UPPER MERION TOWNSHIP ZONING HEARING BOARD APPEAL
RESIDENTIAL 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 # 20-20-18
APPLICATION FEE $ 250

DATE COMPLETED APPLICATION RECEIVED 9-28-20

ADVERTISED DATES

RECEIVED SEP 28 2020
### 1. Owner: Glenn & Marisa Smith

- 442 Regimental Rd, King of Prussia, PA 19406
- 978-877-0337
- smith.marisa.w@gmail.com

### Applicant: Glenn & Marisa Smith

- 442 Regimental Rd, King of Prussia, PA 19406
- 978-877-0337
- smith.marisa.w@gmail.com

If the applicant is not the property owner, the applicant must provide a signed and notarized letter from the property owner stating their 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: |  
| Address: |  
| Telephone: |  
| E-Mail: |  

### 3. Location of Real Estate: 442 Regimental Rd, King of Prussia, PA 19406

- Tax Parcel #: 560C15931004
- Zoning District: R-2A
- Lot Size: 1240
- Percent of Lot Area Occupied by Existing Buildings: 15.4%
- Percent of Lot Area to be Occupied by Proposed Buildings: 0.32%
- Present Use: Residential
- Date when present use began: 01-01-1964
- Date of acquisition by property owner: 06-05-2015

Please list each structure and its use currently located on this property.

**House - residence.**

**Shed - storage of garden implements.**
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?

Have you consulted with adjoining property owners? [ ] Yes [ ] No

If yes, indicate responses:

- 434 Regimental - written permission attached
- 450 Regimental - not consulted

Are there any outstanding state, federal, county or township violations cited on this property at the time of this application? [ ] No [ ] Yes, please explain:

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>Appeal Type</th>
<th>Applicable</th>
</tr>
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<tbody>
<tr>
<td>Special Exception</td>
<td>165</td>
</tr>
<tr>
<td>Variance</td>
<td>209</td>
</tr>
<tr>
<td>Appeal of Zoning Officer's Determination</td>
<td></td>
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<tr>
<td>Enforcement Notice Appeal</td>
<td></td>
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<tr>
<td>Other Appeal</td>
<td></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.

We would like to build structures no larger than 4x10 for the permanent housing of a flock of quail on our property, to house no more than 30 birds.

The coop would be in the back corner of the property behind a shed. As quail are flight-capable animals they would not be permitted to roam at large on the property. No toxic or explosive materials would be stored on the property. All waste would be either be composted on-site or taken to the composting facility. Please see figure A for a visualization of the proposed location. Please see figure B for additional details on the housing which would be added.
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.

The property would remain residential. The requested change is to allow us to supply our own eggs and meat on our property, for personal use. No employees, hours of operation, business equipment, or other changes to the current use and perception of the property would occur.

<table>
<thead>
<tr>
<th>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.</th>
</tr>
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<tbody>
<tr>
<td>The two properties to either side of the property are residential. The elementary school backs up to the property in question. The general character is suburban, with many families growing vegetable gardens or having extensive landscaping.</td>
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</table>

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<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>There will be no impact on existing traffic patterns or volumes. The parking and unloading spaces will remain the same, limited to our current 2-car driveway.</td>
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<tr>
<th>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.</th>
</tr>
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<tbody>
<tr>
<td>In our opinion, this will neither alter the character of the neighborhood/district, nor impair use or be detrimental. Quail are very quiet, and as they cannot be allowed to roam would be confined to their living space on our property. Their waste would be composted on site and so emit no odor, however if any complaints were to arise we would simply take the waste to the compost site for disposal into the compost waste stream. They would be inaccessible to anyone not on our property. Please see figure C for more details on quail.</td>
</tr>
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</table>
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.

I / We hereby waive the provisions of Section 908.1.2 of the Municipalities Planning Code

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<th>yes</th>
<th>no</th>
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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.

<table>
<thead>
<tr>
<th>Glenn &amp; Marisa Smith</th>
<th>Glenn &amp; Marisa Smith</th>
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<tbody>
<tr>
<td>print name of owner</td>
<td>print name of applicant</td>
</tr>
<tr>
<td>signature of owner</td>
<td>signature of applicant</td>
</tr>
<tr>
<td>09/11/2020</td>
<td>09/11/2020</td>
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Figure a. Location Visual

Above is the current distribution of buildings and major features on the property, including the proposed location of the quail hutch.

Please view this document directly at https://docs.google.com/document/d/14MZmhnM6HxTavrNCLqHRzR_ZcvtimmF5VYL94rEFdQs/edit?usp=sharing for reference.
Figure b. Housing Details and Quail Information

Above is a sketch of the proposed housing for the quail. Measurements are approximate, as the design is still a work in progress.

We are asking for permission to build slightly larger than our ideal size of 8x3 to allow for design changes on the fly. The quail would be permanently housed in this hutch and would not be allowed to roam. The space on the right side of the enclosure would be fully enclosed, while the left hand side would have screening placed over the open spaces for airflow and light.
Figure c. General Quail Information

Quail differ from chickens in several important ways which make them ideal as suburban animals:

- Produce more eggs earlier in life than chickens
- Hens make no noise, roosters crow occasionally and are not as loud as roosters
- Require much less space than chickens (general recommendation is 1 sq ft per quail vs 10 sq ft per chicken)
- Productive life cycle is much shorter (1.5 years vs 4-5 in chickens)
Due to their small size, a larger number of quail are required to approximate the egg and meat potential that chickens have. For our purposes, we wish to be able to maintain enough quail for eggs and meat for personal consumption. The cage design as it stands would allow for (under recommended husbandry guidelines) up to 50 birds, but we don’t intend to keep more than 30, with a running average of 12-15.

Our egg needs (were we to only hatch female quail) would be met by approximately 12 hens and 3 roosters, but as the genetics don’t always work out in such a fashion we would like to ask for enough leeway in the number of quail we are allowed to keep to allow us to grow out any male quail to size. This would also allow us to have some overlap between when we have older quail and younger quail being grown up to take their place.

For more information, please see the following YouTube videos.

- SlightlyRednecked
  - Are Coturnix Quail Loud - [https://www.youtube.com/watch?v=dep77bBmVnw](https://www.youtube.com/watch?v=dep77bBmVnw)
  - Keeping Quail in the City - [https://www.youtube.com/watch?v=2cXk9Ch1UEI](https://www.youtube.com/watch?v=2cXk9Ch1UEI)
  - How Big Should Your Quail Hutch Be - [https://www.youtube.com/watch?v=JSaBD5uO14E](https://www.youtube.com/watch?v=JSaBD5uO14E)

- CoturnixCorner
  - Getting Started With Coturnix Quail - [https://www.youtube.com/watch?v=T27xgj4fxLc](https://www.youtube.com/watch?v=T27xgj4fxLc)
To whom it may concern:

I, Geoffrey B. Grab, of 434 Regimental Rd hereby give my blessing to the Smith family of 442 Regimental Rd to have a Dave Hutch.

Geoffrey B. Grab
09/12/2020
**Reactor of Deeds**
**Montgomery County**

**Nancy J. Becker**

One Montgomery Plaza
Swede and Airy Streets ~ Suite 303
P.O. Box 311 ~ Norristown, PA 19404
Office: (610) 278-3289 ~ Fax: (610) 278-3869

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**Montgomery County ROD**

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**Official Recording Cover Page**

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<td>Document Date:</td>
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</tr>
<tr>
<td>Reference Info:</td>
<td>RETURN TO: (Simplifile) Sage Premier 1055 East Baltimore Pike Media, PA 19063 (215) 589-2948</td>
</tr>
<tr>
<td>Transaction #:</td>
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<td>Paid By:</td>
<td>SAGE PREMIER</td>
</tr>
</tbody>
</table>

**Property Data:**

| Parcel ID #: | 58-00-15931-00-4 |
| Address: | 442 REGIMENTAL RD |
| Municipality: | Upper Merion Township (100%) |
| School District: | Upper Merion Area |

**Associated Document(S):**

**CONSIDERATION/SECURED AMT:** $390,000.00

**TAXABLE AMOUNT:** $390,000.00

**Fees / Taxes:**

- Recording Fee:Deed: $95.00
- Additional Pages Fee: $2.00
- Affordable Housing Pages: $4.00
- State RTT: $3,900.00
- Upper Merion Township RTT: $1,950.00
- Upper Merion Area School District RTT: $1,950.00
- Total: $7,901.00

**DEED BK 5956 PG 02707 to 02712**

Recorded Date: 06/08/2015 11:16:52 AM

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

Nancy J. Becker
Recorder of Deeds

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**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.*

Digital signature by montgomery.cnty.rod@koffie.us

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**Certified and Digitally Signed**

Validation requires Adobe "Window Activation."
This Indenture, Made the
5th day of June, 2015

Between

The Siegel Living Trust dated 9/8/1994 (hereinafter called the Grantor)

AND

Glenn Smith and Marisa Smith, (hereinafter called the Grantees)

Witnesseth That the said Grantor for and in consideration of the sum of Three Hundred Ninety Thousand and 00/100 Dollars ($390,000.00) DOLLARS lawful money of the United States of America, unto Grantor well and truly paid by the said Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, Grantor has granted, bargained, sold, released and confirmed, and by these presents does grant, bargain, sell, release and confirm unto the said Grantees, their heirs and assigns,

Tax ID #: 58-00-15931-004

ALL THAT CERTAIN lot or piece of ground with the buildings an improvements thereon erected, situate in the Township of Upper Merion, County of Montgomery and Commonwealth of Pennsylvania, described in accordance with a Plan of Subdivision of "Lafayette Park - Section VII" made by A.W. Martin Associates, Inc., Consulting Engineers, King of Prussia, Pennsylvania, dated July 18, 1962 as follows, to wit:

BEGINNING at a point on the Northwest side of Regimental Road (50 feet wide), at the distance of 278.58 feet measured South 66 degrees 08 minutes 30 seconds West, along said side of Regimental Road from a point of tangent of the curve forming the radius round corner of Regimental Road and Caley Road (60 feet wide); thence along the Northwest side of Regimental Road, South 66 degrees 08 minutes 30 seconds West, 97.32 feet to a corner of Lot No.
18; thence along Lot No. 18, North 23 degrees 51 minutes 30 seconds West, 128.45 feet to a point; thence North 66 degrees 08 minutes 30 seconds East, 97.32 feet to a corner of Lot No. 20; thence along Lot No. 20, South 23 degrees 51 minutes 30 seconds East, 128.43 feet to the first mentioned point and place of beginning.

BEING Lot No. 19 on said plan.

Being the same premises which Sherman Siegel and Barbara Siegel husband and wife by Deed dated 9/8/1994 and recorded 9/15/1994 in Montgomery County in Deed Book 5091 Page 260 conveyed unto Sherman Siegel and Barbara Siegel Trustees under the Siegel Living Trust dated 9/8/1994, in fee.
Together with all and singular the vacant lands and if any improvements, ways, streets, alleys, driveways, passage, waters, water-courses, rights liberties, privileges, hereditaments and appurtenances, whatsoever therunto 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.

To Have And To Hold the said lot or piece of ground above-described, and its hereditaments: and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee as, 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, does by these presents, covenant, grant and agree, to and with the said Grantees, their heirs, and assigns, 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 party of the First Part, has caused these presents to be executed and set signatures dated the day and year first above written.

Sealed And Delivered
In The Presence of Us

The Siegel Living Trust dated 9/8/1994

By: Barbara Siegel
Barbara Siegel, Sole Trustee

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Montgomery BUCKS

ON this, the, 5th day of June, 2015, before me, a Notary Public, the undersigned Officer, personally appeared, Barbara Siegel, Sole Trustee of The Siegel Living Trust dated 9/8/1994
Known to me (satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that executed the same for the purposes therein contained.

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

Mandi Mather
Notary Public, Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Mandi Mather, Notary Public
Lower Makefield Twp, Bucks County
My commission expires December 09, 2018
DEED

The Siegel Living Trust dated 9/8/1994

TO

Glenn Smith and Marisa Smith,

PREMISES:

442 Regimental Road
King of Prussia, PA 19406

Parcel #: 58-00-15931-004

I certify the address of the above-named Grantee is as follows:

442 Regimental Road
King of Prussia, PA 19406

[Signature]

On behalf of the Grantee

©Certified copy of recorded # 2015040624 (page 6 of 6)
Montgomery County Recorder of Deeds