-2	Plot Plan	
A-3	Architectural Design Plan	
A-4	Prior Building Permit	
A-5	Deed	
A-6	Тах Мар	
A-7	RESERVED	
A-8	RESERVED	
A-9	RESERVED	

EXHIBIT "1"

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. :	16-11 DATE FILED: 14/18/16 ,20					
A]	PPLICATION:	☐ BOARD OF SUPERVISORS ZONING HEARING BOARD					
1.	Date of Applic	eation: November 17, 2016					
2.	a. b. c. d. e. f. g. h.	of Appeal (Check one or more, if applicable): Appeal from the Zoning Officer's Determination Request for Variance Request for Special Exception Challenges to the Validity of Zoning Ordinance or Map Request for Conditional Use Hearing Request for Amendment to Zoning Map Request for Zoning Ordinance Amendment 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.	b. c. d.	Name: Robert and Debora Cicippio Mailing address: 3070 Mill Rd. Fagleville, PA 19403 Telephone number: 610.584.0734 State whether owner of legal title, owner of equitable title, or tenant with the permission of owner 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.					
4.		Name: Robert H. McGuckin, Esquire					
		Address: 360 West Main St., Trappe, PA 19426 Telephone number: 610.489.0700					

5.	Property Details:					
	a.	Present Zoning Classification: AGR				
	b.	Present Land Use: Residential				
	c.	Location (Street Address):				
		3070 Mill Road				
	d.	Parcel #: 67-00-02421-00-5				
	e.	Lot Dimensions:				
		(1) Area: <u>60,060 sq. ft.</u>				
		(2) Frontage: <u>175 ft</u>				
	_	(3) Depth: 380 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)				
6.	Proposed Use	e(s):				
	a.	Proposed use(s) and construction: Please provide size, construction and				
		proposed use(s). (Please submit as an attachment)				
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 prev	evious appeal been filed concerning the subject matter of this appeal? No				
	If yes: specif	fy: (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)					
CERT	TFICATION					
		y that the above information is true and correct to the best of my (our)				
	edge, informat					
	1. M.O.	Occ contract to				
16	Marca	WORKERT W. CICIPPIO				
	Signa	Printed Name				
	Mund	Cuppe Depora L. Cicippio				
	Signa	ture Printed Name				

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

COMMONWEALTH OF PENNSYLVANIA:

Date Received:

COUNTY OF Montgomery

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.
Palt n. Ceino
Applicant
Applicant
Sworn to and subscribed before me this 11th day of 100ember, 2016
ganette femb
Notary Public COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL Jeanette Lamb, Notary Public Trappe Boro, Montgomery County My Commission Expires May 8, 2019 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

: SS

Zoning Officer

Addendum to Application for Variance Robert and Debora Cicippio 3070 Mill Road

Mr. and Mrs. Cicippio (Applicant) have resided in their home since 1985 and desire to remain there throughout their retirement. To that end, they need to make modifications to their home to remain there as they age. Applicant intends to widen the doorways and make other modifications, including to the bathroom, similar to those found in a handicap accessible homes. To do so, requires that the house be extended 4 feet into the side yard.

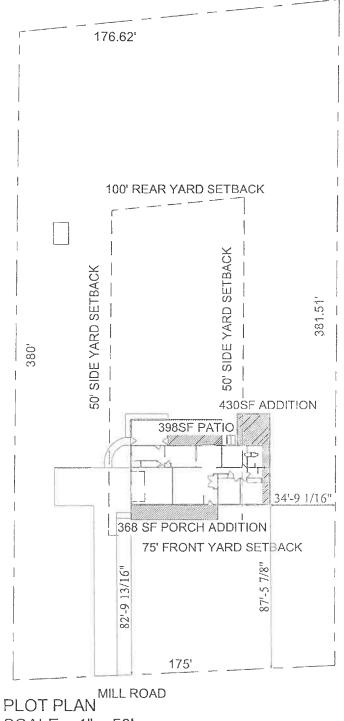
Applicant, requests a variance under <u>Sections 150-13(3)(a)</u>, <u>Side yards</u>, and <u>150-162.1</u>, <u>Expansion of Nonconforming Structure</u>, to expand a nonconforming dwelling approximately 4 feet into the side yard setback. The residential addition proposed will increase the building coverage by 798 sq., ft. The addition would expand the gross square footage of the floor by 23.39%. The property is zoned "AGR'. The subject property is nonconforming for lot area and side yard setback. (See attached plot plan attached as Exhibit "2"). The Cicippios wish to construct a single-story addition, to include a bedroom and bath, as shown on the attached design plan. (Exhibit "3") Even with the proposed addition the property will not exceed the allowable building and impervious coverage limits. Currently, the house is located 38'10" from the side property line. Applicant desires to extend the premises an additional four (4) feet into the side yard. If approved, the premises would be located 34' 9 1/16" from the side property line. The requested zoning relief is *de minimus* in nature.

On previous occasions, the Township approved and issued permits for this property under zoning district R-175. (See Exhibit "4"). As a result, applicant has a vested right in having this application evaluated and determined under the less restrictive requirements of zoning district "R-175". Under this section of the Code, the required side yard setback is 35 feet. (See Section 150-37(C)(1)). Evaluating Applicant's application under this section reduces the encroachment into the side yard to just a few inches. Such an encroachment is *de minimus*.

The property's dimensions, shape, size and other characteristics, including the narrowness and preexisting nonconformity, creates a unique hardship that makes it impossible to strictly conform to the zoning requirements. Applicants did not create this hardship. Granting the variance is required to allow Applicant reasonable use of the Property. Additionally, Mr. and Mrs. Cicippio will suffer economic hardship if the variance is not granted. Furthermore, granting the variance would allow the full use and enjoyment of property and is necessary to ensure their health, safety and welfare. Granting this variance is the minimum variance needed to afford the relief requested. The essential character of the neighborhood will not be impacted nor will adjacent properties be impaired.

Applicant meets the requirements for a variance and are legally entitled to a favorable determination to their application under the Township's Zoning Code and Section 910.2 of the MPC.

EXHIBIT "2"



SCALE = 1" = 50'

ZONED = AGR

LOT SIZE = 60060SF

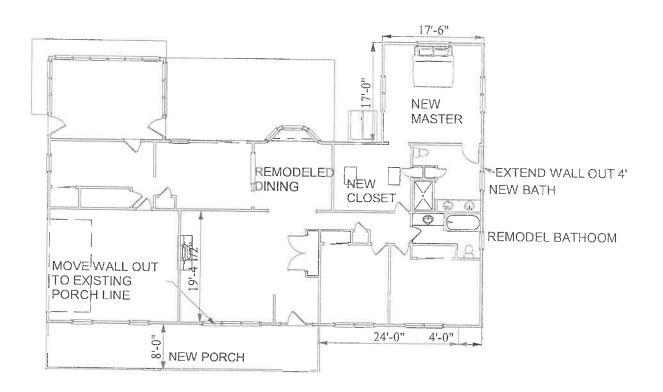
EXISTING BUILDING AREA = 2613SF NEW BUILDING AREA = 798SF TOTAL BUILDING AREA = 3411SF = 6% ALLOWABLE BUILDING AREA = 10%

EXISTING IMPERVIOUS AREA = 4797SF NEW IMPERVIOUS AREA = 1147SF TOTAL IMPERVIOUS AREA = 5944SF = 10% ALLOWABLE IMPERVIOUS AREA = 20%

J.R. Stephens Architects

3119 Methacton Avenue Norristown, PA 19403
Tel: 484-231-8019 email julie@jrstephensarchitects.com

3070 MILL ROAD - WORCESTER TOWNSHIP



FIRST FLOOR PLAN SCALE: 1/16" = 1'-0"

J.R. Stephens Architects

3119 Methacton Avenue Norristown, PA 19403
Tel: 484-231-8019 email julie@jrstephensarchitects.com

3070 MILL ROAD - WORCESTER TOWNSHIP



FRONT ELEVATION SCALE: 1/16" = 1'-0"



SIDE ELEVATION SCALE: 1/16" = 1'-0"



REAR ELEVATION SCALE: 1/16" = 1'-0"



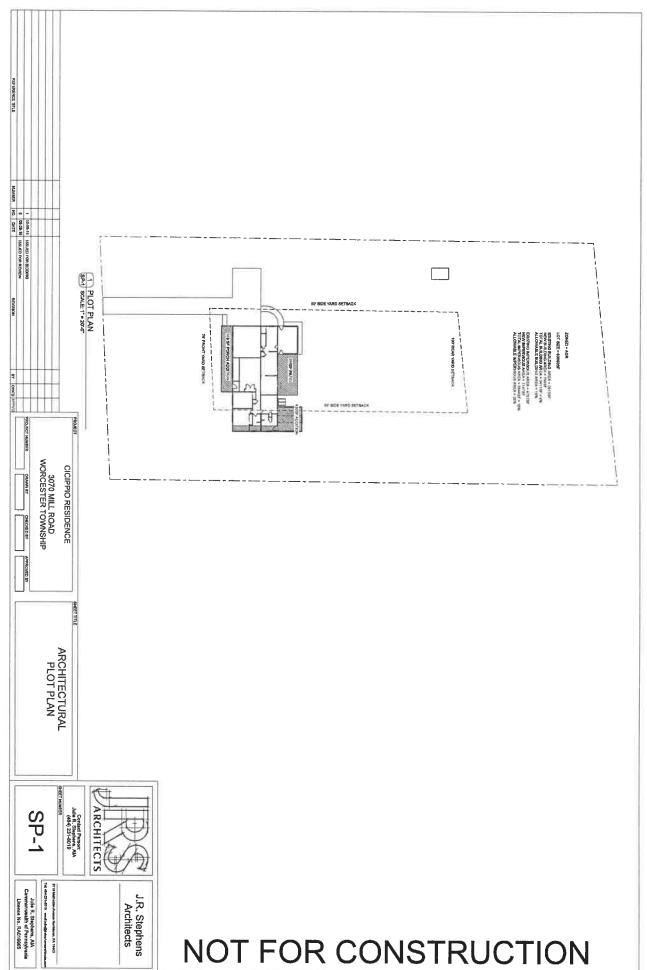
SIDE ELEVATION
SCALE: 1/16" = 1'-0"

J.R. Stephens
Architects

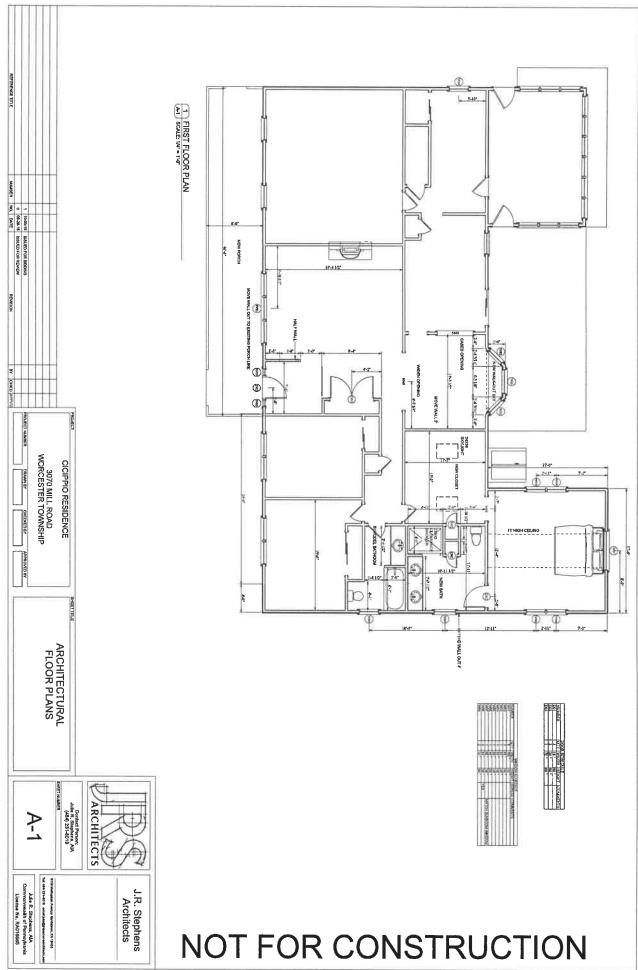
3119 Methacton Avenue Norristown, PA 19403 Tel: 484-231-8019 email julie@jrstephensarchitects.com

3070 MILL ROAD - WORCESTER TOWNSHIP

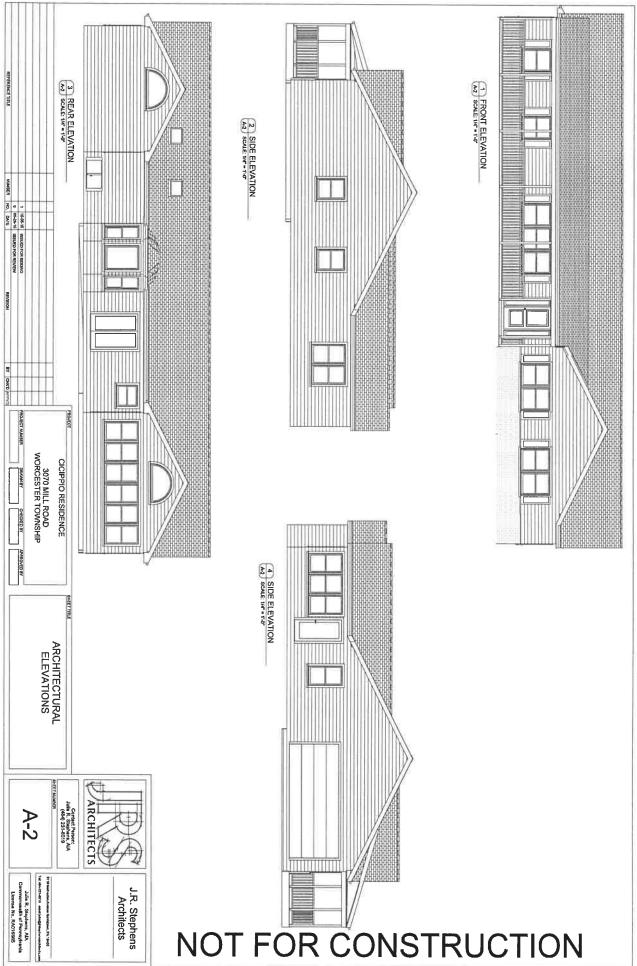
EXHIBIT "3"



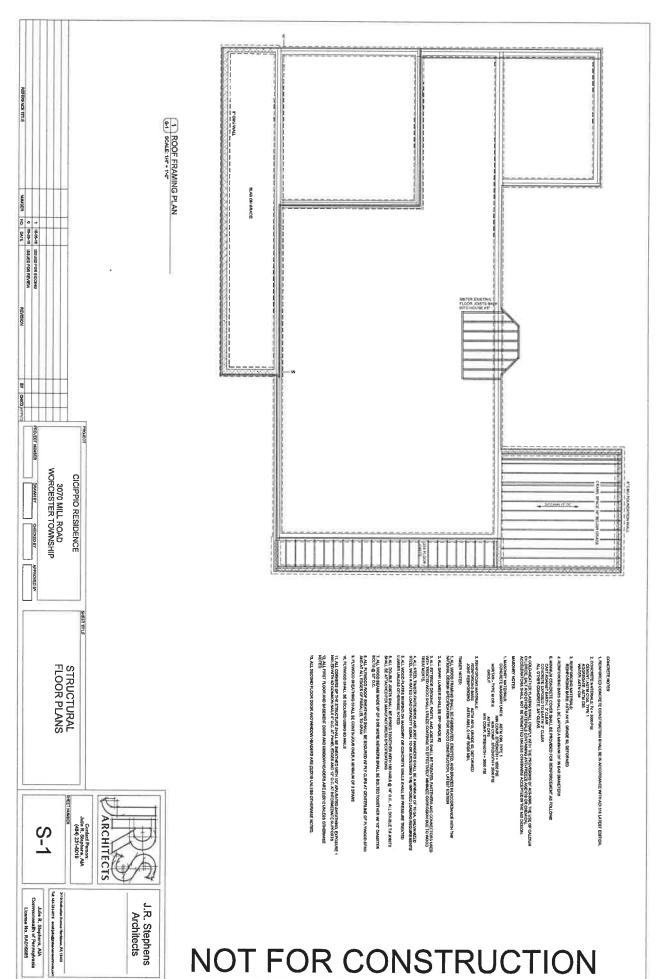
09-28-16 CICIPPIO-SHE

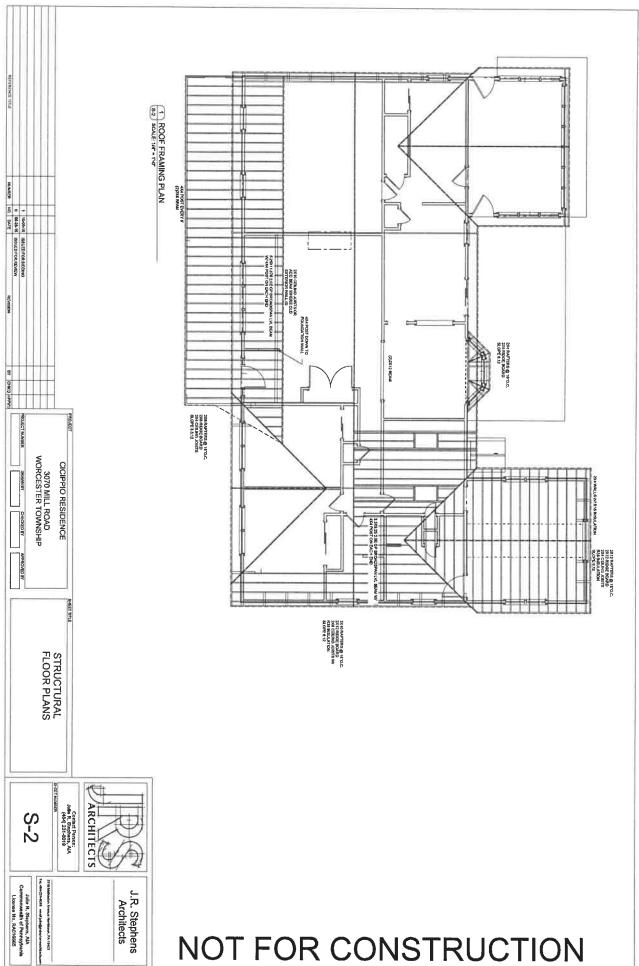


09-28-16 CICIPPIO-SHEE

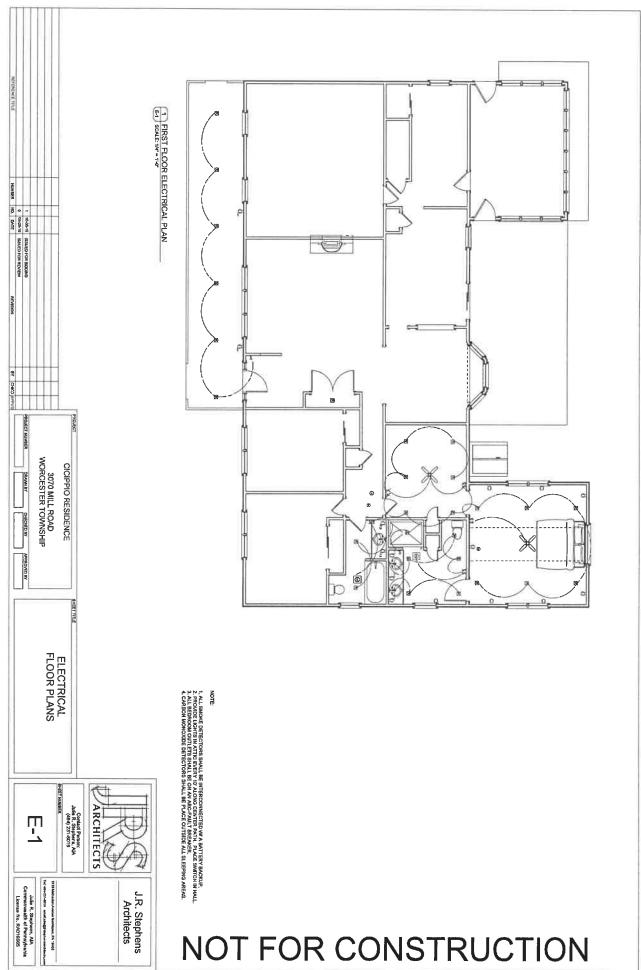


09-28-16 CICIPPIO-SHE





09-28-18 CICIPPIO-SHE



09-28-16 CICIPPIO-SHE

EXHIBIT "4"

WORCESTER TWP BUILDING PERMIT

			TAZIW BOUL ?	HER CARD
PARCEL # 57	7-00-02421-00-5			
UNIT NO 97	BLOCK: 3	DATE:		permit no: 6814
9,331			31294B PRICETOWN RD . FLEETWOOD	
APPLICANT:	Robert Sheadey	Address:	, No. Street:	(CONTRACTORS/UCENSEINO)
PERMIT TO:	ADDITION	2	RESIDENTITIALL (PROPOSIDUSE)	NO. OF DWELLING
		NO OF	(NVOLGOBO god)	ZONING DISTRICT: 18175
AT LOCATION:	305	MINITUL ROAD	L AND	ZONING DISTRIBIT
BETWEEN:	(CROSSSIREET)		E AND	OROSS SITEET
SUBDIMISION:			2 BLOCK: 3	LOTSIZE
BUILDING IS TO BE:	74 FT. WIDE	ey: <u>20</u>	<u></u>	16 5 5 FICHOR
CONSTRUCTION TYPE:	5/3 USE GROU	P:	BASEMENT WALLS &	Concrete and Masonity (TVPE)
20 10 000		2000 100 ledonalia		Shall be a license to proceed with
Olara mora	university of their land large constitution	ed as avilhority to v	violate, cancel or set aside any of	TING PROVISIONS OF UNGREEDS HOS
INSTECTORS 1-4-4-	Manal Piddles Code or em	a Christimenacine of the	a Transministrim out VVarcesier, except	ER ROSCHICENY RUDUMENECO DY
finedite Gallavia	sation or legally granted ver ed as outlined on allached (renoral Conditions	in the application. 3) Inspections From:	
NOTICE N				
OWNER:	ROBERT CICIPPO		IG DEPT.'	
ADDRESS:	3070 MILL ROAD	PLAN RE	VIEW BY ESPACES	
		*		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
NOTE:				
			Sidewalk or any part thereof. TCALLY PERMITTED UNDER THE BU	
			ID LOCATION OF PUBLIC SEWERS M 38 NOT RELEASE THE APPLICANT F	
APPLICABLE SUBDIVIS	NON RESTRICTIONS.			
INSPECTIONS SHALL		TOWN OLD BEING DAGE	retained on job and this card e. Where a certificate of use	S O C C U PAIN CY IN THE CUINED TO USE
AS OUTLINED ON ATT	ACHED PERMIT BUILDIN	ition has been mad is or structure s	Wall not be used or occupied i	intil final inspection has been
INSPECTION SHEET	MADE			
[NSPECTION]		D S(0 T S \	MSIBLE FROM THE	
TYPE	TYPE		TYPE:	
DATE: PAS	DATE:	PASS	FAIL DATE:	PASS: FAILY
INSPECTIOR:	INSPECTO	DR:	INSPECTOR:	
TYPE: \$	TMPE		TYPE:	
DATE: PA	es: Fail: Date:	PASS	FAIL: DATE:	PASS: FAVL:

WORK STALL NOT PROCEED UNTIL THE INSPECTION HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION.

INSPECTION:

RERMIT WILL BECOME MULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN 1 YEAR OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE

TYPE:

INSPECTOR:

APPLICANT OR REPRESENTATIVE THERE OF MUSI-SCHEDULE REQUIRED INSPECTIONS BY RELEPTIONE.

NO BURNING ALLOWED ON THE JOB SITE

TYPE: DATE:

EXHIBIT "5"

Between,

SARAH S. COOK

AND

(hereinafter called the Grantor),

00

9 QO.

60

ROBERT W. CICIPPIO AND DEBORA LEE CICIPPIO, HIS WIFE AND DOMONIC CICIPPIO AND ROSE CICIPPIO, HIS WIFE

(hereinafter called the Grantee),

Witnesseth, That in consideration of THIRTY FOUR THOUSAND (\$34,000.00) DOLLARS

10th

in hand paid, the receipt whereof is hereby acknowledged, the said Grantor r does hereby grant and convey to as hereinafter set forth the said Grantee s their heirs and assigns,

ALL THAT CERTAIN lot or piece of ground situate in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Subdivision Plan of Property of Sarah S. Cook, made by Hopkins & Scott, Registered Professional Engineers, dated October 20, 1983 and last revised April 5, 1985, and recorded in Plan Book B40 page 355 as follows, to wit:

BEGINNING at an iron pin on the Southwesterly side of Mill Road (33 feet wide) a corner of lands of Lillian Ida McClure; thence extending from said point and place of beginning along said land South 47 degrees 45 minutes West 336.44 feet to a point, a corner of other lands of Sarah S. Cook; thence extending along said land the two following courses and distances; (1) North 50 degrees, 52 minutes West 176.62 feet to a point; (2) North 47 degrees 45 minutes East 351.45 feet to a point in the Southwesterly side of Mill Road; thence extending along said side thereof South 46 degrees East 175.00 feet to the first mentioned point and place of beginning.

BEING Lot No. 2 on said plan.

BEING PARCEL NUMBER 67-00-02866-00-1

COMMONWEAUTH OF FENNSYLVANIA TO FENNSYLVANIA T

BEING the same premises which Court of Common Pleas of Montgomery County Orphans Court as No. 81768, Estate of Florence L. Slough, deceased, awarded by Deed dated 6/13/1980 and recorded in Montgomery County, in Deed Book 4534 page 521, granted and conveyed unto Sarah S. Cook, in fee.

UNDER AND SUBJECT to any restrictions and easements of record.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings 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 the said Robert W. Cicippio and Debora Lee Cicippio, his wife as tenants by the entirety of the one part and the said Domonic Cicippio and Rose Cicippio, his wife as tenants by the entirety, of the other part, each to hold an undivded one-half interest in the said premises as joint tenants with the right of survivorship and not as tenants in common.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY 67-00-02866-00-1 WORCESTER DBK 4534 1115 QUARRY HALL RD PG 0521 COOK SARAH B B 003 U 001# 2110 DATE 5/13/85

REALTY TRANS, TAX PAUD STATE 340,00 LOCAL 340.00

And the said Grantor hereby covenant and agree that will specially warrant the premises hereby conveyed.

BOIN 4766% 964

TC-71 (two page) Rev. 1-73

In Witness Whereof, the said Grantor ha ^S executed or caused these presents to be duly execute the day and year first above written. Sealed and Delivered In the Presence of:/7 STATE OF PENNSYLVANIA COUNTY OF MONTGOMERY On this, the -- 10th day of May , 19 35before me, th undersigned officer, personally appeared SARAH S. COOK known to m-(or satisfactorily proven) to be the person whose name is subscribed to the within instrument executed the same for the purposes therein contained. and acknowledged that s he In Witness Mhereof, I hereunto set my hand and official seal LINDA KACANDAL Rotory Public STATE OF West Norriton Twp., Montg. Co., PA COUNTY OF Commission Expires July 14, 1986 On this, the day of , before me, th undersigned officer, personally appeared , who acknowledged himsel , a corporation and that he as such , being authorized to do so, executed the foregoing instrument fo the purposes therein contained by signing the name of the corporation by himself as In Witness Whereof, I hereunto set my hand and official seal. DEBORA LEE CICIPPIO, HISWIFE AND DOMONIC CICIPPIO AND ROSE CICIPPI Montgomery County, The address of the within Lot 2 Mill Road Worcester Twp COBERT W. CICIPPIO AND COOK s. SARAH Premises: HIS WIFE puna ,-- $f_{m,\lambda_{A_{n}}}$ £10 STATE OF PENNSYLVANIA, Q() 60 ØĐ. RECORDED on this , a.d. 1985 day of in the Recorder's Office of the said County in Deed Book page 964 GIVEN under my hand the seal of the said office, the date above written. BOIN 4766H 965

EXHIBIT "6"