

**HRMM&L**  
**HAMBURG, RUBIN, MULLIN,**  
**MAXWELL & LUPIN, PC**  
ATTORNEYS AT LAW

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Kevin M. McGrath  
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**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**

13616-351

August 4, 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 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:   
BERNADETTE A. KEARNEY

BAK:ch

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

**HRMM&L**  
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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:   
BERNADETTE A. KEARNEY

BAK:ch

cc: Christopher Canavan, via email

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**HARRISBURG**

**HRMM&L**  
**HAMBURG, RUBIN, MULLIN,**  
**MAXWELL & LUPIN, PC**  
ATTORNEYS AT LAW

www.HRMML.com

May 15, 2020

13616-351

J. Edmund Mullin  
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John C. Rafferty, Jr.

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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  
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:

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

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

Check One      Date: 5/15/2020  
 APPLICATION FOR VARIANCE(S)      X  
 APPLICATION FOR SPECIAL EXCEPTION(S)      \_\_\_\_\_  
 APPEAL FROM ZONING OFFICER'S  
 DECISION/DETERMINATION(S)      \_\_\_\_\_

PROPERTY ADDRESS/ LOCATION 779 Sumneytown Pike      153,978 s.f. (gross)  
 783 Sumneytown Pike      LOT SIZE 129,874 s.f. (net) ZONING DISTRICT R-2

Check One (Applicant)  
 \_\_\_\_\_ Owner  
X Equitable Owner (under Agreement of Sale)  
 \_\_\_\_\_ Lessor  
 \_\_\_\_\_ Lessee

Applicant's Name: Carmichael Associates, L.P.      Check One  
 404 N. Sumenytown Pike, Suite 200      Date Ownership Secured \_\_\_\_\_  
 Address: North Wales, PA 19454      Date of Agreement of Sale 11/30/17  
 Telephone: 215-699-0800      Date of Lease \_\_\_\_\_

Contractor's or Agent's Name Christopher R. Canavan      Public Water Yes X No \_\_\_\_\_  
 404 N. Sumeriytown Pike, Suite 200      Public Sewer Yes X No \_\_\_\_\_  
 Address North Wales, PA 19454

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted.

See attached.

*Jeppy*  
 By: *Michael R. Canavan* Partner  
 Owner's signature, if Applicant  
 is not Owner, agreeing to this  
 Application

Applicant's Signature *Christopher R. Canavan*  
 Please Print Name: Christopher R. Canavan  
 Attorney's Name: Bernadette A. Kearney, Esq. / HRMM&L  
 Address: 375 Morris Road, PO Box 1479, Lansdale, PA 19446  
 Telephone: 215-661-0400

Record of Secretary - Zoning Hearing Board

Application No. \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_ Decision Date \_\_\_\_\_

VARIANCE(S)	Granted _____	Denied _____
SPECIAL EXCEPTION(S)	Granted _____	Denied _____
APPEAL	Granted _____	Denied _____

RESTRICTIONS/CONDITIONS (if any)

- ( ) Zoning Officer
- ( ) Zoning Hearing Board
- ( ) Board of Commissioners
- ( ) Zoning Solicitor

Signature of Secretary \_\_\_\_\_

## 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 multi-family 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.

**REAL ESTATE PURCHASE AGREEMENT**

THIS AGREEMENT made this 30 day of November, 2017 and effective on the last date endorsed by the parties hereto (the "Effective Date"), by and between CARMICHAEL ASSOCIATES, L.P., having an address of 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 ("Buyer") and JEPPY, a Pennsylvania general partnership, having an address of 411 Carmichael Drive, North Wales, PA 19454 ("Seller").

**Basis of Agreement**

A. Seller is the owner of all that certain lot or piece of ground known as 779 & 783 Sumneytown Pike, Upper Gwynedd Township, Montgomery County, Commonwealth of Pennsylvania County Parcel Nos. 56-00-08323-00-9 & 56-00-08326-00-6, consisting of 3.43 acres of ground, more or less, together with full right of ingress and egress from and to fully improved public roads, ("Premises"), as more fully described in Exhibit "A", attached hereto and incorporated herein by reference.

B. Buyer desires the right to purchase the Premises upon certain terms and conditions as more fully set forth herein.

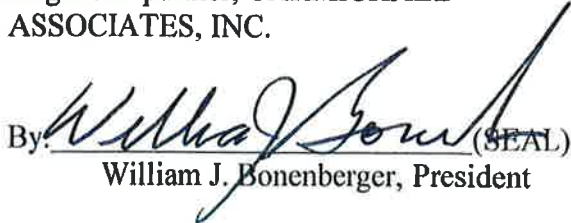
***NOW, THEREFORE***, intending to be legally bound hereby and in consideration of the mutual covenants, conditions and promises hereinafter set forth, Buyer and Seller ("Parties") agree as follows:

**ARTICLE 1. PURCHASE AND SALE OF THE PREMISES.**

A. Seller agrees to sell, and Buyer agrees to buy the Premises, subject to the satisfaction or waiver by Buyer of the conditions hereinafter set forth in Articles 2 and 7 hereof, and in accordance with the terms and conditions of this Agreement.

CARMICHAEL ASSOCIATES, L.P., by  
its general partner, CARMICHAEL  
ASSOCIATES, INC.

Date: 11/30/17

By:  (SEAL)  
William J. Bonenberger, President

SELLER hereby accepts the offer of Buyer herein and agrees to be legally bound by the terms hereof, this 30<sup>th</sup> day of November, 2017. We certify that we have delivered two fully executed counterparts of this Agreement to Buyer, or its representative, as of said date and said date shall constitute the Effective Date hereunder.

Date: 11/30/17

  
Mealy, Partnership





