UPPER MERION TOWNSHIP ZONING HEARING BOARD APPEAL
COMMERCIAL APPLICATION

The following is a list of questions designed to assist you and the Zoning Hearing Board in the efficient and prompt review of your appeal. Please thoroughly answer all questions, which are applicable to your appeal. If you believe the question does not pertain to your appeal, please indicate on this form by answering "not applicable."

All questions must be answered to consider this appeal form complete.

A complete site plan, construction documents and a copy of your deed must be attached to this application. Please return this form to the Zoning Official when you file your application.

OFFICE USE ONLY

APPEAL # 2020-17
APPLICATION FEE $ 450
DATE COMPLETED APPLICATION RECEIVED 9.2.20
ADVERTISED DATES

† RECEIVED SEP 02 2020
1. **Owner:** Samuel L. Doyal and Marykay Doyal  
   1016 Old Valley Forge Road, King of Prussia, PA 19406  
   (610) 637-3575  
   samdoyal@verizon.net  
   **Applicant:** Same as above  
   **Address/Zip Code:**  
   **Phone:**  
   **Fax:**  
   **E-mail:**  
   **X** owner  
   **Equitable Owner:**  
   **Tenant:**  

   If the applicant is not the property owner, the applicant must provide a signed and notarized letter from the property owner stating his/her permission to allow the applicant to represent the property owner at the zoning hearing board with this zoning appeal.

2. **If applicant is represented by an attorney or counsel, please provide:**  
   **Name:** Edward J. Hughes, Esquire  
   **Address:** 1250 Germantown Pike, Suite 205  
   Plymouth Meeting, PA 19462  
   **Telephone:** (610) 279-6800  
   **E-Mail:** ehughes@hkclaw.com

3. **Location of Real Estate:**  
   1016 Old Valley Forge Road, King of Prussia, PA 19406  
   **Tax Parcel #:** 58-00-19492-00-7  
   **Zoning District:** SM  
   **Lot Size:** 21,500 SF  
   **Percent of Lot Area Occupied by Existing Buildings:** 8.85%  
   **Percent of Lot Area to be Occupied by Proposed Buildings:** 3.85%  
   **Present Use:** 3 dwelling units  
   **TOTAL:** 6.85%  
   **Date when present use began:** 2013  
   **Date of acquisition by property owner:** 1996  

   Please list each structure and its use currently located on this property.  
   One building used as a duplex dwelling and one building used as a one unit apartment.
4. Is your home or principal structure connected to: (please circle all that apply):

- public water
- public sewer
- not presently connected
- private on-lot septic
- private well

If you are not connected at this time, what type of sewage and water facilities are available to the property?

<table>
<thead>
<tr>
<th>Have you consulted with adjoining property owners?</th>
<th>Not to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

If yes, indicate responses:

Are there any outstanding state, federal, county or township violations cited on this property at the time of this application? If yes, please explain:

None to date.

5. Type of Appeal Sought:

You must list all sections of the Upper Merion Township Zoning Ordinance in which you are seeking zoning relief from on the following lines: (Please note that if this section is not complete, the appeal will not be heard)

<table>
<thead>
<tr>
<th>Section</th>
<th>Sub-Section</th>
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<tbody>
<tr>
<td>127</td>
<td>j</td>
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</tbody>
</table>

State in narrative form the nature of your appeal including the primary relevant facts intended to be presented to the Zoning Hearing Board. Please include a description of all explosive or toxic materials to be stored on this site. Please reference to your attachment if additional space is needed.

Continued use of the property for three dwelling units.
What is the exact use proposed for the property? List the current and proposed hours of operation, number and type of employees, business equipment to be used or stored at the site, nature of normal business operations, if applicable. Please reference to your attachment if additional space is needed.

| Three dwelling units. |

What is the character of the buildings and uses on abutting properties and what is the general character of the surrounding neighborhood? Please reference your attachment if additional space is needed.

| Buildings are residential in character. The neighborhood is a mix of commercial and residential uses. |

What will the impact of this use be on existing traffic patterns and volumes for this zoning appeal? Also, please specify the amount of parking spaces and unloading areas as specified in the Upper Merion Township Zoning Ordinance.

| No adverse impact on traffic patterns and volumes; six on-site parking spaces provided. |

Will the zoning relief requested, if authorized, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of the development of adjacent property, or be detrimental to the public welfare? Please give reasons for your answers to the aforementioned questions by explaining below. Please reference to your attachment if additional space is needed.

| Relief, if authorized, will not alter the essential character of the neighborhood, impair the appropriate use of the development of adjacent property, or be detrimental to public welfare. |

Has any previous zoning appeal been filed in connection with this property? If yes, please list applicant's name, date and nature of appeal.

| No. |

I/we believe that the board should approve this request because: (include the grounds for the zoning appeal, or reasons, both with respect to case law and fact, for granting this use requested).

| Use of the property for three dwelling units will not have an adverse impact on the neighborhood and is consistent with the current use of the property which has not had any adverse impact or generated any complaints regarding the use. |
In accordance with the Municipalities Planning Code, Act 247, Section 908, it will be necessary for Upper Merion Township to post notice of this hearing. Such posting shall be conspicuously displayed on the affected tract of land or building. Section 908.1.2 requires a hearing within 60 days of this application; a subsequent hearing within 45 days of the prior hearing; the completion of the presentation within 100 days of the hearing and the requirement for at least seven (7) hours of hearings within 100 days, including the first hearing.

[ ] We hereby waive the provisions of section 908.1.2 of the Municipalities Planning Code

X  [ ]

yes  no

I hereby certify that all of the above statements contained in this zoning appeal application and any papers or plans submitted with this zoning appeal to the Upper Merion Township Hearing Board herewith are true and correct to the best of my knowledge and belief.

Samuel L. Doyal and Marykay Doyal

print name of owner

signature of owner

9/12/20

date

Samuel L. Doyal and Marykay Doyal

print name of applicant

signature of applicant

9/12/20

date
DEED BK 6002 PG 01282 to 01286
INSTRUMENT #: 2016041740
RECORDED DATE: 06/14/2016 08:42:48 AM

MONTGOMERY COUNTY Recorder of Deeds

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 5

Document Type: Deed
Document Date: 06/10/2016

Transaction #: 3393900 - 1 Dpc
(s)
Document Page Count: 4
Operator Id: hattanz
PAID BY:
MARK A GIAMPIETRO ESQ

* PROPERTY DATA:
Parcel ID #: 58-00-19492-00-7
Address: 1015 OLD VALLEY FORGE RD

KING OF PRUSSIA PA
19406
Municipality: Upper Merion Township (100%)
School District: Upper Merion Area

* ASSOCIATED DOCUMENT(S):

CONSIDERATION/SECURED ANT: $1.00

FEES / TAXES:
Recording Fee: Deed $95.00
Total: $95.00

DEED BK 6002 PG 01282 to 01286
Recorded Date: 06/14/2016 08:42:48 AM
I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.

Jeanne Sorg
Recorder of Deeds

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
This Indenture, made the 10th day of June, in the year of our Lord two thousand and sixteen (2016), BETWEEN

SAMUEL L. DOYAL (hereinafter called the Grantor), of the one part,

and

SAMUEL L. DOYAL and MARYKAY DOYAL, husband and wife, by the entireties, (hereinafter called the Grantee), of the other part.

(Wherever used herein the term “Grantor” and the term “Grantee” include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

This is a transfer from husband to husband and wife.

Witnesseth That the said Grantor for and in consideration of the sum of One ($1.00) Dollar lawful money of the United States of America, unto said Grantor, well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, his/her/their heirs and assigns, all that certain land SITUATE in Montgomery County, Pennsylvania, viz:

See Exhibit “A” for legal description:
Exhibit “A”

County Parcel No. 58-00-19492-00-7

ALL THAT CERTAIN lot, Situate in the Township of Upper Merion, County of Montgomery, State of Pa., being Lot No. 21 of Section E as laid out on the Montgomery Trust Company Plan of Lots for the East Valley Forge Civic Association, surveyed by Hiltner and Hitchcock Civil Engineers of Norristown, Pa., and recorded in the Office for the Recording of Deeds in and for the County of Montgomery at Norristown in Deed Book 744 page 600.

ALL THAT CERTAIN lot, Situate in the Township of Upper Merion, County of Montgomery, State of Pa., being Lot No. 20 of Section E as laid out on the Montgomery County Trust Company Plan of Lots for the Eastern Valley Forge Civic Association, surveyed by Hiltner and Hitchcock Civil Engineers of Norristown, Pa., and recorded in the Office for the Recording of Deeds in and for the County of Montgomery at Norristown in Deed Book 744 page 600.

BEING County Parcel No. 58-00-19492-00-7

BEING THE SAME PREMISES WHICH Elizabeth A. Doyal and Samuel L. Doyal by Indenture bearing date the 28th day of October, A.D. 2000, and recorded in the Office for the Recording of Deeds in and for the County of Montgomery at Norristown, PA, in Deed Book 5337, Page 01333, granted and conveyed unto Samuel L. Doyal, in fee.

BEING exempt from Pennsylvania Realty Transfer Tax as this is a transfer from husband to husband and wife.
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 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 said Grantor, in law, 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 with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, to and for the only proper use and behoof of the said Grantee in fee simple forever.

And, the said Grantor hereby covenants, promises and agrees, to and with the said Grantee, by these presents, that the said Grantor has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter, or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered, in title, charge, estate or otherwise howsoever.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered
in my presence:

[Signatures]

SAMUEL L. DOYAL (SEAL)
Commonwealth of Pennsylvania

County of Chester

{ss:

On this, the 10th day of June, 2016, before me, a Notary Public for the Commonwealth of Pennsylvania, the undersigned Officer, personally appeared

SAMUEL L. DOYAL

known to me (satisfactorily proven) to be the person whose name is (are) subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

I hereunto set my hand and official seal.

[Signature]

NOTARY PUBLIC

MAIL TAX BILL TO:

Samuel L. Doyal
1016 Old Valley Forge Road
King of Prussia, PA 19406

[Signature]

On behalf of Grantee

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
Joanne S. Giampietro, Notary Public
Phoenixville Boro, Chester County
My Commission Expires July 27, 2019

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES
Marc D. Jonas, Esquire  
Eastburn and Gray, P.C.  
470 Norristown Road  
Suite 302  
Blue Bell, PA 19422  

Re: Upper Merion Township Zoning Hearing Board - 1016 Old Valley Forge Road - Doyal

Dear Marc:

The original Boundary and Topographic Survey that we provided was sealed by the surveyor on August 2, 2001. The enclosed Boundary and Topographic Survey was sealed on September 10, 2001 and shows seven (7) parking spaces on the property. The physical improvements on the property are the same today as they were in 2001. There have been no recent exterior improvements made to the property since 2001 other than the change of use of the structures from office to residential use. The Survey shows seven (7) parking spaces, four (4) along the right side of the property, two (2) adjacent to the access aisle and one (1) unstriped parking space between the two (2) buildings. The Applicant has a Certificate of Occupancy for an office addition. The total floor area of the buildings on the property is 2,499 SF. Changing the use of the property from offices to residential reduces the required parking for the property and brings it into compliance with the Zoning Ordinance of either two (2) spaces per dwelling unit if units are considered single family dwellings or one (1) parking space for each bedroom unit if the units are considered multifamily dwellings, whereas offices require four (4) parking spaces per 1,000 SF.

With regard to our request for special exception, if the Zoning Board does not consider our use similar to multifamily residential because we lack the requirements for multifamily residential (for example, minimum lot size and street frontage) then we would not be entitled to the special exception. I do not
believe we need to have variances from those standards if, in fact, it is determined that our use is of the same general character as multifamily residential. If we fail on the special exception request, we still have the variance relief that has been requested.

My client did not receive permits for the conversion to apartments nor has he received any enforcement notice from the Township.

Very truly yours,

HUGHES, KALKBRENNER & OZOROWSKI, LLP

/s/ Edward J. Hughes

By: Edward J. Hughes, Esquire

EJH:drc
Enclosure
cc: Mr. Mark Zadroga
    Mr. Samuel Doyal
PETITION RE: 1016 OLD VALLEY FORGE ROAD

We, the undersigned residents of Upper Merion Township, have reviewed the project of Samuel L. Doyal and Marykay Doyal to use the existing two (2) unit building and carriage house for three (3) apartments. We have no objection to that use and urge the Zoning Hearing Board to grant the requested relief in order to permit the property to be used for three (3) apartments.

Name:  

James T. Brown  
Irene L. Sutton  
Jason Conrad  
Shereen Murphy  
Phillip Hayes  
Denise Brown  
Nandi Williams  
Frank Williams

Address:

1057 Old Valley Forge Rd  
1065 Old Valley Forge Rd  
1047 Old Valley Forge Rd  
1020 Old Valley Forge Rd  
1020 Old Valley Forge Rd  
1020 Old Valley Forge Rd  
1020 Old Valley Forge Rd  
1020 Old Valley Forge Rd
Second floor
Cottage