

Zoning Hearing Board
Upper Merion Township
 175 W. Valley Forge Road
 King of Prussia, PA 19406
 610-205-8511 fax 610-265-8467
www.umtownship.org



**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 # 2021-02

APPLICATION FEE \$ 1,500

DATE COMPLETED APPLICATION RECEIVED 1-20-21

ADVERTISED DATES _____

RECEIVED

JAN 20 2021

**Upper Merion Township
 Codes Enforcement**

1

Owner: BAIJIA, LLC
name
540 Shoemaker Road, King of Prussia, PA 19406
address/zip code

267-970-5375 484-334-2416 jjacques@roosterrealtygroup.com
phone fax e-mail

Applicant: BAIJIA, LLC
name
540 Shoemaker Road, King of Prussia, PA 19406
address/zip code

267-970-5375 484-334-2416 jjacques@roosterrealty.group
phone fax e-mail

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: Fred B. Fromhold (Fromhold Jaffe & Adams)
Address: 789 E Lancaster Avenue, Suite 220
Villanova, PA 19085
Telephone: 610-527-9100
E-Mail: fbf@fromholdjaffe.com

3

Location of Real Estate: 520-540 Shoemaker Road, King of Prussia, PA 19406

Tax Parcel #: 58-00-16777-20-2 Zoning District: LI

Lot Size: 1.17 acres (net) Percent of Lot Area Occupied by Existing Buildings: 18.2%
approx.

Percent of Lot Area to be Occupied by Proposed Buildings: 18.2%
approx.

Present Use: laundromat, Asian Bistro Restaurant, and vacant building last used as a restaurant and bar **TOTAL:** 18.2%
approx.

Date when present use began: 2014-2015 Date of acquisition by property owner: October 18, 2018

Please list each structure and it's use currently located on this property.

Building on the southwest side of the property is used for a laundromat and a restaurant (Asian Bistro); Vacant building on the northeast side of the lot was last used approximately 15 years ago for a restaurant/bar (Marrone's Restaurant)

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?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No

If yes, indicate responses:

Applicant intends to hold a Zoom meeting in early January 2021 to explain and discuss this application with interested neighboring owners.

Are there any outstanding state, federal, county or township violations cited on this property at the time of this application? No If 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)

<input type="checkbox"/>	Special Exception	Applicable:		
<input checked="" type="checkbox"/>	Variance	Applicable:	Section 165-144	Sub-Section
<input type="checkbox"/>	Appeal of Zoning Officer's Determination	Applicable:	Section	Sub-Section
<input type="checkbox"/>	Enforcement Notice Appeal	Applicable:	Section	Sub-Section
<input type="checkbox"/>	Other Appeal	Applicable:	Section	Sub-Section
			Section	Sub-Section

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.

Applicant seeks a variance to use the vacant building, last used approximately 15 years ago as a restaurant and bar, for residential purposes, namely a 5-unit apartment building. The existing building cannot reasonably be used for purposes permitted in the LI District, but can reasonably be converted and adaptively reused for residential apartments in a manner that will maintain its architectural integrity and significance.

6 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.

Conversion and adaptive reuse of the former restaurant building for five (5) apartment units and for laundromat and restaurant (both existing uses) in a separate building.

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.

As indicated in the attached Memorandum prepared by Lisa L. Thomas, RLA, AICP, LEED AP, the surrounding uses are a mix of residential and commercial 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.

There will be no impact on traffic patterns and volume. Traffic generated by five apartment units will be modest and less than what might be anticipated from Limited Industrial uses that could be accommodated by the existing parking on the property. The property has available to it a total of 70 parking spaces. Forty-eight (48) spaces are required for the Asian Bistro and laundromat, leaving 22 spaces available for other uses. The proposed 5-unit (10 bedroom) apartment building will require 10 of those remaining and available 22 parking spaces.

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.

The zoning relief will promote the mixed use character of the neighborhood and, importantly, preserve a building that contributes significantly to the preservation of the architectural character and uniqueness of Shoemaker Road.

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

None to applicant's knowledge.

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).

The existing building, formerly a restaurant, cannot reasonably be used for any of the purposes permitted in the LI District, but can be adaptively converted and reused for a 5-unit apartment building, all as explained in the attached Memorandum prepared by Lisa Thomas.

7 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

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.

BAIJA, LLC

print name of owner

[Signature]
signature of owner

12/27/2020
date

BAIJA, LLC

print name of applicant

[Signature]
signature of applicant

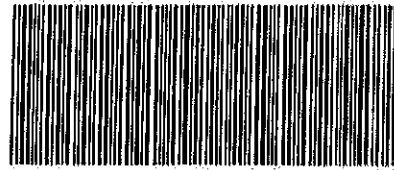
12/27/2020
date



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

DEED BK 6117 PG 01025 to 01028
INSTRUMENT # : 2018083311
RECORDED DATE: 12/05/2018 11:25:40 AM



4204698-0021 T

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 4

Document Type: Deed	Transaction #: 4388623 - 6 Doc(s)
Document Date: 10/18/2018	Document Page Count: 3
Reference Info:	Operator Id: sford

RETURN TO: (Simplifile) Executive Abstract 479 York Road Jenkintown, PA 19046 (215) 332-9090	PAID BY: EXECUTIVE ABSTRACT
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*** PROPERTY DATA:**


Parcel ID #:	58-00-16777-20-2
Address:	520 -540 SHOEMAKER RD
Municipality:	PA Upper Merion Township (100%)
School District:	Upper Merion Area

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:	\$2,100,000.00
TAXABLE AMOUNT:	\$2,100,000.00
FEES / TAXES:	
Recording Fee:Deed	\$86.75
State RTT	\$21,000.00
Upper Merion Township RTT	\$10,500.00
Upper Merion Area School District RTT	\$10,500.00
Total:	\$42,086.75

DEED BK 6117 PG 01025 to 01028
Recorded Date: 12/05/2018 11:25:40 AM

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: Northeast Executive Abstract Agency, Inc.
479 Old York Road
Jenkintown, PA 19046

Return to: Northeast Executive Abstract Agency, Inc.
479 Old York Road
Jenkintown, PA 19046

UPI No.: **58-00-16777-20-2**

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
58-00-16777-20-2 UPPER MERION TOWNSHIP
520 -540 SHOEMAKER RD
VILLAGE MART ASSOCIATES
B 041A L 2 U 025 4000 12/05/2018

\$15.00
JU

This Indenture made the 12th day of October in the year of our Lord, Two Thousand Eighteen (2018),

Between, **Village Mart Associates, a trust** (hereinafter called the Grantor) party of the one part, and,

AND

Baijia, LLC (hereinafter called the Grantee) party of the other part,

WITNESSETH that the said Grantor for and in consideration of the sum of Two Million One Hundred Thousand And No/100 Dollars (\$2,100,000.00), lawful money of the United States of America unto it will and truly paid by the said Grantee, at or before the sealing and delivery thereof, the receipt whereof is hereby acknowledged, has/have granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, their heirs and assigns, **Fee Simple**.

ALL THAT CERTAIN parcel of land, with the improvements thereon, situate in the Township of Upper Merion, County of Montgomery, Commonwealth of Pennsylvania, as shown on plan entitled "Subdivision Plan made for Village Mart Associates, a Trust" dated November 14, 1994, last revised September 11, 1995, prepared by Hopkins & Scott, Inc., Professional Land Surveyors, Kimberton, PA, and recorded in the Office of the Recorder of Deeds in and for the County of Montgomery in Plan Book #A-56 page 91, being more particularly described as follows:

BEGINNING at a point on the Title Line in the bed of Shoemaker Road, (50 feet wide) a corner of Parcel #1, as shown on said plan, said point being located North 50° 52' 00" East, 98.00 feet, along said Title Line from a corner of said Parcel #1 and other lands now or late of Village Mart Associates, thence from said point of beginning, along the said Title Line, North 50° 52' 00" East, crossing the southeasterly right-of-way line of Shoemaker Road, 354.40 feet to a point, thence; North 30° 19' 00" East, 36.30 feet to a point, a corner of lands formerly H.S. Frazer Company, now or late of Gohh, L.P., thence along said land, South 44° 18' 00" East, through the bed of a 25 feet wide access easement (as recorded in Deed Book 5016 page 1142) a distance of 126.54 feet to a spike, in line of lands formerly of Manufacturers Life Insurance Company, now or late of 555 Henderson, L.P., and on the northwesterly side of a 30 feet wide sanitary sewer easement (as recorded in Deed Book 3420 page 178); thence along the line of lands of said 555 Henderson, L.P., and along the northwesterly side of said sanitary sewer easement, South 51° 00' 00" West, 102.48 feet to a spike; thence, continuing along lands of 555 Henderson, L.P. and along Parcel #1 as shown on said plan, and along the said sanitary sewer easement, South 31° 49' 00" West, 296.70 feet, to a point, a corner of Parcel #1; thence along Parcel #1, North 43° 45' 00" West, re-crossing the southeasterly right-of-way line of Shoemaker road, 210.57 feet, to the point and place of beginning.



BEING Parcel #2, as shown on said plan.

Being Parcel ID 58-00-16777-20-2.

BEING Tax Map 58, book 41A, Unit 25.

UNDER AND SUBJECT to and reserving to grantor the perpetual and exclusive right of an easement from Shoemaker Road to the premises herein described as created by an Easement Agreement between the Manufacturers Life Insurance Company and Pasquale Partnership dated 4-13-1993 and recorded in Deed Book 5039 page 0078 and an Easement Agreement between IDS Life Insurance Company and Pasquale Partnership recorded in Deed Book 5016 page 1142.

58-00-16777-20-2

Being part of the same premises which Pasquale Partnership, a Pa. General Partnership by Deed dated 5-3-1993 and recorded 5-124-1993 in Montgomery County in Deed Book 5041 Page 823 conveyed unto Village Mart Associates, a trust, in fee.

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in any way 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 Grantor in law, as in 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 herein 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, their heirs and assigns, forever.

AND the said Grantor does covenant, grant and agree to and with the said Grantee, their heirs and assigns by these presents, that if 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 undersigned Grantor has/have executed this Deed the day and year first above written.

WITNESS:

Village Mart Associates, a trust
BY: [Signature]
Charles J. Pasquale, Jr., Trustee

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Delaware

On this the 18th day of October, 2018, before me, the undersigned officer, personally appeared Charles J. Pasquale, Jr., who acknowledged him/herself to be the trustee of the said Grantor Trust and that he/she as such trustee, being authorized to do so, executed the foregoing instrument, for the purpose therein contained, by signing the name of the Trust by him/herself as Trustee.

My commission expires: 3-27-19 [Signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
KRISTEN E. JORDAN, Notary Public
Lower Merion Township, Montgomery County
My Commission Expires March 27, 2019

Grantees Address:

540 Shoemaker Rd.
King of Prussia, PA 19406

[Signature]

