



# Eastburn and Gray, PC

Attorneys at Law

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**DATE OF MAILING: September 6, 2018  
SENT BY FIRST CLASS MAIL AND EMAIL**

**VIA EMAIL [scot@semischlaw.com](mailto:scot@semischlaw.com)**

Scot Semisch, Esquire  
Semisch Law  
408 North Easton Road  
Willow Grove, PA 19090

**Re: Upper Merion Township Zoning Hearing Board  
Application No. 2018-14  
Applicant: SR & ZR Estate, LLC (Zenith Vadodaria)  
Property: 455 W. Dekalb Pike**

Dear Scot:

This letter provides notice of the decision of the Upper Merion Township Zoning Hearing Board at the conclusion of the hearing on Wednesday, September 5, 2018.

The Zoning Hearing Board voted to grant variances, subject to conditions, from the following sections of the Upper Merion Township Zoning Ordinance of 1942, as amended, to permit the construction of a 1,514 square foot convenience store with 6 fuel pumps and a fuel canopy:

1. a variance from section 165-106.A Table CD.2, *Dimensional Requirements for Commercial Districts* to permit a 31 foot front yard setback from the curb where a maximum 25-foot setback is required;
2. a variance from section 165-106.A Table CD.2, *Dimensional Requirements for Commercial Districts* to permit a side yard setback of 5 feet where a minimum side yard setback of 15 feet is required;
3. a variance from section 165-106.A Table CD.2, *Dimensional Requirements for Commercial Districts*, Note 1, to permit no verge, sidewalk, or planting area along

- the DeKalb Pike street frontage where a 4-foot wide verge, 6-foot wide sidewalk, and 5-foot wide planting area are required;
4. a variance from section 165-108.B *Requirements for pedestrianways* to permit no verge or public, multipurpose path along the DeKalb Pike frontage where a 4-foot wide verge and a 6-foot wide public, multipurpose path are required;
  5. a variance from section 165-165.B(6) *Signs in rights-of-way* to permit a freestanding sign to abut a street right-of-way line where a 2-foot setback from the street right-of-way line is required;
  6. a variance from section 165-168.A(1) *Business signs* to permit a total sign area of 204.9 square feet where a maximum sign area of 200 square feet is permitted;
  7. a variance from section 165-168.A(2) *Business signs* to locate a 13.25 square foot "Food Mart" sign on a second building elevation facing DeKalb Pike;
  8. a variance from section 165-168.K(1) to permit a freestanding sign height of 28 feet where a maximum height of 15 feet is permitted;
  9. a variance from section 165-168.K(3)(a) to permit a freestanding sign area of 90.62 square feet on a site of less than 1 acre where the maximum sign area for a freestanding sign of 20 square feet is permitted; and
  10. a variance from section 165-191.B(1)(d) to permit 13 total parking spaces where 18 total parking spaces are required.

The grant of variances is conditioned as follows:

1. There shall be no seats or seating areas for patrons.
2. There shall be no cook-to-order food preparation done on the property.
3. The only digital signage permitted on the property shall be on the freestanding sign at the western corner of the property for the display of prices for 2 types of fuel.
4. There shall be no "Snap-frame" or other signs.

The improvements are shown on hearing exhibits A-20, A-22, and A-23, titled "Plot Plan, Zoning, Main Sign," "Plan, Finishes, and Equipment," and "Building Elevations" respectively (prepared by John Teets Architect, dated July 23, 2018), excluding the proposed "Snap-frame" signs. Copies of these plans accompany this letter.

Because this application was granted and there were no contesting parties, the Zoning Hearing Board will not issue an opinion with findings of fact, conclusions of law, and reasons.

September 6, 2018

This approval is subject to a 30-day appeal period beginning on the date of entry (mailing) of this notice of decision.

Very truly yours,

Marc D. Jonas

MDJ/mw

Enclosures: plan set consisting of 3 sheets prepared by John Teets, Architect, dated July 23, 2018

- "Plot Plan, Zoning, Main Sign"
- "Plan, Finishes, and Equipment"
- "Building Elevations."

cc: Mark Zadroga, Acting Director; Chief Building/Zoning Officer  
Carole Kenney, Supervisor

16. All recommended materials shall be in accordance with the following:

1. All materials shall be in accordance with the following:
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**TABLE 1.1 - General Comments**

1. All materials shall be in accordance with the following:

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**TABLE 1.2 - General Comments**

Item	Description	Quantity	Unit	Notes
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
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5	...	...	...	...
6	...	...	...	...
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**SCOPE OF WORK OUTLINE FOR BUDGETARY PRICING**

1. All materials shall be in accordance with the following:

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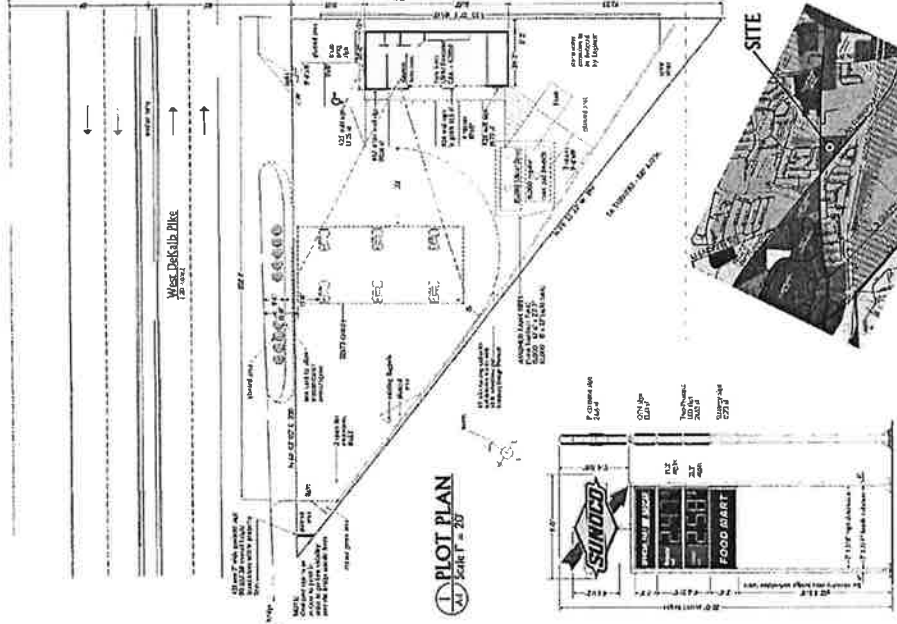


**ZONING CLASSIFICATION 'CC' General Commercial**

Item	Description	Quantity	Unit	Notes
1	...	...	...	...
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3	...	...	...	...
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**PROVIDED QUANTITIES**

Item	Description	Quantity	Unit	Notes
1	...	...	...	...
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7	...	...	...	...
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**5 ZONING CHART**

1. All materials shall be in accordance with the following:

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**6 FREESTANDING SIGN**

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**7 LOCATION PLAN**

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**8 PLOT PLAN, ZONING, MAIN SIGN**

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**NEW CONVENIENCE STORE**  
 Owner: SK & B ESTATE LLC  
 455 West DeKalb Pike  
 Upper Merion Township, King of Prussia, PA

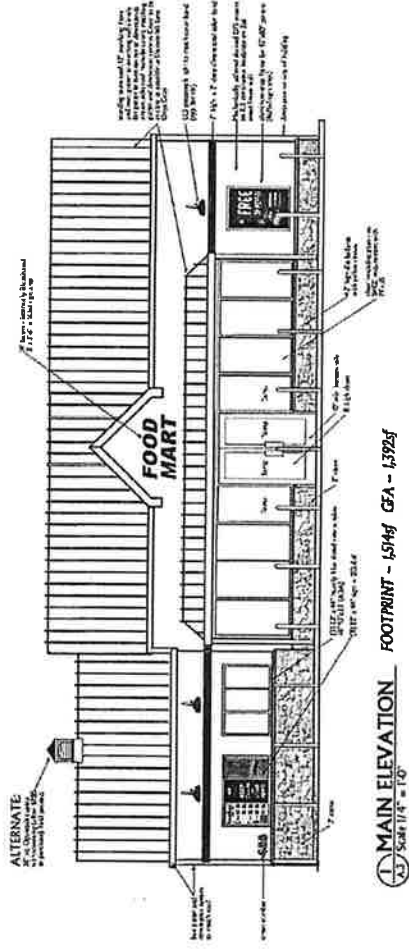
**SUNOCO**

**JOHN HESTER ARCHITECT**  
 410 Harrison Rd., Harrisburg, PA 17044-2068  
 Email: johnh@hestera.com  
 Website: www.johnh@hestera.com  
 Tel: (717) 659-5900 Fax: (717) 659-5372

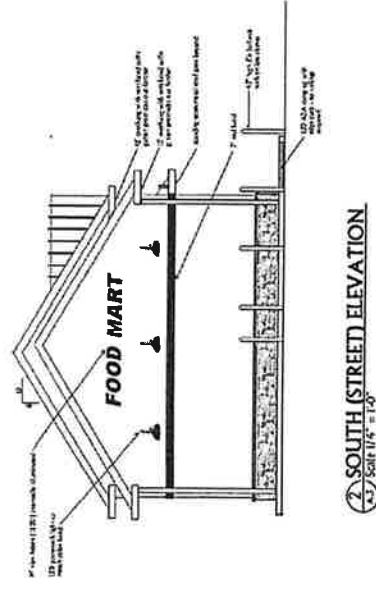
**AGI**

10827 15th Ave. Harrisburg, PA 17104  
 Tel: (717) 659-5900 Fax: (717) 659-5372

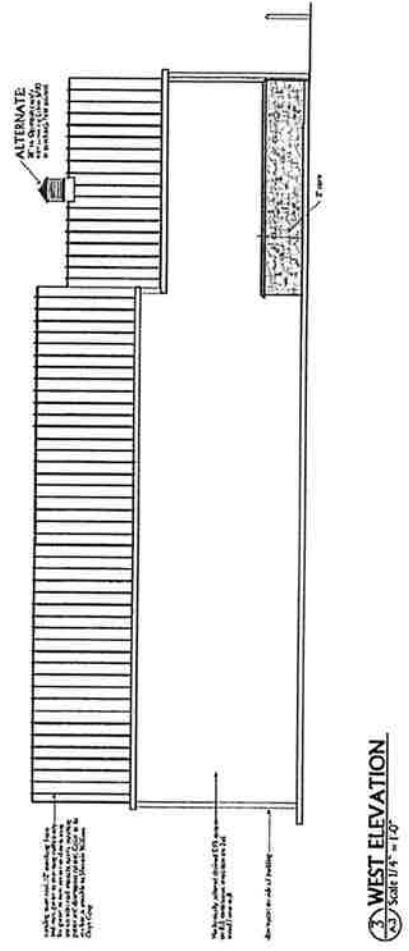




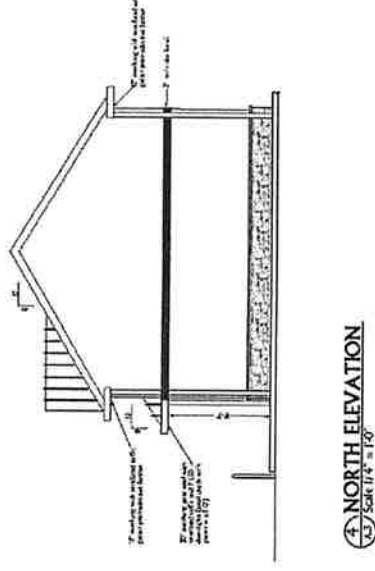
1 MAIN ELEVATION FOOTPRINT - 15746J CEA - 13925f  
Scale 1/4" = 1'-0"



2 SOUTH STREET ELEVATION  
Scale 1/4" = 1'-0"



3 WEST ELEVATION  
Scale 1/4" = 1'-0"



4 NORTH ELEVATION  
Scale 1/4" = 1'-0"



**NEW CONVENIENCE STORE**  
Owner: SF & ZK ESTATE LLC  
455 West DeKalb Pike  
Upper Merion Township, King of Prussia, PA



**JOHN TEETS ARCHITECT**  
415 Horseshoe Rd., Horshoek, PA 19044-2068  
Email: jteetsarchitect@comcast.net  
Website: www.jteetsarchitect.com  
Tel: (610) 669-2500 Fax: (610) 669-9372

**BUILDING ELEVATIONS**  
Date: 09/21/18  
Scale: 1/4" = 1'-0"  
Sheet: 01



8500 - 1/2" = 1'-0" (Notes: 4' high panels, 4' clear to grade, 2' max. air space above panels, 1/2" max. air space between panels, 1/2" max. air space between panels, 1/2" max. air space between panels)