

**MEMO**

to: Zoning Hearing Board  
Mike Furey, Esq.

cc: Board of Supervisors  
Sean Halbom, Township Manager  
Bob Brant, Esq.  
John Evarts, P.E.  
ZHB file

from: Amanda Lafty, Assistant Township Manager

date: June 28, 2023

re: **ZHB 23-10 (Straut)**  
**ZHB 23-11 (Arena)**

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Attached please find the above applications, and legal ad.

Please contact me should you have any questions or require additional information.

Thank you.

# LEGAL NOTICE

## WORCESTER TOWNSHIP ZONING HEARING BOARD

NOTICE: Per §150-224 of the Worcester Township Zoning Ordinance, as amended (“Zoning Ordinance”), the Worcester Township Zoning Hearing Board will conduct a public hearing on Tuesday, July 11, 2023 at 6:00 PM at the Worcester Township Community Hall, 1031 Valley Forge Road, Worcester, PA, as to:

Application 23-10 – Meghan and Jason Straut, Owners of Record of 3422 Mill Road, Worcester Township, Montgomery County, PA, TPN 67-00-02362-00-1, located in the R-175 Residential Zoning District, seek a variance from Zoning Ordinance §150-177.A.(2) to permit the construction of a garage on the property to encroach into the side yard setback.

Application 23-11 Samuel and Christine Arena, Owners of Record of 2266 Warner Road, Worcester Township, Montgomery County, PA, TPN 67-00-03842-13-2, located in the R-75 Residential Zoning District, seek variances from Zoning Ordinance §150-77.C and §150-177.A.(2) to permit the construction of a garage on the property to encroach into the aggregate side yard setback.

Applications may be examined at the Township Office, 1721 Valley Forge Rd., M-F, 7AM-4:30PM. At the time of the hearing, any person or party interested will have full opportunity to be heard. The Board reserves the right to conduct such other business as may come before it. Persons with a disability who wish to attend the public hearing and require an accommodation to participate in the hearing should contact Worcester Township at (610) 584-1410  
Michael R. Libor, Esq., Chair  
Michael E. Furey, Esq. Solicitor

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

<b>THIS SECTION COMPLETED ONLY BY TOWNSHIP:</b>	
APPEAL NO. : <u>23-10</u>	DATE FILED: _____, 20____

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: MEGHAN + JASON STRAUT
- b.     Mailing address: 3422 MILL ROAD, COLLEGEVILLE  
PA 19426
- c.     Telephone number: (484) 515-6647 MEG (484) 515-6648 JASON
- 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: N/A
- b.     Address: \_\_\_\_\_
- c.     Telephone number: \_\_\_\_\_

5. Property Details:

- a. Present Zoning Classification: R-175
- b. Present Land Use: RESIDENTIAL
- c. Location (Street Address):  
3422 MILL ROAD, COLLEGEVILLE, PA 19426
- d. Parcel #: 67-00-02362-00-1
- e. Lot Dimensions:
  - (1) Area: 95,383 SF
  - (2) Frontage: 150'
  - (3) Depth: 666'
- 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)**

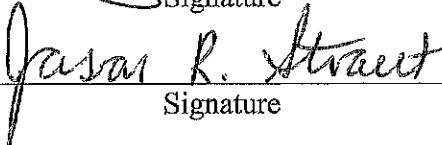
10. Worcester Township to provide the list of names and addresses of properties situated in the vicinity of the subject property as per Township Code Section 150-224

**CERTIFICATION**

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

  
Signature

MEGHAN STRAUT  
Printed Name

  
Signature


JASON STRAUT  
Printed Name


COMMONWEALTH OF PENNSYLVANIA:

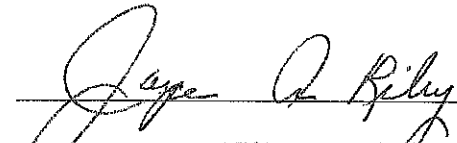
COUNTY OF \_\_\_\_\_ : SS

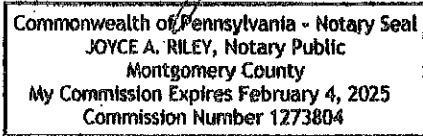
The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

  
\_\_\_\_\_  
Applicant

  
\_\_\_\_\_  
Applicant

Sworn to and subscribed before me this 15 day of May, 2023 

  
\_\_\_\_\_  
Notary Public



Date Received: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer

3422 Mill Road  
Collegeville, PA 19426

Township of Worcester  
1721 Valley Forge Road  
PO Box 767  
Worcester, PA 19490

May 1, 2023

Dear Zoning Hearing Board,

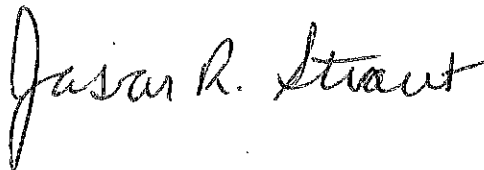
We are seeking relief from Township code §150-177 Accessory Uses and Structures, Section A, Item (2), which states "Private garages (whether attached or detached) may not encroach on any yard setback and must be located entirely within the building envelope of the lot on which they are located."

As you can see from the submitted plans, we would like to build a two-car detached garage with an overhang where we can park our boat. We would like to place the garage at the rear of our driveway, which would put it just over 18 feet from our side property boundary, which is outside of the building envelope.

We are intending to use the garage to house our vehicles and boat, to have space to work on both, and to store equipment for working in our yard. The construction of the garage does not change the character of our neighborhood, as the design is in keeping with the existing structures. There are a number of detached garages already existing on Mill Road that were built beyond the respective building envelopes.

Thank you for your time and consideration.

Sincerely,



Meghan and Jason Straut

**§ 150-177. Accessory uses and structures. [Amended 4-17-1996 by Ord. No. 146; 8-21-1996 by Ord. No. 150; 7-21-2004 by Ord. No. 200; 7-21-2004 by Ord. No. 201; 12-20-2006 by Ord. No. 212; 5-16-2007 by Ord. No. 215; 12-15-2010 by Ord. No. 227; 12-19-2012 by Ord. No. 239]**

A. Accessory uses and structures to a single-family detached residential use shall be regulated as follows:

- (1) In the AGR, R-175, and R-AG-175 Districts, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, shall be located in the rear yard or side yard only, and no closer than 15 feet to a property line. In all other districts, and at all properties created pursuant to Option 1 or Option 2, as set forth in Article XVIA, Conservation Subdivisions, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, shall be located in the rear yard or side yard only; said accessory structures may be erected in the rear yard not closer than 10 feet to the rear property line. Unless otherwise permitted below, accessory structures in any zoning district shall not be higher than 15 feet. **[Amended 5-16-2018 by Ord. No. 277; 5-19-2021 by Ord. No. 284]**
- (2) Private garages (whether attached or detached) may not encroach on any yard setback and must be located entirely within the building envelope of the lot on which they are located. Attached garages shall not exceed the height restriction for principal buildings in the applicable zoning district, and detached garages shall not exceed 20 feet in height.
- (3) 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, excluding properties created pursuant to Option 1 or Option 2, as set forth in Article XVIA, Conservation Subdivisions, 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. **[Amended 5-19-2021 by Ord. No. 284]**
- (4) Private tennis courts and private sports courts and all facilities incidental thereto shall be located on a lot 60,000 square feet or larger and in the rear yard only. Except as set forth below for lighted courts, a private tennis court shall not be less than 50 feet from the side and rear property lines, and a private sports court shall not be less than 75 feet from the side and rear property lines. A vegetative screening landscape buffer in accordance with the Worcester Township Landscape Ordinance requirements for rear and side yards as set

forth in § 130-28 of the Worcester Township Subdivision and Land Development Ordinance shall be provided for all private tennis courts and private sports courts and all facilities incidental thereto. To the extent required by the Township Engineer, all tennis courts and sports courts shall have stormwater management facilities. All required stormwater management facilities shall be approved by the Township Engineer. The lighting of a private tennis court or private sports court shall conform to § 150-200. Any lighted private tennis court or sports court shall not be less than 100 feet from the side and rear property lines. No tennis court or sports court shall be illuminated after 9:00 p.m. Sunday through Thursday, or after 10:00 p.m. on Friday and Saturday.

- (5) Private stables for the keeping of horses and livestock shall be permitted on properties having a gross lot area of three acres or more. A gross lot area of three acres shall allow a maximum of two large animals (e.g., horses, cattle, llamas). Two small animals (e.g., goats, sheep, mini horses, ponies, yearling horses or cattle, donkeys) shall be the equivalent of one large animal. Each additional acre of gross lot area shall allow the keeping of one additional large animal or the equivalent. All grazing areas shall be suitably fenced to contain the animals at all times. All buildings and structures (including rings, but not including fencing) used for the housing, stabling, training, and recreational enjoyment of such animals shall be located within the building envelope and shall be no higher than 35 feet.
  - (6) Decorative structures such as garden trellises, arbors, statues, benches, and the like, but specifically not including storage units, sheds, greenhouses, or other work areas, may be located no closer than 15 feet to any property line, but not within the ultimate right-of-way of any road.
  - (7) Private mailboxes shall be located as required by the United States Postal Service. Private newspaper boxes may be located adjacent to private mailboxes and no closer to the cartway than a private mailbox.
  - (8) Private driveways shall be regulated by § 150-155, and private parking spaces shall be regulated by § 150-153.
  - (9) Structures associated with public or private utilities (such as water, stormwater, sanitary waste, power, fuel, telephone, and cable) to serve permitted agricultural and single-family residential uses shall be exempt from the setbacks in this section.
- B. Accessory uses authorized by this chapter shall not be interpreted to include nonpermanent structures for the sale of goods, which are prohibited by Chapter 119,<sup>1</sup> except as otherwise set forth therein.
- C. Private or public school uses. Accessory structures such as backstops, dugouts/team structures, retaining walls, scoreboards, bleachers (permanent or movable),

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1. Editor's Note: See Ch. 119, Sales from Nonpermanent Structures.

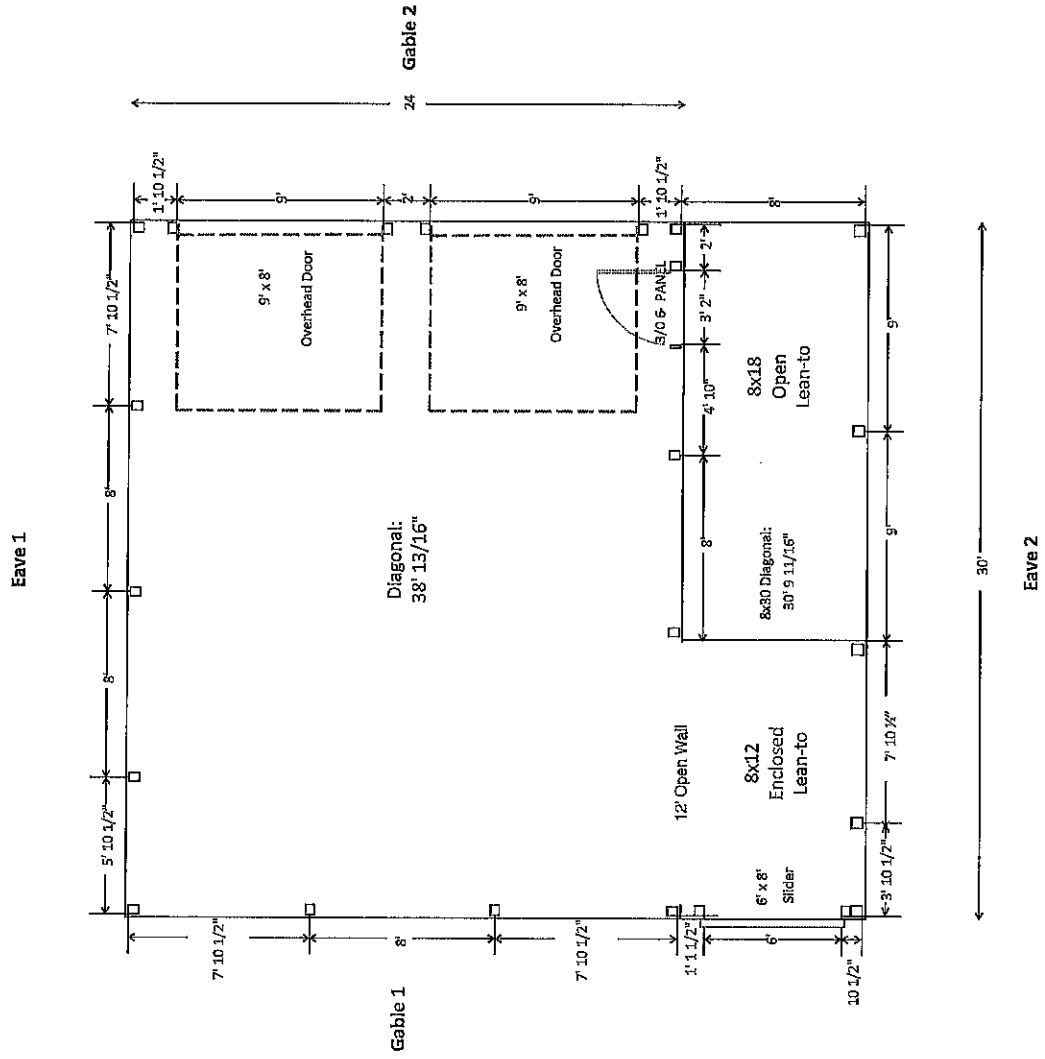


benches, goals (permanent or movable), or similar accessory structures associated with outdoor sports and athletic facilities may be located or erected within 50 feet of a front lot line or 40 feet of any other property line subject to the following: **[Added 1-15-2014 by Ord. No. 248]**

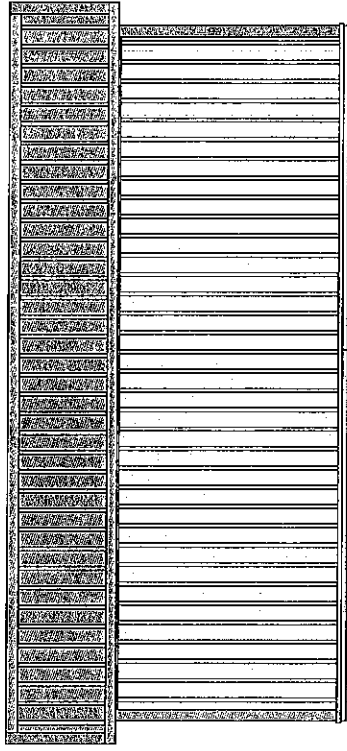
- (1) Backstops shall be permitted on any baseball or softball field but shall be limited to a maximum height of 40 feet;
- (2) Scoreboards shall be permitted and shall not be considered signs so long as the scoreboard complies with the following:
  - (a) Scoreboards shall not contain any advertisement for any company, product, or service;
  - (b) Scoreboards shall be limited to a maximum size of 36 feet by 10 feet;
  - (c) Scoreboards shall be limited to one per field;
  - (d) Scoreboards shall be limited to a maximum height, when mounted, of 20 feet from average surrounding grade within a stadium and 15 feet when mounted at all other fields on a single property; and
  - (e) Scoreboards, if illuminated, shall:
    - [1] Be internally illuminated LED displaying only the score and necessary game information and shall be illuminated only during the time of play and for a maximum period of 30 minutes following the end of play; and
    - [2] Neither cast any illumination off of the subject property nor create a nuisance or intrusion to the privacy of adjacent residential property owners or the public;
- (3) Dugouts or team shelters shall be limited to two per field, one for the home team and one for the visiting team;
- (4) Dugouts or team shelters shall be a maximum size of 12 feet by 50 feet;
- (5) No structure shall be located or erected so as to interfere with the sight triangle of any intersection; and
- (6) Fences and walls shall be regulated by § 150-182J.

# Floor Plan / Post Layout

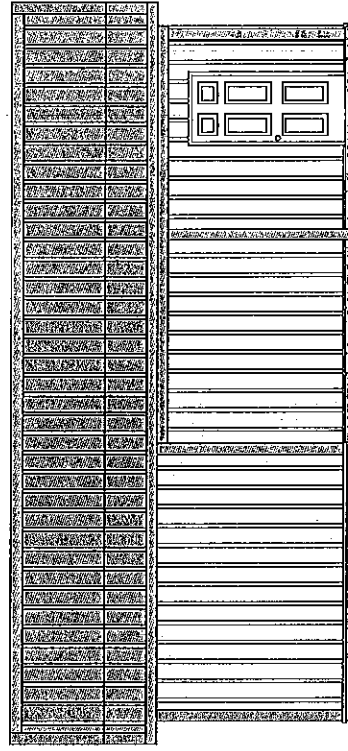
Dimensions:  
 24' wide x 30' long x  
 10' inside height  
 (above finished floor)



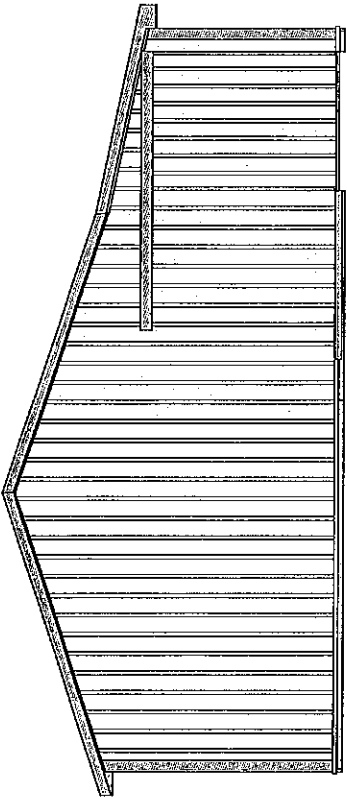
Jason Straut  
 3422 Mill Road  
 Collegeville PA 19426



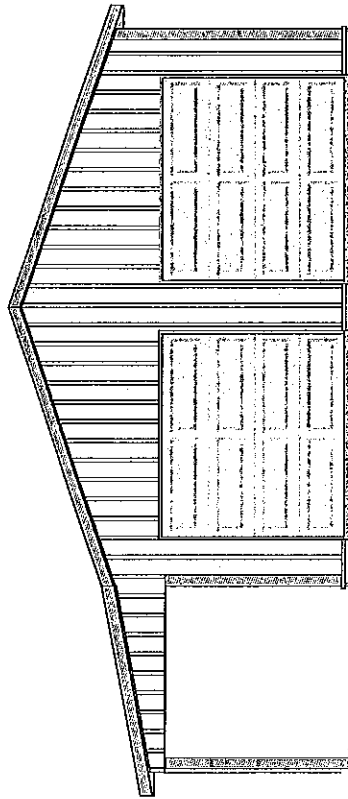
Eave 1



Eave 2



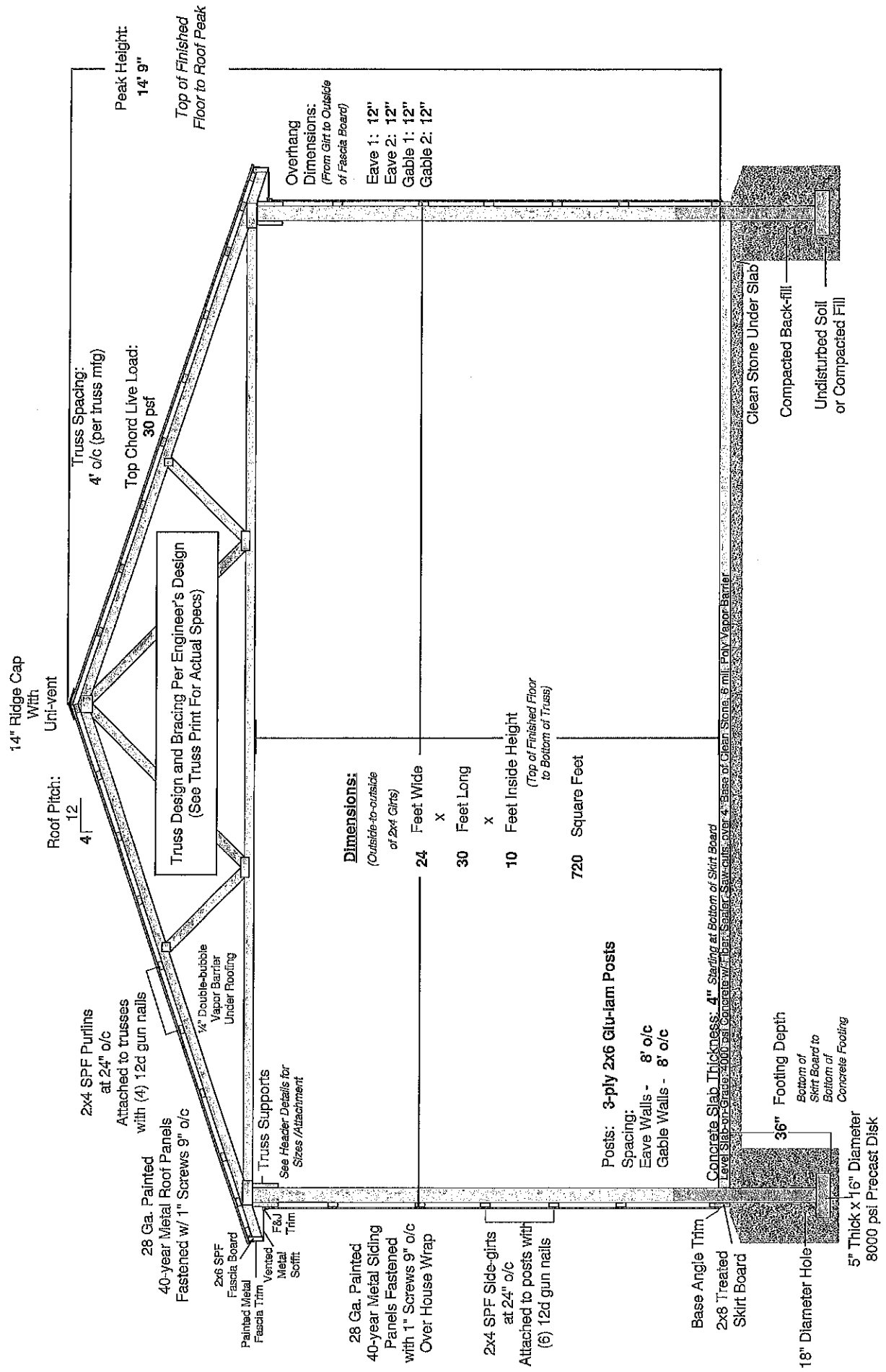
Gable 1



Gable 2

Jason Straut  
3422 Mill Road  
Collegeville PA 19426

# Pole Building Cross Section (Not To Scale)



Jason Straut  
3422 Mill Road  
Collegeville PA 19426

## Truss Support and Connection Details

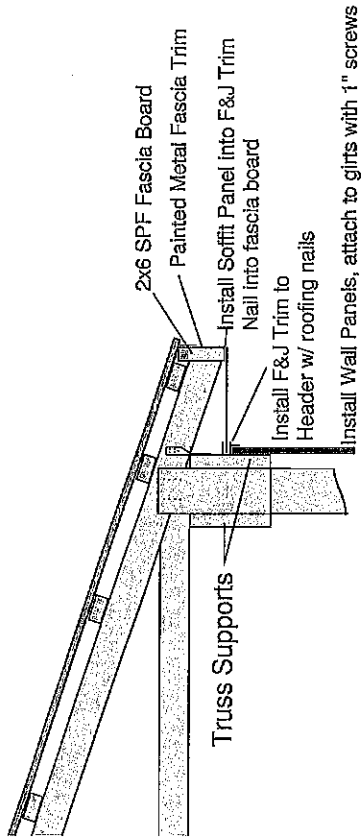
(Not To Scale)

### Truss Connection at Post or Truss Block

Engineered wooden Roof Truss attached to Post or Truss Block with (8) 12D nails

Truss Block (when used) installed between Truss Supports with (8) 12D nails

Truss tied to Support with Simpson H2.5 Hurricane Ties fastened per mfg specifications.



### Truss Supports

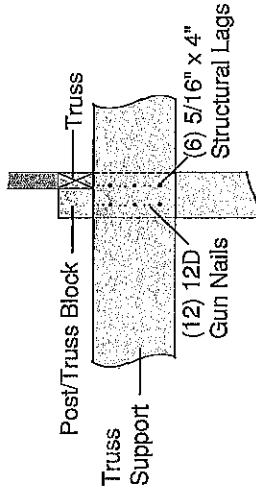
(2) Supports – (1) attached to each side of post

If additional supports are required, optional locations are:

- a) notched into post alongside main support
- b) stacked under main support and attached per schedule

8' Spans on Eaves: (2) 2x10 MSR or (2) 1.75" x 7.25" LVL Supports

12' Spans on Eaves: (2) 2x12 MSR or (2) 1.75" x 9.25" LVL Supports



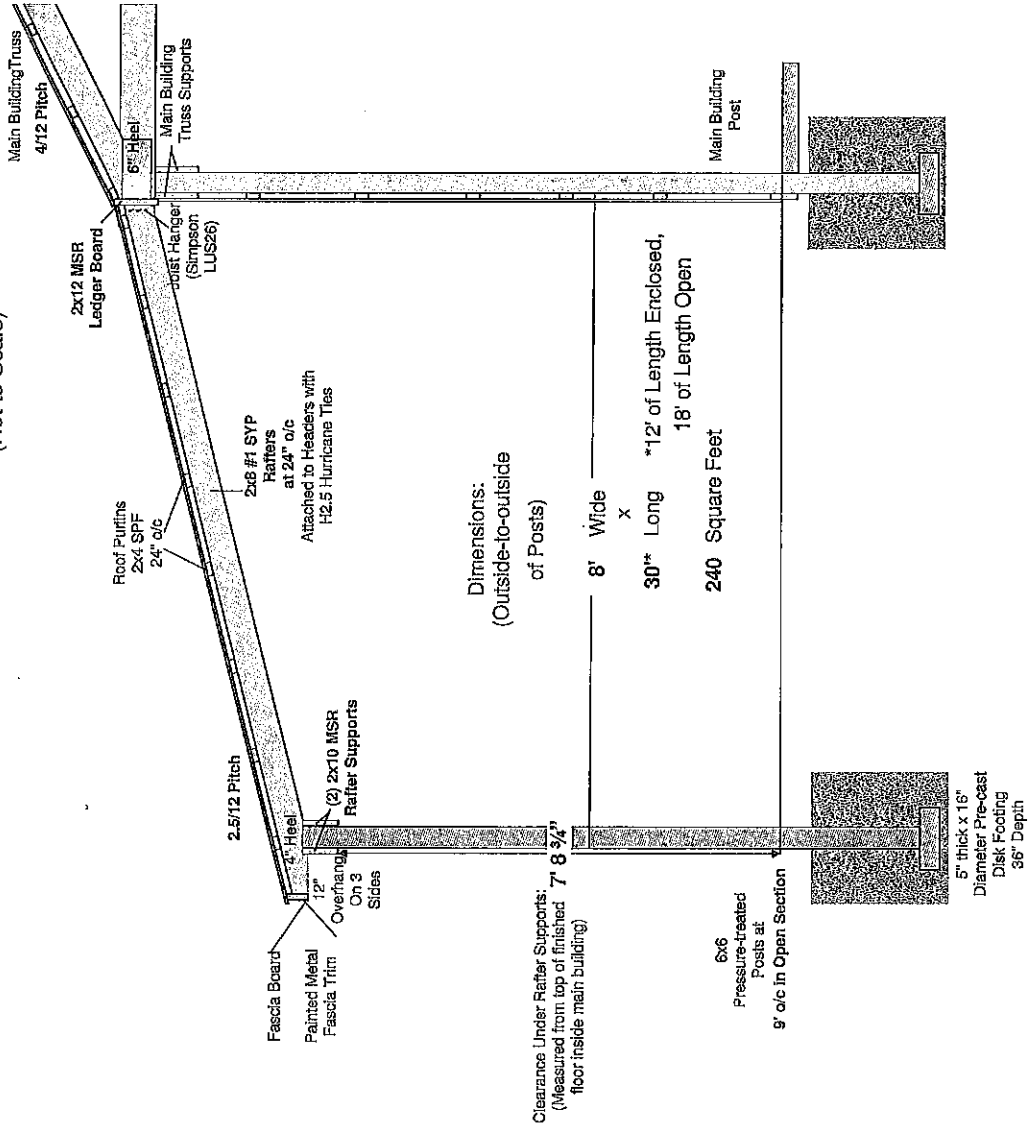
Nail and Lag Pattern to be the same at continuous headers and spliced headers.

LVL Lumber is 2.0E. Fb = 3,100

Jason Straut  
3422 Mill Road  
Collegeville PA 19426

# Lean-to Details

(Not to Scale)

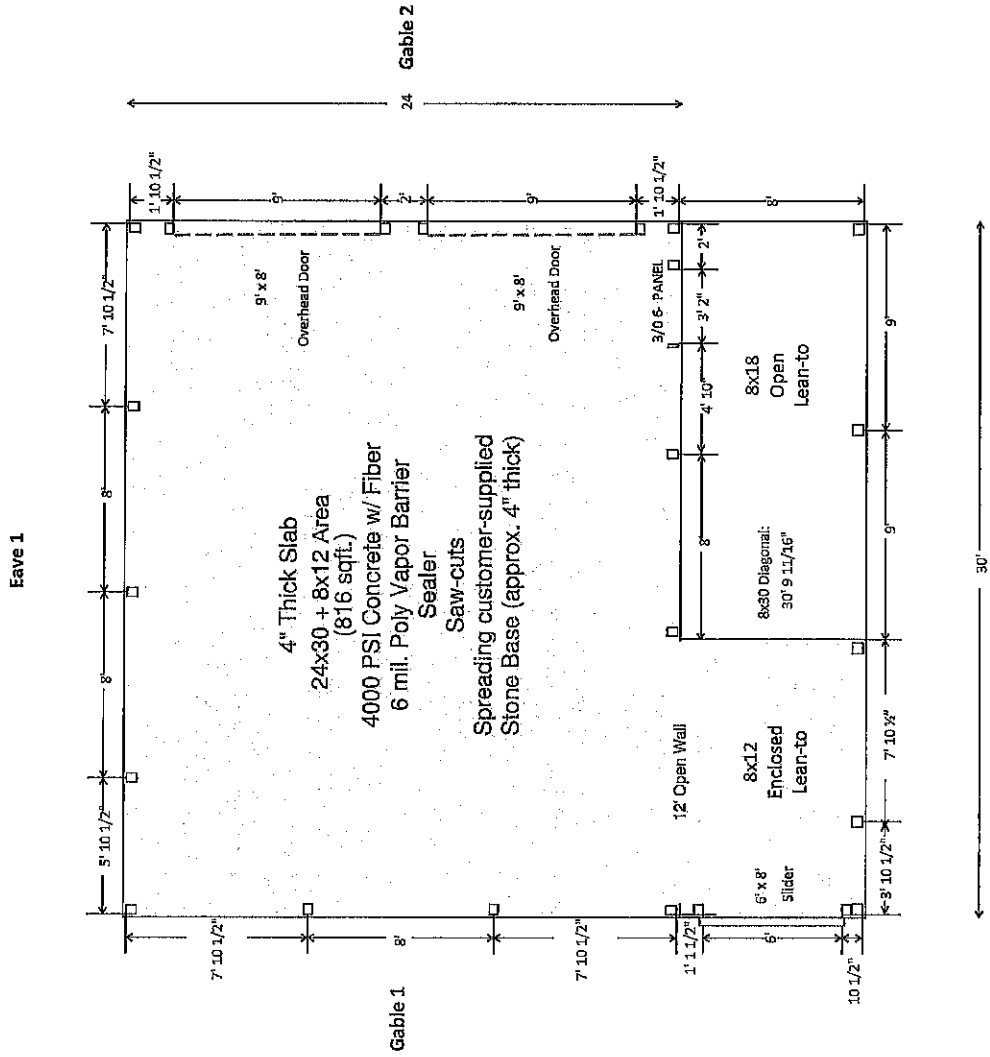


Jason Straut  
 3422 Mill Road  
 Collegeville PA 19426

# Concrete Plan

Building Dimensions:  
 24' wide x 30' long x  
 10' inside height  
 (above finished floor)

Diagonal:  
 38' 13/16"

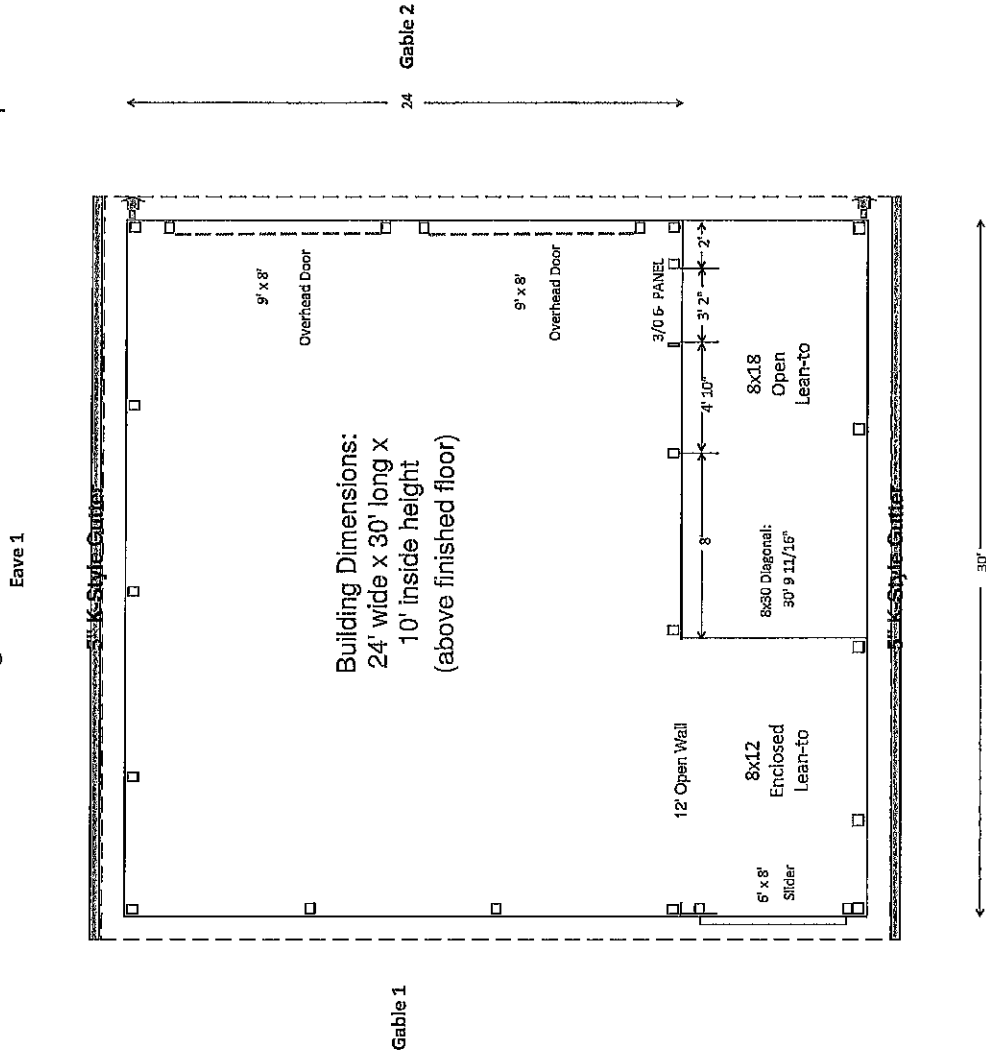


Jason Straut  
 3422 Mill Road  
 Collegeville PA 19426

Gutter Details  
**Overhangs:**  
 Eave 1: 12"  
 Eave 2: 12"  
 Gable 1: 12"  
 Gable 2: 12"  
**Colors:**  
 Gutters:  
 Downspouts:

**Gutter Plan**  
 5" K-style Gutters on both Eaves  
 (2) 3x4 Downspouts  
 (1 per gutter)

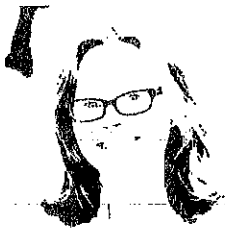
Blue arrows show discharge direction of elbow at bottom of downspouts.



Jason Straut  
 3422 Mill Road  
 Collegeville PA 19426







**DEED BK 6286 PG 01339 to 01342**  
**INSTRUMENT # : 2022062637**  
**RECORDED DATE: 06/08/2022 02:45:31 PM**



6116854-0021R

**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 4

<b>Document Type:</b> Deed	<b>Transaction #:</b> 6600709 - 2 Doc(s)
<b>Document Date:</b> 09/13/2022	<b>Document Page Count:</b> 3
<b>Reference Info:</b>	<b>Operator Id:</b> dawhitner

<b>RETURN TO:</b> (Simplified) 321,322,323,324,326 GMSS 910 Harvest Drive Suite 100 Blue Bell, PA 19422 (215) 654-5443	<b>PAID BY:</b> 321322323324326 GMSS
--	---

**\* PROPERTY DATA:**  
 Parcel ID #: 67-00-02362-00-1  
 Address: 3422 MILL RD  
  
 COLLEGEVILLE PA  
 19426  
 Municipality: Worcester Township (100%)  
 School District: Methacton

**\* ASSOCIATED DOCUMENT(S):**

**CONSIDERATION/SECURED AMT:** \$510,000.00  
**TAXABLE AMOUNT:** \$510,000.00

**FEES / TAXES:**

Recording Fee:Deed	\$86.75
State RTT	\$5,100.00
Worcester Township RTT	\$2,550.00
Methacton School District RTT	\$2,550.00
<b>Total:</b>	<b>\$10,286.75</b>

DEED BK 6286 PG 01339 to 01342  
 Recorded Date: 06/08/2022 02:45:31 PM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



**Jeanne Sorg**  
**Recorder of Deeds**

Rev1 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 INFORMATION

Prepared By: Greater Montgomery Settlement Services, LLC  
ATTN: Long Pham  
910 Harvest Drive, Suite 100  
Blue Bell, PA 19422  
Phone: 215-654-5443

Return To: Greater Montgomery Settlement Services, LLC  
ATTN: Long Pham  
910 Harvest Drive, Suite 100  
Blue Bell, PA 19422  
Phone: 215-654-5443  
67-00-02362-0011  
3422 Mill Rd, Collegeville, PA 19426  
File No. 321-025514

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
67-00-02362-00-1 WORCESTER TOWNSHIP  
3422 MILL RD  
CATALINA CONSTRUCTION LLC  
B 001 L 2 U 030 1101 06/06/2022

\$15.00  
JU

Corporation Deed

**This Deed**, made on May 13, 2022, between

Catalina Construction LLC, a limited liability company organized and existing under and by virtue of the laws of Pennsylvania

hereinafter called the Grantor of the one part, and

Meghan Carroll Straut and Jason R. Straut

hereinafter called the Grantees of the other part,

Witnesseth, that in consideration of Five Hundred Ten Thousand and 00/100 Dollars, (\$510,000.00) in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, his/her/their heirs and assigns as Tenants by The Entirety

ALL THAT CERTAIN tract of land with no buildings or improvements, situated in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania bounded and described in accordance with a survey thereof made January 1957 by David Meixner R.E. as follows to wit:

BEGINNING at a point in middle line of Mill Road nine hundred forty seven and nine-tenths feet from a point in the middle line of Grange Avenue, in a direction South forty-nine degrees fourteen minutes East; thence extending South forty-two degrees sixteen minutes West six hundred sixty nine and twenty-nine one hundredths feet to a point or corner of land of Robert Conlay; thence extending along same land North forty-eight degrees three minutes West one hundred forty-nine and ninety-six one hundredths feet to a iron pipe; thence extending North forty-two degrees sixteen minutes East six hundred sixty-six and nineteen one hundredths feet to center of Mill Road; and thence extending South forty-nine degrees fourteen minutes East one hundred and fifty feet along middle of Mill Road to place of beginning.

This described lot of land to be known as Lot Number Two.

Being the same premises which Joseph M. Kennedy and Evelyn M. Kennedy by Deed dated 5/29/1957 and recorded 5/31/1957 in Montgomery County in Deed Book 2789 Page 488 conveyed unto John Nyce Jr and Emma R. Nyce, in fee.

And the said John Nyce Jr has since departed this life.  
And the said Emma R. Nyce departed this life on 8/9/2021.

Being the same premises which Michael W. Nyce Executor of the Estate of Emma R. Nyce, deceased by Deed dated 12/14/2021 and recorded 12/22/2021 in Montgomery County in Deed Book 6259 Page 1567 conveyed unto Catalina Construction LLC., in fee.

Together with all and singular the buildings 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 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 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, forever.

And the said Grantor, it's successors and assigns, does covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that the said Grantor, it's successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with appurtenances, unto the said Grantees, their heirs and assigns, against the said Grantor, it's successors an assigns, and against all and every person and persons whosever lawfully claiming or to claim the same or any part thereof, by, from or under him or any of them, shall and will WARRANT and forever DEFEND.

And the said Grantor does hereby covenant to and with the said Grantees that he/she/they, the said Grantor, its successors and assigns, SHALL and WILL, warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantees, his/her/their heirs and assigns, against the said Grantor and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under him/her/them or any of them.

In witness whereof, the said Grantor has caused these presents to be duly executed the day and year first above written.

Sealed and delivered in the presence of:

Catalina Construction LLC

*Richard Bruno, sole member*  
Richard Bruno, Sole Member

State/Commonwealth of PA

County of Montgomery

On MAY 13 2022, 2022 before me, the undersigned officer, personally appeared Richard Bruno, who acknowledged him/herself to be the sole member of Catalina Construction LLC, a limited liability company, and that he or she, as such, being authorized to do so, executed the foregoing instrument, for the purposes therein contained, by signing the name of the by him/herself as Richard Bruno, Sole Member.

In witness whereof, I hereunto set my hand and official seal.

*[Signature]*  
Notary Public  
My commission expires: 3/25/25

Commonwealth of Pennsylvania - Notary Seal  
Long Pham, Notary Public  
Montgomery County  
My commission expires March 25, 2025  
Commission number 1394592  
Member, Pennsylvania Association of Notaries

# DEED

File No. 321-025514

Grantor: Catalina Construction LLC

Grantee: Meghan Straut and Jason Straut

I certify the address of the Grantee to be, and mail tax bill to:

3422 Mill Rd Collegeville PA 19426

Certified by: [Signature]

Premises: 3422 Mill Rd, Collegeville, Worcester Township, Montgomery County, State/ Commonwealth of Pennsylvania

UNOFFICIAL COPY  
DEED 6286 01342



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. : 21-11 DATE FILED: \_\_\_\_\_, 20\_\_\_\_

APPLICATION:  BOARD OF SUPERVISORS  
 ZONING HEARING BOARD

1. Date of Application: JUNE 19, 2023

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: **Samuel J. Arena, Jr. and Christine F. Arena**
- b. Mailing address: **2266 Warner Road Lansdale PA 19446**
- c. Telephone number: 610-584-4921
- d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: **Owner of Legal Title; See copy of Deed (Exhibit "A"). 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: **R-75 Residential District**
  - b. Present Land Use: **Residential**
  - c. Location (Street Address): **2266 Warner Road, Lansdale, PA**  
Parcel #: **67-0003842-13-2**
  - d. Lot Dimensions:
    - (1) Area: **20,714 SF**
    - (2) Frontage: **100'**
    - (3) Depth: **212.38' and 204.23'**
  - e. Circle all that apply in regards to the above specified property:
    - Public Water
    - Public Sewer
    - Private Well
    - Private Septic
  - f. Size, construction, and use of existing improvements; use of land, if unimproved: **See Site Plan (Exhibit "B").**

6. Proposed Use(s):
- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **See Site Plan (Exhibit "B") and Addendum to Application for Zoning Variance (Exhibit "C").**

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 Site Plan (Exhibit "B") and Addendum to Application for Zoning Variance (Exhibit "C").**

8. Has any previous appeal been filed concerning the subject matter of this appeal?  
 Yes  No

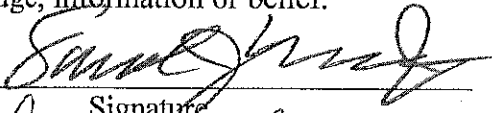
If yes: specify: **(Please submit as an attachment)**

9. Challenges please list requested issues of fact or interpretation: **See Site Plan (Exhibit "B") and Addendum to Application for Zoning Variance (Exhibit "C").**

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  
Christine F. Arena  
Signature

SAMUEL J. ARENA  
Printed Name  
Christine F. Arena  
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.

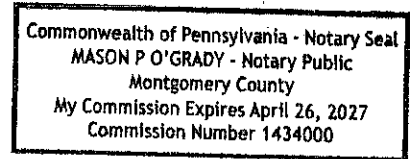
[Signature]  
Applicant SAMUEL V. ARONA, JR

[Signature]  
Applicant CHRISTINE F. ARONA

Sworn to and subscribed before me this 19 day of June, 2023

[Signature]

Notary Public



Date Received: \_\_\_\_\_

Zoning Officer

This Deed, made this 11th day of September 1992  
Between, T & S Development Company, a partnership

015003  
015010

(hereinafter called the "Grantor"),

of the one part, and SAMUEL J. ARENA, JR. AND CHRISTINE FALGO ARENA, his wife

(hereinafter called the "Grantees"), of the other part.

Witnesseth, That in consideration of \$294,537.00

Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees their heirs and assigns, as tenants by the entireties.

ALL THAT CERTAIN lot or piece 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 according to a Final Plan of Subdivision prepared for Morris Valley Farms by Urwiler & Walter, Inc., dated 12/20/1985, last revised 8/12/1986 and recorded in Plan Book A-48 page 138, as follows, to wit:

BEGINNING at a point on the Southwesterly side of Warner Road (50 feet wide), a corner of Lot No. 15 on said Plan, which point is measured South (erroneously shown on said Plan as North) 44 degrees 41 minutes 30 seconds East 27.40 feet from a point of tangent in the same, which point is measured along the arc of a circle, curving to the right, having a radius of 304.80 feet, the arc distance of 607.92 feet from a point of curve on the Southeasterly side of Warner Road, which point is measured North 21 degrees 02 minutes 00 seconds East 93.47 feet from a point tangent in the same, which point is measured along the arc of a circle, curving to the right, having a radius of 25 feet, the arc distance of 39.27 feet from a point of curve on the Northeasterly side of Sunny Ayre Drive. (50 feet wide); thence from said point of beginning, extending along said Southwesterly side of Warner Road South (erroneously shown on said Plan as North) 44 degrees 41 minutes 30 seconds East 100.00 feet to a point, a corner of Lot No. 17 on said Plan; thence extending along the same South 45 degrees 18 minutes 30 seconds West 204.23 feet to a point in line of Lot No. 8 on said Plan; thence extending along the same North 45 degrees 16 minutes 14 seconds West 32.60 feet to a point, a corner of Lot No. 9 on said Plan; thence extending along the same North 51 degrees 18 minutes 22 seconds West 67.85 feet to a point, a corner of Lot No. 15, aforesaid; thence extending along the same North 45 degrees 18 minutes 30 seconds East 212.38 feet to the first mentioned point and place of beginning.

13.00  
5.00  
300

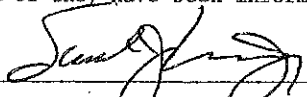
BEING Lot No. 16 on said Plan; Containing 20,714 square feet of land, more or less.

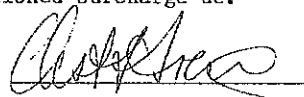
BEING Parcel No. 67-00-03842-132.

BEING part of the same premises which Bronia Sultanik, by Deed dated 4/15/1988 and recorded at Montgomery County, Pennsylvania, in Deed Book 4871 page 423, granted and conveyed unto T & S Development Company, in fee.

UNDER AND SUBJECT to a twenty percent surcharge in excess over the annual sewer treatment rates and charges calculated by Towamencin Township or its successor or assign for any users within the Township boundaries and that the grantee herein, his, her, or their heirs and assigns (its successors and assigns), in addition to that set forth above shall be found by the rules, regulations, ordinances, and resolutions now in effect or passed in the future by Towamencin Township or the Upper Gwynedd Towamencin Municipal Authority pertaining to the sewer system of any sewer district established for that portion of Worcester Township serviced by Towamencin Township of the Upper Gwynedd-Towamencin Municipal Authority. This shall be a covenant running with the land, in compliance with Paragraph IX (a) of Order dated 3/20/1987 of the Court of Common Pleas of Montgomery County at No. 86-03576 in the matter of Bronia Sultanik vs Board of Supervisors of Towamencin Township and Towamencin Township.

AND the Grantee herein affixes his, her or their signature(s) hereto to show that he, she or they have been informed of the above mentioned surcharge &c.

  
Samuel J. Arena, Jr.

  
Christine Falgo Arena



*Maryanne Beckenbach*

#15003  
WORCESTER TWP. 2945.37  
STATE STAMP 2945.37  
CHECK 5890.74  
ITEM 2  
09-14-92 MON #1 CASH-01 2721 10:51PM

REALTY TRANS. TAX FUND
STATE 2945.37
LOCAL 2945.37
PER <i>[Signature]</i>

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
67-00-03842-13-2 WORCESTER  
WARNER RD  
T & S DEV CO  
B 028B U 031 L 16 2104 DATE: 09/14/92

And the said Grantor s do hereby covenant to and with the said Grantees that they the said Grantor s SHALL and WILL Warrant and forever Defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee s, their heirs and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under him, her them or any of them.  
IN WITNESS WHEREOF, the said Grantor s have caused these presents to be duly executed, the day and year first above written.

SEALED AND DELIVERED In the Presence of: T & S Development Company, a partnership

\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_

*Stephen Karr III*  
\_\_\_\_\_  
Stephen Karr III, Partner  
*Thelma V. Karr*  
\_\_\_\_\_  
Thelma V. Karr, Partner  
SEAL  
SEAL  
SEAL  
SEAL

State of Pennsylvania County of Montgomery  
On this 11th day of September 1992, before me, the undersigned officer, personally appeared T & S Development Company, a partnership known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that executed the same for the purposes therein contained.

*Maria Ann Collins*

NOTARIAL Seal  
Notary Public  
MARIA ANN COLLINS, Notary Public  
Whitpain Twp., Montgomery County  
My Commission Expires Sept. 8, 1994

92-641-WW  
Deed

The address of the Grantee is  
2266 Warner Road  
Lansdale, PA 19446

RECORDED in Deed Book page  
GIVEN under my hand and the seal of the said office, the date above written.

Recorder of Deeds



**ADDENDUM TO APPLICATION FOR ZONING VARIANCE  
ZONING HEARING BOARD  
TOWNSHIP OF WORCESTER, PENNSYLVANIA**

**Samuel J. and Christine F. Arena  
2266 Warner Road, Lansdale PA 19446  
Township of Worcester, Montgomery County, PA**

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**BACKGROUND**

Chris and Sam Arena (the "Arena's") are the owners of the property known as Tax Map Parcel No. 67-00-03842-13-2 located at 2266 Warner Road, Lansdale (Worcester Township), Montgomery County, Pennsylvania (the "Property").

The Arenas propose to build a one-car detached garage at the end of their driveway next to their house as set forth in the Site Plan submitted with this Application (the "Site Plan"). The garage would be of the same architectural style as, and with exterior finishes to match, the Arena's existing house.

**REQUESTED RELIEF**

By this Application, the Arenas request relief from the below-quoted portions of the following Worcester Township Zoning Ordinances:

**Section 150-177(A)(2) Accessory Uses and Structures** – "Private garages (whether attached or detached) may not encroach on any yard setback and must be located entirely within the building envelope of the lot on which they are located."

**Section 150-77(C) Yard Regulations** – "Side yards. An aggregate total of 35 feet shall be provided for the two side yards." [Note: No relief is requested from the balance of Section 150-77 that requires "a minimum of 10 feet for any one side yard" because the Site Plan provides for a side yard setback of 10 feet.]]

**ANALYSIS OF RELVANT  
WORCESTER TOWNSHIP ZONING ORDINANCES**

**Building Envelope Requirement:** Although the Property includes ample space within the open building envelope of the Property for the building of the proposed garage, most of that open building envelope space is in the backyard of the Property through which a swale runs diagonally. As set forth in the Site Plan, 30 SF of the proposed garage would be within the open building envelope that runs along the side of the house where the garage would be located leaving the remaining 450 SF outside of the open building envelope.

Building a garage in the open backyard building envelope area would not be possible for the following reasons:

1. The garage would have to be built in the area of an existing swale that runs diagonally through the backyard of the Property which would interfere with the designed drainage of the Property and surrounding properties.
2. A garage in the remaining building envelope would require the addition of 100 feet+ of driveway that would significantly increase the amount of

impervious coverage of the Property and unnecessarily increase the cost of the project.

3. The garage and required driveway would significantly limit the use and enjoyment of much of the backyard. As set forth in the Site Plan, the proposed garage would be to the side of the house in an area that is used only for the purposes of accessing the existing shed and the backyard from the current driveway.
4. A garage in the backyard of the house would be out of character with the aesthetic distinctions and uses of the backyards of the residences throughout the Milestone Community.

As planned, the existing shed shown in the Site Plan drawing and photos would be removed from the Property. The removal of the existing shed would provide for more pervious space than if the garage could be built in the open backyard building envelope area and the shed were to remain in its present location.

**Side Yard Aggregate Total Setback Requirement:** As set forth on the Site Plan, the only setback relief that is requested is relief from the side yard aggregate total setback of 35 feet. Notably, that relief is sought only with respect to the setback area running along the side of the proposed garage that faces the adjacent property owned by Ann and Paul Bader (the “Baders”) (Parcel No. 67-00-03842-14-1).

Because the proposed garage maintains the 10 feet side yard setback required by Section 150-77 (C) along the side of the proposed garage facing the Bader’s adjacent property, no relief is requested from the Section 150-77 (C) requirement of “a minimum of 10 feet for any one side yard.” See Site Plan.

When combined with the 10 feet setback of the Bader’s property, the proposed 10 feet side yard setback that runs along the side of the proposed garage facing the Bader’s adjacent property would provide a total setback of 20 feet between proposed garage and the Bader’s 2022 addition to their house.

The Arenas have discussed the proposed garage with the Baders and shared with them with a copy of the Site Plan. The Baders have advised that they have no objection to the building of the proposed garage and the requested zoning relief.

### **53 P.S. § 10910.2(a) ANALYSIS AND CONCLUSIONS**

53 P.S. §10910.2(a) (Zoning Hearing Board’s Functions; Variances) provides, in part, that “The board may grant a variance, provided that all of the following findings are made where relevant in a given case.”

Based on the facts presented in connection with this Application and for the reasons discussed in in this Application, the Worcester Township Zoning Hearing Board should make the findings required by 53 P.S. §10910.2(a) to the extent relevant and grant the requested variances. Each of the five findings referenced in 53 P.S. §10910.2(a) are addressed below:

**53 P.S. §10910.2(a)(1):** The above-referenced swale that runs through the backyard of the Property makes the construction of the proposed garage in the remaining existing building envelope located in the backyard Property not possible. As such, it presents a “unique physical

circumstance[] or condition[]” in the form of “exceptional topographical or other physical conditions peculiar to the particular property. “[T]he [resulting] unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.”

**53 P.S. §10910.2(a)(2):** Because of such physical circumstances or conditions (i.e., the above-referenced swale) there is no possibility that the property can be developed in strict conformity within the remaining existing building envelope in the backyard of the Property and, therefore, variances from the building envelope requirement of Section 150-177(A)(2) and the side yard 35 feet aggregate setback requirement of Section 150-77(C) are necessary to enable the reasonable use of the Property.

In addition to the normal need for, and uses of, garage space on the Property, the Arena’s “reasonable use” of the Property includes the need to garage the Arena’s 1966 Oldsmobile Vista Cruiser Station Wagon (the family station wagon that Mr. Arena drove to college for four years as an Ursinus College Commuting Day student 1975-79). Given the length and width of this 57-year-old car from a different era, it will not functionally fit in the Arena’s existing attached garage on the Property. Further, the antique Vista Cruiser needs to be garaged in order to protected from the weather and to be covered by the Arena’s auto insurance.

**53 P.S. §10910.2(a)(3):** The above-referenced unnecessary hardship is due to the “unique physical circumstance[] or condition[]” in the form of “exceptional topographical or other physical conditions peculiar to the particular property” (i.e., the existence of a swale in the existing building envelope of the backyard of the property, as discussed above) and “has not been created by” the Arenas.

**53 P.S. §10910.2(a)(4):** “[T]he [requested] variance[s], if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare” because the proposed garage would be of an architectural style as, with exterior finishes to match, the Arena’s existing house on the Property.

Further, and significantly, the Arenas have discussed the proposed garage with the owners of the adjacent properties (Ann and Paul Bader (Parcel No. 67-00-03842-14-1) and Cindy and Larry Stauffer (Parcel No. 67-00-03842-12-3) and shared with them a copy of the Site Plan. The Baders and Stauffers have advised that they have no objection to the building of the proposed garage and the requested zoning relief.

Indeed, from the perspectives of the not altering the “essential character of the neighborhood,” the construction of a one car garage as set forth in the Site Plan (between the Baders’ and Arenas’ houses) would be preferable to having the originally planned two-car garage constructed in the backyard building envelope area of the Property.

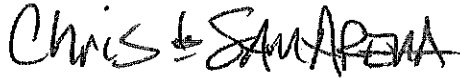
**53 P.S. §10910.2(a)(5):** The requested relief from the above zoning ordinances “represent the minimum variance that will afford relief and . . . the least modification possible of the regulation[s] in issue” because the requested relief is limited to variances that would permit the building of the proposed garage a total of only 450 SF outside of the Section 150-177(A)(2) building envelope requirement. Although relief is sought from the Section 150-77(C) side yard aggregate total setback requirement of 35 feet, the proposed garage would be in compliance with the Section 150-77(C) requirement of “a minimum of 10 feet for any one side yard.” Further,

when combined with the 10 feet side yard setback on the Bader's property, the proposed 10 feet side yard setback set forth on the Site Plan would provide a setback of 20 feet between the Baders' home and Arenas' proposed garage. As stated above, the Baders have no objection to the side yard setback as proposed.

\* \* \* \* \*

Please let us know if you have any questions or require any additional information.

Thank you for considering our variance request.

A handwritten signature in black ink that reads "Chris & Sam Arena". The signature is written in a cursive, somewhat stylized font.

Chris and Sam Arena