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August 4, 2020

13616-351

J. Edmund Mullin Steven H. Lupin Douglas I Zeiders Carl N. Weiner Jonathan Samel, LL.M. Merle R. Ochrach Mark F. Himsworth

Mark F. Himsworth Steven A. Hann Steven B. Barrett Christen G. Pionzio Joseph J. McGrory, Jr.

Ethan R. O'Shea Bernadette A. Kearney Paul G. Mullin John J. Iannozzi

William G. Roark Andrew P. Grau, LL.M.

Susan E. Piette Nathan M. Murawsky Timothy P. Briggs Kathleen A. Maloles

John F. Walko Steven J. English Michael A. Luongo Noah Marlier Kevin M. McGrath

Graham R. Bickel Daniel L. Maschi

OF COUNSEL: John C. Rafferty, Jr.

LANSDALE

ACTS Center – Blue Bell 375 Morris Road Post Office Box 1479 Lansdale, PA 19446-0773 Phone 215-661-0400 Fax 215-661-0315

> LIMERICK HARRISBURG

<u>Via Email</u>

E. Van Rieker, Zoning Officer
Upper Gwynedd Township
Code Enforcement and Building & Zoning Department
1 Parkside Place
North Wales, PA 19454

**Re:** Zoning Hearing Board Application

Applicant: Carmichael Associates, L.P.

Property: 779 Sumneytown Pike and 783 Sumneytown Pike

Dear Mr. Rieker:

Please accept this letter as Applicant's request to be heard at the September 22, 2020 Zoning Hearing Board meeting.

Should you need any additional information, please feel free to contact me at (215) 661-0400. Thank you for your assistance with this matter.

Very truly yours,

HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN

By: Ournablette

BAK:ch

cc: Christopher Canavan, via email

Ron Klos, via email John Kennedy, via email

{02884308;v1 }



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> LIMERICK HARRISBURG

13616-351

May 20, 2020

Via Email
E. Van Rieker, Zoning Officer
Upper Gwynedd Township
Code Enforcement and Building & Zoning Department
1 Parkside Place
North Wales, PA 19454

**Re:** Zoning Hearing Board Application

Applicant: Carmichael Associates, L.P.

Property: 779 Sumneytown Pike and 783 Sumneytown Pike

Dear Mr. Rieker:

Please accept this letter as a waiver of the applicable time requirements set forth in the Pennsylvania Municipalities Planning Code for the Zoning Hearing Board to hold a hearing and render a decision on the above-referenced Zoning Hearing Board application.

Please note that the Applicant reserves the right to revoke this waiver by providing written notice of such revocation.

Should you need any additional information, please feel free to contact me at (215) 661-0400. Thank you for your assistance with this matter.

Very truly yours,

HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN

BY: Surralitte X Kearney
BERNADETTE A. KEARNEY

BAK:ch

cc: Christopher Canavan, via email

{02844181;v1 }



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May 15, 2020

13616-351

J. Edmund Mullin Steven H. Lupin Douglas I Zeiders Carl N. Weiner Jonathan Samel, LL.M. Merle R. Ochrach Mark F. Himsworth Steven A. Hann Steven B. Barrett Christen G. Pionzio Joseph J. McGrory, Jr. Ethan R. O'Shea Bernadette A. Kearney

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Michael A. Luongo
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**OF COUNSEL:** John C. Rafferty, Jr.

Kevin M. McGrath

Graham R. Bickel

Daniel L. Maschi

LANSDALE
ACTS Center – Blue Bell
375 Morris Road
Post Office Box 1479
Lansdale, PA 19446-0773
Phone 215-661-0400
Fax 215-661-0315

LIMERICK HARRISBURG Via Hand Delivery
E. Van Rieker, Zoning Officer
Upper Gwynedd Township
Code Enforcement and Building & Zoning Department
1 Parkside Place

Re: Zoning Hearing Board Application Applicant: Carmichael Associates, L.P.

Property: 779 Sumneytown Pike and 783 Sumneytown Pike

Dear Mr. Rieker:

North Wales, PA 19454

Enclosed are the following items in connection with the Application to Zoning Hearing Board for the above referenced property assembled in packets, accompanied with a check for \$700.00 representing the filing fee:

- Original and nine (9) copies of Application to Zoning Hearing Board with Attachment:
- Ten (10) copies of the redacted November 30, 2017 Agreement of Sale;
- Ten (10) copies two page Zoning Plan prepared by Bohler, dated 5/11/2020.

Please let me know if you need any further information. Thank you for your assistance with this matter. I can be reached at (215) 661-0400.

Very truly yours,

HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN

By:

BERNADETTE A. KEARNEY

BAK:ch Enclosures

cc: Christopher Canavan, via email
Justin Strahorn, via email
Ron Klos, via email
John Kennedy, via email

{02840101;v1 }

ZONING HEARING BOARD
UPPER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
Zoning Ordinance of November 23, 1987 as Amended

22 - 41	2005	Check One	Date:	5/15/2020	
APPLICATION FOR VARIANCE		_X	Date.		=8
APPLICATION FOR SPECIAL EX	CEPTION(S)			•	
APPEAL FROM ZONING OFFICE				9	
DECISION/DETERMINA	TION(S)			ě	
PROPERTY ADDRESS/	452	,978 s.f (gross)			
LOCATION 779 Sumneytown Pike	LOT SIZE 129	.874 s.f. (net) ZONING	DISTRICT	. R-2	
783 Sumneytown Pike	201 0102 120	101 T 511 (1101) 20 1 12 1 0	21011401		
Check One (Applicant)					
Owner					
X Equitable Owner (under Agreement of	Sale)				
Lessor Lessee					
			Checi	k One	
Applicant's Name: Carmichael Associates, L.P.		Date Ownership Sec		K OHO	
404 N. Sumenytown Pike, Suite		Date of Agreement of		<del>30/1</del> 7	
Address: North Wales, PA 19454		Date of Lease	(		
Telephone: 215-699-0800					
Continutoria en		D. 1.12. 377.4 37 v	NI.		*
Contractor's or Agent's Name Christopher R. Canavan		Public Water Yes X Public Sewer Yes X	— No —		
404 N. Sumenytown Pike, Suite 200		rubiic Sewer 165 ^	140		
Address North Wales, PA 19454	,		8		
Give full information as to Section of Zoning Ordinand	e involved and re	easons why the Varia	nce(s), Spec	cial Exception(s) or A	Appeal is
desired and why it should be granted.					
Soo attached					
See attached.					
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-					
Jeppy		dian	0		
2 11-10-11 21		Chapt R.	an-	-	
By: Milly fall tortner A	applicant's Signat	ime			
	lease Print Name	: Christophe:	r R. Can	avan	
is not Owner, agreeing to this	Manual Mana	Bernadette A. K	earney Es	sa / HRMM&I	
Application	ttorney's Name: Address:			1479, Lansdale, P	A 10446
	Telephon			1473, Languale, F	A 19440
	10.0p.nou	213-001-0400			
		THE PARTY OF THE P			
· Record of	Secretary – Zonir	ig Hearing Board			
pplication No Hearing Date(s)		_ Decision Date _			
VARIANCE(S) G		Danied			
SPECIAL EXCEPTION(S) G	ranted	Denied			
APPEAL G	ranted	Denied Denied			
ESTRICTIONS/CONDITIONS (if any)					
1,				ē.	
) Zoning Officer					
) Zoning Hearing Board					
) Board of Commissioners					
) Zoning Solicitor	Signature	of Secretary			

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### **Zoning Attachment**

## Property Address/Location

779 Sumneytown Pike: Parcel #56-00-08323-00-9; Block 11, Unit 13 783 Sumneytown Pike: Parcel # 56-00-08326-00-6; Block 11, Unit 12

The properties are located along Sumneytown Pike across from Merck's parking lot.

Together, the lot area is 153,978 s.f (gross) and 129,874 s.f. (net)

The Applicant is proposing two (2) apartment buildings on the consolidated property as shown on the attached plan. Both proposed apartment buildings would be 2 stories with 6 units on a floor for a total of 12 units per building. 48 parking spaces are required and the Applicant is proposing 62 parking spaces.

The Applicant is requesting a variance from Section 195-12.A. to allow the proposed multifamily use and a validity variance to allow the proposed multi-family use. The Zoning Ordinance, as applied to this property, is confiscatory since the owner is deprived of a reasonable use of the land. The properties are unable to be reasonably developed for R-2 uses. The properties front on heavily traveled Sumneytown Pike, across from Merck's parking lot. The other uses along Sumneytown Pike, include the adjacent institutional nursing home, Gwynedd Healthcare & Rehabilitation Center (773 Sumneytown Pike); a dentist office (781 Sumneytown Pike); Kieffer's Appliance (785 Sumneytown Pike); Dunkin Donuts (787 Sumneytown Pike) and a CVS Pharmacy (799 Sumneytown Pike).

In recognition of the outdated zoning of the applicable properties and other properties in the Township, the Board of Commissioner adopted Ordinance No 2018-012, the Sumneytown Pike In-Fill and Traffic Management Overlay District on 12/17/2018. The Overlay District has not been applied to any properties in the Township. The Overlay District recognizes that there is a need to provide development/redevelopment opportunities, to improve the overall appearance of the Township, to improve traffic safety and reduce congestion along a selective distance of Sumneytown Pike. The subject properties are a part of the selective distance along Sumneytown Pike. The Overlay District permits by conditional use multiple-family dwellings at a density not to exceed 8 dwelling units per acre developable acre which the Applicant meets.

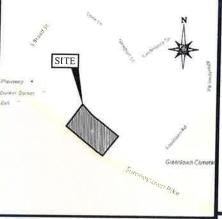
The requested relief to allow multi-family use will not adversely affect the public health, safety or welfare and is the minimum to afford relief.

{02793917;v3 }

Date: 11/30/17	CARMICHAEL ASSOCIATES, L.P., by its general partner, CARMICHAEL ASSOCIATES, INC.  By William J. Bonenberger, President
SELLER hereby accepts the offer of Buye terms hereof, this <u>30</u> day of <u>November</u> two fully executed counterparts of this Agreement and said date shall constitute the Effective Date here	t to Buyer, or its representative, as of said date

Date: 11/30/17	Jeppy, Partnership
•	veppj, r artifersinp







### ZONING PLAN GENERAL NOTES

3.) THE FOLLOWING DOCUMENT HAS BEEN INCORPORATED BY REFERENCE AS PART OF THIS CONCEPT PLAN:

SITE IMPROVEMENT PLAN

IRICK, EBERHARDT & MIENTUS 2771 GERYVILLE PIKE PENNSBURG, PA 18073 JOB NUMBER: 2035 DATEO: SEPTEMBER 30, 2002

#### SITE DATA

UPPER GWYNEDD TOWNSHIP, MONTGOMERY COUNTY, PA ZONEO: R-2 (RESIDENTIAL DISTRICT)

GROSS TRACT AREA 3.5 Ac. NET TRACT AREA; 3.0 Ac.

PARKING REQUIRED: 24 UNITS X 2 SPACES = 48 SPACES PARKING PROVIDED: 62 SPACES

### ZONING PLAN NOTES

THIS PLAN REFERENCES A "STEE IMPROVEMENT PLAN"
PREPARED FOR: JEPPY PARTNERSHIP
PREPARED FOR: JEPPY PARTNERSHIP
PREPARED FOR: JINES A SERFENHANTO MIGNITUS INCORPORATED
2771 GERYVILLE PIKE, SUITE THREE
PENNSBURG, PA 16073
PROJECT NO: 203
OATEO: SEPTEMBER 30, 2002

APPLICANT: CARMICHAEL ASSOCIATES, LP 404 SUMNEYTOWN PIKE, SUITE 200 NORTH WALES, PA 19454

ZONING DATA:
SITE ADDRESS
779-783 N. SUMNEYTOWN PIKE
UPPER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PA
19454

EXISTING ZONING: R-2 RESIDENTIAL DISTRICT EXISTING USE: SINGLE FAMILY RESIDENCE

PROPOSED USE: APARTMENTS (NOT PERMITTED)

		THOI OUED
MIN LOT AREA	21,780 SF	153 978 SF (GROSS) 129 874 SF (NET)
MIN LOT WIDTH:	120 FT.	534 2 FT
BUILDING SETBACKS		
FRONT:	50 FT	50.7 FT.
SIDE YARD (EA):	25 FT.	45 FT.
REAR:	50 FT	120 FT.
ACCSSORY STRUCTURE SETBA	CKS	
FRONT:	50 FT	141,6 FT
SIDE YARD (EA):	6 FT	50.1 FT.
REAR:	6 FT.	43.7 FT.
MAX, HEIGHT:		
BUILDING HEIGHT:	35 FT	35' FT
ACCESSORY BUILDING	14 FT	14 FT.
MAX BUILDING COVERAGE	20%	11% (NET) (7,193 x 2 = 14,386 SF)

REQUIRED

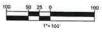
43.7 FT

PARKING BUFFER

PARKING REQUIREMENTS: TOTAL REQUIRED = 2 SPACES / OWELLING UNIT x 24 UNITS = 45 SPACES (9° x 18°) TOTAL PROPOSED = 38 SPACES (9° x 18°) + 24 UNDER SHELTER SPACES (10° x 20°) = 62 TOTAL SPACES

6. ALL FEATURES ARE EXISTING TO REMAIN UNLESS OTHERWISE NOTED.

7. (TBR) INDICATES EXISTING SITE FEATURES TO BE REMOVED.





REVISIONS			
REV	V DATE COMMENT	COMMENT	ORAYIN BY CHECKED BI
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**ZONING PLAN** 

CARMICHAEL

ASSOCIATES, LP PROPOSED APARTMENT BUILDING DEVELOPMENT

779-763 N. SUMNEYTOWN PIKE UPPER GWYNEDD TOWNSHIP MONTGOMERY COUNTY PENNSYLVANIA 19454

## BOHLER/

1600 MANOR DRIVE, SUITE 200
CHALFONT, PA 18914
Phone: (215) 996-9100
Fac (215) 996-9102
www.BohlerEngineering.com

R.E. KLOS, JR.

PROFESSIONAL ENGINEER

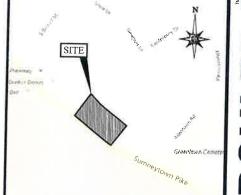
**AERIAL PLAN** 

ORG, DATE - 05/11/2020





INSTITUTIONAL (IN) ZONING DISTRICT





REVISIONS



ZONING PLAN GENERAL NOTES

1) THE CONCEPT REPRESENTED REFREIT DESIGN CONCEPT
RESULTING FROM LAVOUT PREFERENCES IDENTIFIED & DESIGN CONCEPT
RESULTING FROM LAVOUT PREFERENCES IDENTIFIED BY THE CONNER COURLED
WITH A PRELIMMARY REVIEW OF ZONING AND LAND DEVELOPMENT
RECUPPERAITS AND ISSUES THE FEASIBILITY WITH RESPECT TO GETAINENT
LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS ARE NOT
WARRANTED AND CAN CASE ASSESSED AFTER FURTHER EXAMINATION AND
VERDIFICATION OF SAME REQUIREMENTS AND PROCUREMENT OF JURISDICTIONAL
APPROVALS.

2.1 THIS ZONING PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTEREDED FOR UTLEATION AS A CONSTRUCTION OCCURRENT. THE EDISTING CONDITIONS SHOWN HEREON ARE BEST ONLY AS A CONSTRUCTION BEFORMATION THAT WAS SUPPLIED TO DUR OFFICE AT THE TIME OF FLAN PREPARATION AND MAY BE SUBJECT TO CHANGE AND MUST BE UPDATED UPON PERFORMANCE OF ADDITIONAL DUE DILIGENCE.

3.) THE FOLLOWING DOCUMENT HAS BEEN INCORPORATED BY REFERENCE AS PART OF THIS CONCEPT PLAN:

'SITE IMPROVEMENT PLAN'

IRICK, EBERHAROT & MIENTUS 2771 GERYVILLE PIKE PENNSBURG, PA 18073 JOB NUMBER: 2035 DATED: SEPTEMBER 30, 2002

### SITE DATA

UPPER GWYNEOD TOWNSH P. MONTGOMERY COUNTY, PAZONED: R-2 (RESIDENTIAL DISTRICT)

GROSS TRACT AREA: 3.5 Ac NET TRACT AREA: 3.0 Ac

PARKING REQUIRED: 24 UNITS X 2 SPACES = 48 SPACES PARKING PROVIDED: 62 SPACES

### ZONING PLAN NOTES

THIS PLAN REFERENCES A "SITE IMPROVEMENT PLAN" PREPARED FOR: JEPPY PARTNERSHIP PREPARED FOR: JEPPY PARTNERSHIP PREPARED FOR: JINCA E BERHANDATO IMENTUS INCORPORATED 2771 GERTYFILLE PRE: SUITE THREE PREMISSING. PA 180/3 PROJECT NO: 203 DATED: SEPTEMBER 30, 2002

CARMICHAEL ASSOCIATES LP 404 SUMNEYTOWN PIKE, SUITE 200 NORTH WALES, PA 19454

ZONING DATA: SITE ADDRESS 779-789 N. SUWNEYTOWN PEUT UPPER GWYNEDD TOWNSHIP MONTGOMERY COUNTY, PA 19454

MAX. BUILDING COVERAGE

PROPOSED USE: APARTMENTS (NOT PERMITTED)

	REQUIRED	PROPOSED
MIN LOT AREA:	21,780 SF	153,978 SF (GROSS) 129,874 SF (NET)
MIN LOT WIDTH:	120 FT.	534 2 FT
BUILDING SETBACKS		
FRONT:	50 FT.	50,7 FT.
SIDE YARD (EA):	25 FT	45 FT
REAR:	50 FT.	120 FT.
ACCSSORY STRUCTURE SETS	ACKS	
FRONT:	50 FT	141 6 FT
SIDE YARD (EA):	6 FT.	50.1 FT.
REAR;	6 FT.	43.7 FT.
MAX. HEIGHT:		
BUILDING HEIGHT:	35 FT.	35' FT
ACCESSORY BUILDING.	44.55	

ADJACENT TO RESIDENTIAL 25 FT

- 5. PARKING REQUIREMENTS: TOTAL REQUIRED +2 SPACES / DWELLING UNIT x 24 UNITS = 48 SPACES (9' x 18') TOTAL PROPOSED = 38 SPACES (9' x 18') + 24 UNDER SHELTER SPACES (10' x 20') = 62 TOTAL SPACES
- 6 ALL FEATURES ARE EXISTING TO REMAIN UNLESS OTHERWISE NOTED
- 7. (TBR) INDICATES EXISTING SITE FEATURES TO BE REMOVED.

THE DRAWFIG IS INTENDED FOR WUNDOWAL AND/OR OF EVICH AND APPROVAL. IT IS NOT INTENDED AS A COUNT OCCUMENT UNLESS INDICATES OTHERWISE

**ZONING PLAN** 

CARMICHAEL

ASSOCIATES, LP PROPOSED APARTMENT BUILDING DEVELOPMENT

779-783 N. SUMNEYTOWN PIKE UPPER GWYNEDD TOWNSHIP MONTGOMERY COUNTY PENNSYLVANIA 19454

# BOHLER /

1600 MANOR DRIVE, SUITE 200 CHALFONT, PA 18914 Phone: (215) 996-9100 Fax: (215) 996-9102 www.BohlerEngineering.com

R.E. KLOS, JR.

PROFESSIONAL ENGINEER

11% (NET) (7,193 x 2 = 14,386 SF)

SITE PLAN

ORG. DATE - 05/11/2020

PROPOSED 4' STORAGE AREA 10' x 20' PARKING SPACES PROPOSED 4' STORAGE AREA SIDE YARD SETBACK / 10" x 20" PARKING SPACES RESIDENTIAL BUFFER 25" x 25" TRASH — STORAGE AREA PROPOSED APARTMENT BUILDING #1 PROPOSED APARTMENT BUILDING #2 (7.193 SF) TWO (2) STORIES (7,193 SF) 6 UNITS / FLOOR TWO (2) STORIES 12 UNITS TOTAL 6 UNITS / FLOOR 12 UNITS TOTAL ULTIMATE RIGHT ----9' x 18' PARKING SPACES OF WAY LINE \$45° 46' 28.00°E

\$45° 36' 18.00°E

RESIDENTIAL (R2) ZONING DISTRICT

SUMNEYTOWN PIKE

TITLE LINE -

\$45\* 36' 57.00°E

155.670

RESIDENTIAL (R2) ZONING DISTRICT

INSTITUTIONAL (IN) ZONING DISTRICT

25' x 25' TRASH STORAGE AREA

L=105,420, R=654,000

N48" 41" 00.00"W

SIDEYARD SETBACK