

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

RECEIVED

FEB 24 2022

RECEIVED

Phone (610) 584-1410  
Fax (610) 584-8901

**THIS SECTION COMPLETED ONLY BY TOWNSHIP:**

APPEAL NO.: ZHB22-02 DATE FILED: 2/24, 20 22

APPLICATION:  BOARD OF SUPERVISORS  
 ZONING HEARING BOARD

1. Date of Application: 2/8/22

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: KEVIN & KIMBERLY PINKERTON
- b. Mailing address: 2847 CONESTOGA LN.  
NORRISTOWN, PA 19043
- c. Telephone number: KEVIN CELL #: 610-635-5447
- d. 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. Applicant's attorney, if any:

- a. Name: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Telephone number: \_\_\_\_\_

5. Property Details:

- a. Present Zoning Classification: AGR
- b. Present Land Use: SINGLE HOME DWELLING
- c. Location (Street Address):  
2847 CONESTOGA LN.
- d. Parcel #: 670001678046
- e. Lot Dimensions:
  - (1) Area: 97,202 SF (2.2 AC)
  - (2) Frontage: 287.02 FT.
  - (3) Depth: 262.39 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(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

Kerlu Pinkerton  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

## **Variance Application**

Kevin & Kimberly Pinkerton  
2847 Conestoga Ln.  
Norristown, PA 19043

### **Line Items**

#### **6. Proposed Use:**

- Install 632 SF concrete pool with 60 SF concrete spa and 913 SF of concrete patio and Equipment pad.

#### **7. Legal Grounds for Appeal:**

- Section 150-177: Locate a pool and filter equipment in side yard.

9. Requesting to install pool and patio in side yard.





**DISCHELL BARTLE DOOLEY**

*law offices*

March 8, 2022

Mark B. Dischell  
John T. Dooley  
Jonathan B. Young  
Eric C. Frey  
Robert J. Iannozzi Jr.  
Elizabeth J. Billies  
Eric F. Wert  
Inna G. Materese

Of Counsel:

Joseph E. Bresnan  
Sean E. Cullen  
Robert G. Rosen  
George E. Saba Jr.

**SENT BY U.S MAIL AND EMAIL**

Frank R. Bartle  
(1977 - 2020)

**WORCESTER TOWNSHIP**  
Zoning Hearing Board  
Attn: Tommy Ryan, Manager  
1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

**RE: KEVIN AND KIMBERLY PINKERTON**  
Property: 2847 Conestoga Lane  
*Zoning Application Supplement*

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Dear Tommy:

Enclosed is a copy of Pinkerton's Application Supplement. Please ensure same is provided to the Zoning Hearing Board in advance of the March 22, 2022 Hearing.

Call with questions. Thank you.

Very truly yours,

  
ROBERT J. IANNOZZI JR.

RJI/lml  
Enclosure

Copy (with enclosure) sent by email to:  
Kevin and Kimberly Pinkerton  
Rod Chirumbolo, P.E.

A Professional Corporation

1800 PENNBROOK PKWY, SUITE 200 | LANSDALE, PA 19446 | P: 215.362.2474 | F: 215.362.6722 | WWW.DBDLAW.COM

Lansdale | Pottstown | Boyertown

**KEVIN AND KIMBERLY PINKERTON**  
**APPLICATION SUPPLEMENT**

**BACKGROUND/REQUESTED ZONING RELIEF**

*Applicant/Property*

The property, which is owned by Kevin and Kimberly Pinkerton (“Applicant”), consists of approximately 2.2 acres and is located at 2847 Conestoga Lane (“Property”)<sup>1</sup> within the Township’s AGR-Agricultural and R-150 Residential Districts (“District”). The Property is currently improved with a 2 ½ story 6,392 square-foot stucco “colonial-style” single-family dwelling that was constructed in 2004.

*The Proposal*

Applicant is proposing to install a 632 square-foot concrete pool; a 60 square-foot concrete spa; and a 913 square-foot patio and equipment pad in the Property’s side-yard (“Proposal”).<sup>2</sup>

*Requested Zoning Relief*

To facilitate the Proposal, Applicant requests a variance from Article XXIV, Section 150-177(A)(3) of Worcester Township’s Zoning Ordinance, as amended (“Ordinance”), limiting the installation of private swimming pools in the Township to a property’s rear-yard.

Section 150-177(3) provides:

Private swimming pools shall be constructed in accordance with the applicable Township ordinances, and shall be located entirely within the rear yard of the lot on which the pool is located and at least 10 feet behind the closest part of the main building. However, in no case shall the distance from the pool to the side or rear property line be less than 25 feet. In the AGR, R-175, and R-AG-175 districts, the distance from the pool to the side and rear property lines shall be not less than 50 feet. The water edge shall be the line for measurement of these setbacks. All filters, heaters and accessory structures incidental thereto shall meet the same setback criteria. Freestanding spas and hot tubs shall be exempt from the requirement to be located at least 10 feet behind the closest part of the main building.

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<sup>1</sup> See Deed and County Property records, attached as Exhibit A.

<sup>2</sup> See Grading Plan, attached as Exhibit B.

Here, the Proposal is predicated upon the Property's limiting and irregular configuration as well as the location of the existing single-family dwelling upon it. With the limited exception to the proposed side-yard install, Applicant complies with all other aspects of Section 150-177(3):

- The proposed pool will be at least ten feet behind the closest part of the single-family dwelling; and
- The distance from the pool to the side and rear property lines are greater than 50 feet (measuring from the water edge to those setbacks). Specifically, the pool will be 129.8 feet and the spa 129.1 feet from the side-yard property line and 109.7 feet from the rear-yard property line.

Moreover, the proposed side-yard install is approximately 20 feet farther away from the adjoining side-yard neighbor than a rear-yard install would be from the rear-yard adjoining neighbor.

At the hearing, Applicant will establish entitlement to the requested variance relief by presenting credible testimony/exhibits and satisfying the Pennsylvania Municipalities Planning Code ("MPC") Section 910.2 and Article XXVI, Section 150-219 [Zoning Hearing Board's/Variations]. Specifically, Applicant will establish:

1. The Property's limiting and irregular configuration and the location of the single-family dwellings upon it are unique physical circumstances peculiar to the Property and the unnecessary hardship is due to such conditions and not the circumstances or conditions created under the Ordinance;
2. Due to these unique physical circumstances and conditions, there is no possibility that Applicant can use the Property as proposed in strict conformity with the Ordinance;
3. Applicant's did not create the unnecessary hardship necessitating the requested variance relief;
4. Applicant's requested variance relief will neither alter the essential character of the neighborhood and District in which the Property is located, nor will it substantially or permanently impair the appropriate use or development of adjacent properties, nor will it be detrimental to the public welfare. To the contrary, the only neighbor that is in close proximity to the Property is across the street; and that property owners single-family dwelling is configured in such a way that the back of their property faces the front of Applicant's property; and

5. The requested variance is the minimum relief needed to facilitate the Proposal and represents the least modification of the Ordinance.



**EXHIBIT A**  
*Deed and County Property Records*

**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

Digitally signed 02/23/2022 by montgomery.county.rod@kofile.com

**Certified and Digitally Signed**

Validation may require Adobe 'Windows Integration'

eCertified copy of recorded # 2004128522 (page cover of 3)  
Montgomery County Recorder of Deeds



PA 119

This Indenture made the 27<sup>th</sup> day of May in the year of our Lord, two thousand and four (2004)

Between, Gambone Development Co. , a PA Corp., by its Attorney-in-fact, William B. Murdoch, duly constituted and appointed by Power of Attorney dated 10-1-02 and recorded 11-15-02 in POA Book 212 page 2506 (hereinafter called the Grantor) of the first part, and,

AND

Kevin J. Pinkerton and Kimberly R. Pinkerton, Husband and Wife (hereinafter called the Grantees) of the other part,

WITNESSETH that the said Grantor for and in consideration of the sum of

Six Hundred Twenty Four Thousand Nine Hundred Ninety and 00/100 (\$624,990.00) lawful

money of the United States of America unto it well and truly paid by the said Grantees, at or before the sealing and delivery thereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantees, their heirs and assigns, as tenants by the entirety.

ALL THAT CERTAIN lot or piece of ground, SITUATE in the Township of Worcester, County of Montgomery, Pennsylvania and described according to a Subdivision Plan of "Hawarth Tract" prepared for Gambone Brothers Development Company by Stout, Tacconelli and Associates Inc. dated 7/14/2000, last revised 3/06/2001 and recorded in Plan Book A-60 page 378, as follows, to wit:

BEGINNING at a point on the Northeasterly side of Conestoga Lane, said point being a common corner of Lot #5 and Lot #6; thence from point of beginning and along Conestoga Lane on the arc of a circle curving to the left having a radius of 85.00 feet, the arc length of 53.37 feet to a point of reverse curve on Conestoga Lane; thence on the arc of a circle curving to the right having a radius of 50.00 feet, the arc length of 49.09 feet to a point, thence North 24 degrees 59 minutes 25 seconds West 96.27 feet to a point; thence still along Conestoga Lane on the arc of a circle curving to the left having a radius of 175.00 feet the arc length of 88.29 feet to a point; thence North 53 degrees 53 minutes 50 seconds West 319.67 feet to a point; thence on the arc of a circle curving to the right having a radius of 25.00 feet, the arc length of 39.27 feet to a point on the Southeast side of Green Briar Drive, thence along Green Briar Drive North 36 degrees 06 minutes 10 seconds East 25.00 feet to a point; thence South 53 degrees 53 minutes 50 seconds East

DE BK05513-0296  
2004128622 0023/2004 10 34 59 AM ZZ  
RCD FEE 246.30 LCL TAX 55.249 80 ST TAX 55.246 80

DT-DEED



MONTGOMERY COUNTY ROD

eCertified copy of recorded # 2004128532 (page 1 of 3)  
Montgomery County Recorder of Deeds



333.33 feet to a point; thence North 36 degrees 06 minutes 10 seconds East 145.37 feet to a point; thence North 46 degrees 25 minutes 46 seconds East 67.02 feet to a point and corner of Lot No. 6; thence along Lot No. 6 South 36 degrees 48 minutes 47 seconds East 349.86 feet to a point; thence South 53 degrees 11 minutes 13 seconds West 229.09 feet to the first mentioned point and place of beginning.

BEING Lot No 5 as shown on above mentioned Plan

BEING COUNTY PARCEL NO. 67-00-01678-046

BEING PART OF THE SAME PREMISES WHICH Gambone Bros. Development Company by deed dated July 25, 2002 and recorded September 16, 2002 in the office for the Recorder of Deeds in and for the County of Montgomery, and Commonwealth of Pennsylvania in Deed Book Volume 5424, Page 803, granted and conveyed unto Gambone Development Co , in fee

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto 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 the Grantor in law, as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground described herein with the buildings and improvements thereon erected, the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, forever.

AND the said Grantor does by these presents covenant, grant and agree to and with the said Grantees, their heirs and assigns, that if the said Grantor, all and singular the hereditaments and premises herein above described and granted or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against it, the said Grantor, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, it them, or any of them, shall and will subject as aforesaid WARRANT and forever DEFEND.



IN WITNESS WHEREOF the party of the first part has hereunto set its hand and seal.  
Dated the day and year first written.

SEALED AND DELIVERED  
IN THE PRESENCE OF US

Gambone Development Co

BY: *William B. Murdoch*  
William B. Murdoch



COMMONWEALTH OF PENNSYLVANIA SS.  
County of Montgomery

On this, the 27<sup>th</sup> day of May, 2004, before me a Notary Public, the undersigned officer personally appeared William B. Murdoch, Attorney in Fact who acknowledged himself to be the ATTORNEY IN FACT of Gambone Development Co, a corporation, and that he as such ATTORNEY IN FACT, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as ATTORNEY IN FACT.

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

My Commission Expires:

*Brian J. Hanson*  
Notary Public

Notarial Seal  
Brian J. Hanson, Notary Public  
East Norriton Twp., Montgomery County  
My Commission Expires July 5, 2004

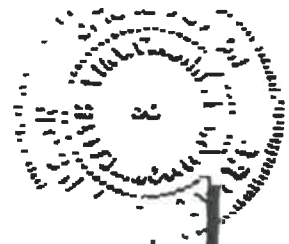
Grantees Address:

2847 Crestoga Lane

Norrisstown, PA 19403

*Habitat for Humanity*

File No. V2222-Q



MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
67-00-01678-04-6 WORCESTER  
GREEN BRIAR DR  
GAMBONE DEVELOPMENT CO  
B 019A U 047 L 5 2108 DATE 05/22/04



PARID: 670001678046  
PINKERTON KEVIN J & KIMBERLY R

2847 CONESTOGA LN

**Parcel**

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TaxMapID	67019A047
Parid	67-00-01678-04-6
Land Use Code	1101
Land Use Description	R - SINGLE FAMILY
Property Location	2847 CONESTOGA LN
Lot #	5
Lot Size	2.23 ACRES
Front Feet	45
Municipality	WORCESTER
School District	METHACTON
Utilities	ALL PUBLIC//

**Owner**

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Name(s)	PINKERTON KEVIN J & KIMBERLY R
Name(s)	
Mailing Address	2847 CONESTOGA LN
Care Of	
Mailing Address	
Mailing Address	NORRISTOWN PA 19403

**Current Assessment**

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Appraised Value	Assessed Value	Restrict Code
507,500	507,500	

**Estimated Taxes**

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County	1,991
Montco Community College	198
Municipality	25
School District	15,867
Total	18,081
Tax Lien	<a href="#">Tax Claim Bureau Parcel Search</a>

**Last Sale**

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Sale Date	27-MAY-04
Sale Price	\$624,990
Tax Stamps	6249
Deed Book and Page	5513-00296
Grantor	GAMBONE DEVELOPMENT CO
Grantee	PINKERTON KEVIN J & KIMBERLY R
Date Recorded	23-JUN-04

**Sales History**

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Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
05-27-2004	\$624,990	6249	5513-00296	GAMBONE DEVELOPMENT CO	PINKERTON KEVIN J & KIMBERLY R	06-23-2004
07-25-2002	\$0	0	5424-00803	GAMBONE BROS DEVEL CO	GAMBONE DEVELOPMENT CO	09-16-2002

**Lot Information**

Lot Size 2.23 ACRES  
 Lot # 5  
 Remarks 45 X IRR 2.23 AC  
 Remarks  
 Remarks

### Residential Card Summary

Card 1  
 Land Use Code 1101  
 Building Style COLONIAL  
 Number of Living Units 1  
 Year Built 2004  
 Year Remodeled  
 Exterior Wall Material STUCCO  
 Number of Stories 2  
 Square Feet of Living Area 6,392  
 Total Rms/Bedrms/Baths/Half Baths 11/4/4/1  
 Basement FULL  
 Finished Basement Living Area 2238  
 Rec Room Area  
 Unfinished Area  
 Wood Burning Fireplace  
 Pre Fab Fireplace 1  
 Heating CENTRAL WITH A/C  
 System WARM FORCED AIR  
 Fuel Type GAS  
 Condo Level  
 Condo/Townhouse Type  
 Attached Garage Area 682  
 Basement Garage No. of Cars

### Permits

1 of 2

Permit Date 17-AUG-2004  
 Permit Number 6564  
 Amount  
 Purpose OTHER  
 Notes DECK/PATIO  
 Notes  
 Notes  
 Status CLOSED

### Assessment History

Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
507,500	507,500		01-JAN-12	APPEAL	21-SEP-11
550,440	550,440		01-JUL-05	DECK	06-OCT-05
	550,440		01-JUL-05	DECK	
	541,120		01-JUN-04	NEW HOUSE	
	5,350		01-JUN-02	SUBDIVISION	

**EXHIBIT B**  
*Grading Plan*



