

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. : ZHB 21-12 DATE FILED: 10/28, 20 21

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: _____

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: David F. Markel
- b. Mailing address: 4044 Skippack Pike
Skippack, PA 19474
- c. Telephone number: 267-218-5600
- d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: Legal Owner (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. Applicant's attorney, if any:

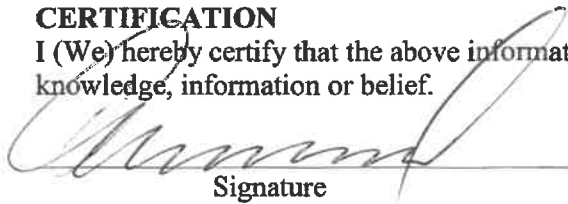
- a. Name: Eric C. Frey, Esquire
- b. Address: Dischell, Bartle & Dooley, P.C.
224 King Street, Pottstown, PA 19464
- c. Telephone number: 610-323-3306

5. Property Details:
- a. Present Zoning Classification: LPD
 - b. Present Land Use: Mixed Use (Two apartments and commercial/retail)
 - c. Location (Street Address):
3401 Skippack Pike
 - d. Parcel #: 67-00-03151-00-4
 - e. Lot Dimensions:
 - (1) Area: 11.5 acres
 - (2) Frontage: 1600
 - (3) Depth: irregular
 - f. Circle all that apply in regards to the above specified property:

<input type="checkbox"/> Public Water	<input 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)**
6. Proposed Use(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 previous appeal been filed concerning the subject matter of this appeal?
 Yes No
- 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 properties situated in the vicinity of the subject property as per Township Code 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

David F. Markel

 Printed Name

 Signature

 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 27 day of October, 20 21

Debra R McGaughey

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Debra R. McGaughey, Notary Public
Montgomery County
My commission expires May 30, 2022
Commission number 1107534
Member, Pennsylvania Association of Notaries

Date Received:

10/28/21


Zoning Officer

David F. Markel – 3401 Skippack Pike
WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

ZONING SUMMARY

Owner and Applicant:

David F. Markel
4044 Skippack Pike
Skippack PA 19474

Property:

3401 Skippack Pike

Zoning District:

LPD – Land Preservation District
Cedars Village Overlay District

Proposal:

The addition of one apartment to the existing nonconforming use which is a mixed use consisting of 2 apartments and commercial/retail.

Requested Relief:

A variance from the use provisions of Section 150-110.22 (LPD District) of the Worcester Township Zoning Ordinance, a variance from Section 150-146.22 (Cedars Village Overlay) of the Worcester Township Zoning Ordinance, and/or special exception/variance from Worcester Township Zoning Ordinance Sections 150-163, 150-165, and 150-166 to permit the addition of one apartment to the current mixed use of the Subject Property.

Reason for Relief:

The Subject Property is currently improved with and used as a mixed use consisting of 2 nonconforming second floor apartments and first floor commercial/retail space known as Cedars Country Store. Applicant proposes the addition of an apartment on the second floor above existing retail commercial space.

The property is faced with the hardship of its size and location on a busy intersection and the current improvements and use. Due to these hardships, the property cannot be reasonably used and developed as prescribed by the Zoning Ordinance.

The addition of the one additional second floor apartment will not have any detrimental impacts on the property, adjacent properties, or the neighborhood. The hardship has not been created by the Applicant and it is the minimum relief needed to allow the reasonable use of the 11.5 acre tract.

If determined to be a special exception, the request to change or expand the nonconforming apartment use complies with Article XXIII, Nonconformity, of the Worcester Township Zoning Ordinance.

RECORDER OF DEEDS
MONTGOMERY COUNTY PENNSYLVANIA
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

**I hereby certify that the following is a true and correct
copy of the original document
recorded in Montgomery County, PA**



Jeanne Sorg

Jeanne Sorg, Recorder of Deeds



STATE TAX
APPROPRIATE
FILED

2

Fee Simple Deed No. 1134

Printed for and sold by John C. Clark Co., 1326 Walnut St., Phila.

This Indenture made the 19th day of February in the year of our Lord one thousand nine hundred and ninety eight (19 98)

Between CEDARS COUNTRY STORE ASSOCIATES, A PA LIMITED PARTNERSHIP BY ITS GENERAL PARTNER MIKENARLEN, INC., A PA CORPORATION

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

DAVID F. MARTEL, SINGLEMAN

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

Witnesseth That the said Grantor

for and in consideration of the sum of ONE DOLLAR *****(\$1.00)***** lawful money of the United States of America, unto well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee his heirs and assigns, in fee.

TRACT 1 ALL THAT CERTAIN tract or parcel of land with the buildings and improvements thereon erected Situate in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania, bounded and described in accordance with a Survey and Plan thereof made by Donald M. Schurr, Professional Engineer, Norristown, Pennsylvania on May 13, 1959 as follows, to wit:

BEGINNING at a point of intersection of the centerline of Skippack Pike (50 feet wide) with the centerline of Bustard Road (33 feet wide); thence extending along the centerline of said Skippack Pike North 51 degrees 49 minutes 15 seconds West 480.11 feet to a point; thence extending by land now or late of Cresson Case; the two following courses and distances: (1) crossing an iron pin set on the Northeasterly side of said Skippack Pike North 37 degrees 50 minutes 45 seconds East 325.54 feet to a post (2) North 52 degrees 28 minutes 15 seconds West 226.84 feet to a pipe in line of lands now or late of Philadelphia Electric Company; thence extending by the same the two following courses and distances: (1) North 47 degrees 49 minutes East 631.89 feet to an iron pin and (2) South 64 degrees 40 minutes 45 seconds East 387.84 feet to an iron pin in line of land now or late of James T. Harper; thence extending by the same and along lands now or late of Joseph J. Dawson and Charles M. Kulp, Jr. South 46 degrees 11 minutes 45 seconds West 278.95 feet to a pipe; thence extending still along land now or late of Charles M. Kulp, Jr. South 43 degrees 48 minutes 15 seconds East 350 feet crossing an iron pin set on the Northwesterly side of Bustard Road to a spike in the centerline of said Bustard Road; thence extending along the centerline thereof South 48 degrees 25 minutes 45 seconds West 714.58 feet to the first mentioned point and place of beginning.

EXCEPTING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land Situate in the

DB5217PG032

Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania bounded and described according to a Survey and Plan dated March 26, 1962 as prepared by George C. Heilman Surveyor as follows, to wit:

BEGINNING at a point a corner in the centerline of Bustard Road (33 feet wide) and in line of lands of Robert Dibble of which this was a part said point being at the distance of 529.58 feet measured North 46 degrees 25 minutes 45 seconds East from the centerline of Skippack Pike (50 feet wide); thence from said beginning point and along lands of Robert Dibble North 43 degrees 48 minutes 15 seconds West 349.25 feet to a point a corner; thence still along the same North 46 degrees 11 minutes 45 seconds East 185 feet to a point a corner in line of lands of Charles M. Kuip, Jr.; thence along lands of Charles M. Kuip, Jr. South 43 degrees 48 minutes 15 seconds East 350 feet to a point a corner the centerline of Bustard Road aforesaid; thence along the centerline of Bustard Road aforesaid South 46 degrees 25 minutes 45 seconds West 185 feet to the place of beginning.

ALSO EXCEPTING THEREOUT AND THEREFROM ALL THAT CERTAIN lot or strip of land Situate in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania bounded and described according to a Survey and Plan thereof made by George C. Heilman, Registered Surveyor Norristown, Pennsylvania dated April 25, 1967 and revised April 30, 1962 as follows, to wit:

BEGINNING at a point in the centerline of Bustard Road as shown on said Plan (33 feet wide) at the distance of 519.58 feet measured North 46 degrees 25 minutes 45 seconds East along the said centerline of Bustard Road from its point of intersection (if extended) with the centerline of Skippack Pike as shown on said Plan (50 feet wide); thence leaving the said centerline of Bustard Road and extending North 43 degrees 48 minutes 15 seconds West along land of Robert Dibble 349.21 feet to a point a corner; thence extending North 46 degrees 11 minutes 45 seconds East still along land now or late of Robert Dibble 10 feet to a point another corner; thence extending South 43 degrees 48 minutes 15 seconds East along land formerly of Robert Dibble 349.25 feet to a point in the

centerline of Bustard Road aforesaid; thence extending along the same South 46 degrees 25 minutes 45 seconds West the distance of 10 feet to the first mentioned point and place of beginning.

TRACT NO. 2 ALL THAT CERTAIN interior lot or piece of land Situate in the Township, County and State aforesaid bounded and described in accordance with hereinbefore mentioned Survey as follows:

BEGINNING at an iron pin set in the line dividing lands now or late of William F. Schieffler, Philadelphia Electric Company and the premises hereby conveyed at the distance of 21.95 feet from a spike set in the centerline of Bustard Road (33 feet wide) said last mentioned point being measured along the centerline of said Bustard Road from the intersection of the centerline thereof with the centerline of Skippack Pike (50 feet wide) (1) North 46 degrees 25 minutes 45

seconds East 714.65 feet to an angle point and (2) North 46 degrees 11 minutes 45 seconds East 875.21 feet to said spike before described; thence from said point of beginning along land now or late of Philadelphia Electric Company the two following courses and distances: (1) North 64 degrees 40 minutes 45 seconds

CG009171758



West 730.06 feet to an iron pin and (2) North 47 degrees 49 minutes East 152.34 feet to a stone; thence extending along other land now or late of Philadelphia Electric Company, Kathryn M. Anee and William F. Schieffer South 52 degrees 57 minutes 30 seconds East 687.20 feet to the first mentioned point and place of beginning.

BEING PARCEL NUMBER 67-08-03151-00-4

BEING the same premises which Union National Bank and Trust Co. of Souderton by Deed dated 12-22-1985 and recorded 1-3-1988 in the County of Montgomery in Deed Book 5136 page 911 conveyed unto Cedars Country Store Associates, a PA Limited Partnership, their heirs and assigns, in fee.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
67-00-03151-00-4 WORCESTER
SKIPPACK PIKE
CEDARS COUNTRY STORE ASSOCIATES
B 030 U 008 L 4100 DATE: 02/23/98

#2929	
WORCESTER TWP.	7500.00
STATE STAMP	7500.00
TOTAL	15000.00
CHECK	7500.00
CHECK	7500.00
ITEM 2	
02-23-98 MON #1	CASH-11 8223 141381H

DB5217PG0034



Commonwealth of Pennsylvania
County of *Montgomery*

On this, the *14th* day of *January*, 19*98*, before me,

personally appeared *Michael J. Clement* the undersigned officer,

to be the *Secretary* of *Mikenorlex, Inc.* who acknowledged himself (herself)

a corporation, and that he as such *Secretary*, being authorized to do so, executed
the foregoing instrument for the purposes therein contained by signing the name of the corpora-
tion by himself (herself) as *Secretary*.

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

Candace E. Stoudt

NOTARIAL SEAL
CANDACE E. STOUT, Notary Public
Lansdale Borough, Montgomery County
My Commission Expires Sept. 5, 2000

085217PG0035



Commonwealth of Pennsylvania
County of *Montgomery*

On this, the *19th* day of *February*, 19*98*, before me,

personally appeared *Martin Selgrippo* the undersigned officer,

to be the *President* of *Murkender Inc.* who acknowledged himself (herself)

a corporation, and that he as such *President*, being authorized to do so, executed
the foregoing instrument for the purposes therein contained by signing the name of the corpora-
tion by himself (herself) as *President*

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

Candace E. Stoudt

NOTARIAL SEAL
CANDACE E. STOUT, Notary Public
Lansdale Borough, Montgomery County
My Commission Expires Sept. 5, 2000

DB5217PG0036



Together with all and singular the improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of

it the said grantor , 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 together with the buildings and improvements erected thereon and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee , his heirs and assigns, to and for the only proper use and behoof of the said Grantee . his heirs and assigns forever.

REALTY TRANS TAX PAD
STATE 7,500.00
LOCAL 7,500.00
PER

And the said Grantor . its heirs,

executors and administrators do as covenant, promise and agree, to and with the said Grantee , his heirs and assigns, by these presents, that it the said Grantor and its heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee , his heirs and assigns, against it the said Grantor and its heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will By these Presents

WARRANT and forever DEFEND.

In Witness Whereof, the party of the first part, Grantor, has hereunto set its hand and seal . Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

CEDARS COUNTRY STORE ASSOCIATES, A PA
LIMITED PARTNERSHIP BY ITS GENERAL PARTNER
NIKENKARTEN, INC., A PA CORPORATION

[Signature]

SEAL
SEAL
SEAL

DB5217PG0037



Commonwealth of Pennsylvania
County of *Montgomery*

On this, the *19th* day of *February*, 19*98*, before me, a Notary Public for
the Commonwealth of Pennsylvania, residing in the

personally appeared *Michael J. Clement, Secretary and*
Trustee *Delquipp Trust*
known to me (satisfactorily proven) to be the person whose name is (are) subscribed to the within
instrument, and acknowledged that he executed the same for the purposes therein contained.

I hereunto set my hand and official seal.

NOTARIAL SEAL
CANDACE E. S. JUDT, Notary Public
Lansdale Borough, Montgomery County
My Commission Expires Sept. 5, 2000

Candace E. Judt
Notary Public



CIDANS COUNTY STORE ASSOCIATES,
A PA LIMITED PARTNERSHIP BY ITS
GENERAL PARTNER MICKAMLEN, INC.,
A PA CORPORATION

TO

DAVID F. MARKEE, SINGLEMAN

PREMISES: 13.50 ACRES SKIPPACK P.O.
WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PA

7525 John C. Clark Co., P.O.
50515

B & B ABSTRACT INC.
404 MAIN STREET
PENNSBURG, PA 18073



The address of the above-named Grantee
is *1044 Skipack P.O.*
Delaware, Pa. 19829
On behalf of the Grantee

885217PG0038





REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
Book No.	7,500.00 92
Page No.	5017
Date Recorded	2/19/98

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name: **B & B ABSTRACT, INC.**

Street Address: **404 MAIN STREET, PENNSBURG, PA 18073**

City: **PA 18073**

Telephone Number: **679-4200**

Area Code: **215** State: **PA** Zip Code: **18073**

B TRANSFER DATA

Grantor(s)/Lessor(s)	Date of Acceptance of Document
Cedars Country Store Associates	David F. Markel
Street Address	Street Address
Michael Clement, Esq.	P O Box 1149
484 Norristown Road, Suite 100	
City	City
Blue Bell, PA 19422	Skipack, PA 19474

C PROPERTY LOCATION

Street Address: **Skipack Pike**

City, Township, Borough: **Worcester Township**

County: **Montgomery** School District: **Methacton** Tax Parcel Number: **67-00-03151-00-4**

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
750,000.00	0	750,000.00
4. County Assessed Value	5. Common Level Ratio Factor	6. Fair Market Value
393,880	1	393,880

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed
0	100

2. Check Appropriate Box Below for Exemption Claimed

- Will or Intestate Succession (Name of Decedent) _____ (Estate File Number) _____
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/trust party agreement.)
- Transfer to the Commonwealth, the United States and Instrument is by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) _____

Under penalty of law, I declare that I have executed this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party: *Charles J. Stone*

Date: **2/19/98**

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.