

WHITEMARSH TOWNSHIP
ZONING HEARING BOARD AGENDA
April 8th, 2026
6:30 PM

___ Behr ___ Doran ___ Nester ___ Tone ___ Weinstein

1. CALL TO ORDER

2. ANNOUNCEMENTS & CORRESPONDENCE

- *Applicants are requested not to remove signs after the hearing at this time; Township staff will remove them once the hearing is completed.*

3. ZONING HEARING BOARD APPLICATIONS

- **ZHB #2026-05:** Daniel M. Clark, 316 Whitemarsh Valley Road, Ft. Washington, PA, has filed validity challenges (substantive and procedural) with respect to Ordinance No. 708 enacted May 14, 1998, amending **Sections 116-165 and 116-166** of the Whitemarsh Township Zoning Ordinance governing the Floodplain Conservation District, on the bases of alleged illegal contract zoning, and/or alleged special legislation. The property subject to the Challenge is 318 Whitemarsh Valley Road, Ft. Washington, Whitemarsh Township, PA (Parcel No. 65-00-12916-00-6, Block 049D, Unit 009) owned by Pat Sparango, Inc.
- **ZHB #2026-06:** Steven S. Sensenich; 4022 N Warner Road, Lafayette Hill, PA 19444; Parcel # 65-00-12430-00-6; Block 022B, Unit 050; B- Residential; The Applicant is proposing to add an accessory building to house his vehicle collection. The following relief is requested: **Variance from Section 116-57.H.** to allow 37.5% Impervious Coverage, whereas a maximum of 30% is allowed; **Variance from 116-194.A.** to allow an increase in nonconforming impervious coverage of 30.8%. (to the proposed 37.5%); **Variance from 116-202.B.** to allow Building Coverage of 21.9%, whereas a maximum of 20% is allowed. The dimensional requirements of this section may be used for this property since the house was built before June 23, 1966 (original construction date is 1950).
- **ZHB #2026-07:** Madras Investments 1, LLC c/o William H. Littleton, Jr.; 400 Stenton Ave, Plymouth Meeting, PA 19462; Parcel # 65-00-06370-50-4; Block 052, Unit 009; AA- Residential; The Applicant is proposing to maintain the recently updated business sign on Joshua Road. The following relief is requested: **Variance from Section 116-205.** to allow a 7.13 sq ft business sign in a residential district; this section provides for signs in a residential district and does not allow business signs; **Variance from Section 116-209.C.** to allow the sign setback from the street line of 4.9' whereas half the distance of the applicable front yard is the required setback (in this case, 25' or half of the 50' front yard setback of the AA – Residential District in which the property is located).
- **ZHB #2026-08:** Chad & Marci Carmeans; 317 Barren Hill Road, Conshohocken, PA 19428; Parcel #65-00-00464-00-2; Block 006, Unit 008; AAAA- Residential; The Applicants are proposing to build an addition. The following relief is requested: **Variance from Section 116-41. D.** to allow a side yard setback of 51.83 ft., whereas a minimum of 60 ft is required.

- The Ordinances, applications, plans, and any explanatory material are available for examination by the public at the Whitmarsh Township Municipal Building, 616 Germantown Pike, Lafayette Hill, PA 19444, Monday thru Friday between the hours of 8:30A.M. and 4:30P.M. The public is invited to attend and be heard. Persons with a disability who wish to attend the public hearing and require an auxiliary aid, service, or other accommodation to participate in the hearing should contact Whitmarsh Township at 610-825-3535.

4. ADJOURNMENT

PUBLIC PARTICIPATION

It is the practice of the Zoning Hearing Board to hear public comment and entertain questions on each application at the public meeting. However, any person or entity who wishes to obtain formal party status in any application before the Zoning Hearing Board shall fill out a 'Request for Entry of Appearance as a Party' form, available on the Township website or at the public meeting. The completed form should be presented to the Board when the application is called by the Chair for consideration at the public hearing. A determination will be made at the public hearing as to whether party status will be granted. Party status will be generally explained at the public meeting, but those who have more specific questions regarding party status should consult with an attorney.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD
ENTRY OF APPEARANCE AS A PARTY

I request to be granted party status in Application No. _____

Applicant: _____

Please print name, address, phone number and email address below:

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Please sign below:

ZHB APPEAL #2026-05
SUMMARY

APPLICANT: Daniel M. Clark
316 Whitemarsh Valley Road
Fort Washington, PA 19034

PROPERTY LOCATION: Parcel #65-00-12916-00-6
Block 049D, Unit 009
318 Whitemarsh Valley Road
Fort Washington, PA 19034

ZONING DISTRICT: AAA-Residential District
Floodplain Conservation Overlay District
Riparian Corridor Conservation Overlay District

SUMMARY OF RELIEF REQUEST:

Daniel M. Clark, 316 Whitemarsh Valley Road, Ft. Washington, PA, has filed validity challenges (substantive and procedural) with respect to Ordinance No. 708 enacted May 14, 1998, amending Sections 116-165 and 116-166 of the Whitemarsh Township Zoning Ordinance governing the Floodplain Conservation District, on the bases of alleged illegal contract zoning, and/or alleged special legislation. The property subject to the Challenge is 318 Whitemarsh Valley Road, Ft. Washington, Whitemarsh Township, PA (Parcel No. 65-00-12916-00-6, Block 049D, Unit 009) owned by Pat Sparango, Inc.

PRIOR DECISIONS PERTAINING TO PROPERTY LOCATION:

ZHB#2021-02: Variance to continue validity of zoning approvals granted in ZHB #2017-22.
ZHB#2017-22: Special exception & variances to allow single family dwelling.

Respectfully Submitted,



Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: _____

Applicant/Appellant: Daniel M. Clark

Address: 316 Whitemarsh Valley Ft. Washington PA

Phone #: _____ Cell Number: _____ E-Mail: maxfieldclark@gmail.co

Owner: Same

Address: Same

Phone #: _____ Cell Number: _____ E-Mail: Same

Location of the Property Involved: 318 Whitemarsh Road

Block #: 49D Unit #: 9 Parcel #: 65-00-12916-00 -6

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

See attached

GROUND(S) FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):

**Attach additional sheets if necessary

See attached

Legal Counsel (if represented): Joseph Bagley

Address: 890 Wooded Pond Road, Ambler PA 19002

Phone #: 610-715-655 3 E-Mail: joseph@ bagleylawllc.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:


I am (We are)

Owner(s) of Legal Title

Owner(s) of Equitable Title

Tenant(s) with permission of Owner(s) of Title
(Enclose letter attesting to same)

Date: Feb. 24, 2020

 for Daniel M. Clark

Signature of Applicant/Appellant:

Signature of Applicant/Appellant:

Addendum-Amended Substantive Validity Challenge

In coordination with his objections in Case No. 2025-38 (the Application of Cadence Development Partners, LLC), Daniel M. Clark, 316 Whitemarsh Valley Road, substantively and procedurally challenges Whitemarsh Township Ordinance No. 708 adopted May 14, 1998 (Sections 116-165 and 116-166 of the Township Zoning Code) as having been adopted as part of an illegal, contract zoning arrangement between Pat Sparango, Inc. and Whitemarsh Township.

Documents will be submitted in Case No. 2025-38 showing that Pat Sparango, Inc. and the Township entered into a written agreement by which Pat Sparango Inc. agreed to provide a sanitary sewer easement across 318 Whitemarsh Valley Road, an unimproved lot, in exchange for the Board of Supervisors' agreement to "consider" adopting what became Ordinance No. 708 which, for the first time, allowed the Developer Pat Sparango, Inc. to construct a dwelling within the floodplain located on the subject property at 318 Whitemarsh Valley Road. The May 14, 1998 Ordinance for the first time permitted dwellings within the floodway fringe¹ and "front, side or rear yards and required lot area" to be located within the Floodplain Conservation District. The proposed plan by Cadence Development in Case No. 2025-38 proposes the dwelling adjoining the floodway, i.e., within the Floodway Fringe and the front, side and rear yards within the Floodplain Conservation District. The lot area contains less than one (1) full acre outside of the Floodplain Conservation District.

As demonstrated by the Exhibits submitted to the Zoning Hearing Board in Case No. 2025-38, which are incorporated by reference herein, Pat Sparango, Inc. entered into an agreement dated October 23, 1997 by which Pat Sparango agreed to execute and allow to be recorded a sanitary sewer easement sought by the Township in order to construct a sewer line across the subject property, in exchange for the Township Board to "consider" the Ordinance which became Section 116-65 of the Code. ("Floodplain Conservation Overlay District-Permitted Uses"). The October 1997 Agreement provided the Township with 60 days to "consider" the Ordinance and provided for the payment of damages to Pat Sparango, Inc. (by the Township) if the Township did not adopt the Ordinance. Notwithstanding the 60 day limitation, the Township adopted the Ordinance on May 14, 1998, and the Township officials, who presumably held the signed Sanitary Sewer Easement similarly dated October 23, 1997, waited until the Ordinance was adopted and proceeded to record the Easement on July 7, 1998. The sanitary sewer line was thereafter constructed across the property as depicted on the submitted Cadence Development site plan.

"Contract zoning" was declared illegal by the Pennsylvania Supreme Court in the decision Carlino v. Whitpain Investors, 499 Pa. 498, 453 A.2d 1385 (1982). To quote the Court from that case:

Individuals cannot, by contract, abridge police powers which protect the general welfare and public interest. Where the rights of individuals under a contract which would otherwise be perfectly valid are in conflict with the general well-being of the state, the rights of the individuals must give way to the general welfare. The police power of municipalities cannot be subjected to agreements which restrict or condition zoning district classifications as to particular properties. Contracts thus have no place in a zoning plan, and a contract between a municipality and a property owner should not enter into the enactment or enforcement of zoning regulations. Zoning is an exercise of the police power to serve the common good and general welfare. It is elementary that the legislative function may not be surrendered or curtailed by bargain or its exercise controlled by the considerations which enter into the law of contracts.

¹ The "Floodway Fringe" is defined as the Floodplain Conservation District, exclusive of the floodway. Code, §116-11.

Carlino, id., at 504

The health and safety of the general public was hazarded by permitting the construction of dwellings within the floodway fringe and by allowing use of the floodplain for side yards, rear yards, front yards and lot area. It is too clear for serious argument to the contrary that no residence could legally be built on the subject property before the 1997 Agreement and 1998 Ordinance (but one could arguably be developed afterwards). It was only the subsequent adoption of the Riparian Corridor District (2003) which curtailed development until the present, from which Corridor District the Applicant now seeks variances.

Sections 116-165 and 116-166 of the Zoning Ordinance are also challenged as invalid as special legislation

The Challenger requests a hearing on the Challenge. The Challenger shall move to consolidate the Challenge with Case No. 2025-38.

Subject Property: 318 Whitemarsh Valley Road, Block 49D, Unit 9.

Challenger: Daniel M. Clark, 316 Whitemarsh Valley Road, Fort Washington, PA

Legal Counsel: Joseph M. Bagley, Esquire, 890 Wooded Pond Road, Ambler, PA 19002

joseph@bagleylawllc.com

ORDINANCE NO. 708

AN ORDINANCE TO AMEND THE CODE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, BY AMENDING CHAPTER 116 THEREOF, "ZONING", ARTICLE XXII, ENTITLED "FLOODPLAIN CONSERVATION DISTRICT" TO AMEND REGULATIONS GOVERNING USES AND ACTIVITIES PERMITTED WITHIN THE FLOODPLAIN CONSERVATION DISTRICT;

BE IT ORDAINED and it is hereby ordained by the Board of Supervisors of Whitemarsh Township, Montgomery County, Pennsylvania as follows:

SECTION 1. - Section 116-165 "Permitted Uses" of Article XXII of Chapter 116 "ZONING" of the Whitemarsh Township Code is hereby amended to read as follows:

Section 116-165 Permitted Uses

- A. In the Floodplain Conservation District, dwellings, except for mobile or manufactured homes, are permitted within the Floodway fringe, provided that they are in compliance with the provisions of the underlying district, they cause no increase in the elevation of the one-hundred-year-frequency recurrent interval flood by more than one (1) foot at any point, are not prohibited by any other ordinances or regulations.
- B. In the Floodplain Conservation District, the following additional uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance and provided they do not require structures, fill or storage of materials or equipment;
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild-crop harvesting, operating pursuant to recognized soil conservation practices.
 - (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries and fishing areas.

- (3) Front, side or rear yards, and required lot area.
- (4) Pervious parking and loading areas.

SECTION 2. - Section 116-166 entitled "Special Exception Uses" of Article XXII of Chapter 116 "ZONING" of the Whitemarsh Township Code is hereby amended by revising Paragraph B to read as follows with no revision to Subparagraphs (1) through (6):

- B. The following uses and activities may be permitted in the floodway fringe by special exception, provided that they are in compliance with the provisions of the underlying district, they cause no increase in the elevation of the one hundred year frequency recurrent interval flood by more than one (1) foot at any point, and are not prohibited by any other ordinance:

SECTION 3. - Section 116-166 entitled "Special Exception Uses" of Article XXII of Chapter 116 "ZONING" of the Whitemarsh Township Code is hereby amended by amending Subparagraph (2) of Paragraph B, to read as follows:

- (2) Structures accessory to the uses and activities described in Section 116-165.

SECTION 4. - Section 116-227 entitled "Variances and Special Exceptions" of Article XXIX of Chapter 116 "ZONING" of the Whitemarsh Township Code is hereby amended by amending Subparagraph (1) of paragraph A to read as follows:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments subject to the following:
 - (a) In the Floodplain Fringe, no special exception or variance shall be granted for any proposed use, development or activity that will cause any increase in the flood elevation of the one-hundred-year frequency recurrent interval flood by more than one foot at any point.
 - (b) In the Floodway, no special exception or variance shall be granted for any proposed use, development or activity that will cause any increase in flood levels during the one-hundred-year flood.

SECTION 5. - SEVERABILITY

The provisions of this Ordinance are severable, and if any portion thereof is held to be invalid, the decision of the Court shall not effect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intent of the Supervisors of the Township of Whitmarsh that this Ordinance would have been adopted if the invalid portion had not been included herein.


SECTION 6. - EFFECTIVE DATE

The provisions of this Ordinance shall become effective as of the date of adoption.


ORDAINED and ENACTED this *14TH* day of *MAY* 1998.

ATTEST:

WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS



LAWRENCE J. GREGAN, Secretary



WILLIAM P. RIMEL, III, Chairman

ORDFLPLR

AGREEMENT

THIS AGREEMENT ("AGREEMENT") MADE THIS 20th DAY OF OCTOBER 1997, BY AND BETWEEN WHITEMARSH TOWNSHIP ("TOWNSHIP") A HOME RULE MUNICIPALITY WITH AN OFFICE LOCATED AT 4021 JOSHUA ROAD, LAFAYETTE HILL, PENNSYLVANIA 19444-1498 AND PAT SPARANGO INC. ("SPARANGO") A PENNSYLVANIA CORPORATION LOCATED AT 508 BETHLEHEM PIKE, FORT WASHINGTON, PENNSYLVANIA 19034.

BACKGROUND

- A. Sparango owns a 163,758 square foot vacant parcel of ground located between Lafayette Avenue and Whitemarsh Valley Road being parcel number 65-00-12916-00-6 ("Sparango Property").
- B. In Ordinance Number 677, Township authorized the installation of a Sanitary Sewer System to serve the Fort Washington area in accordance with Plans and Specifications prepared by CKS Engineers dated August 1, 1988, as last revised September 15, 1994.
- C. With the installation of the Sanitary Sewer System, the Sparango Property will be accessible to public sewer service.
- D. In order to install the Sanitary Sewer System, Township requires an Easement from Sparango across the Sparango Property.
- E. Sparango is willing to grant the Easement to the Township subject to satisfaction of certain conditions.

Now, therefore, with the foregoing background deemed incorporated herein by this reference, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. Sparango will execute and permit the Recording of the Easement Agreement attached hereto as Exhibit "A" contemporaneously with the execution of the Agreement for a sum of ten dollars (\$10) subject to the following conditions:

(A) The Township considers within 60 days of the date of this Agreement the Proposed Ordinance attached hereto as Exhibit "B"; and

(B) The Township will, in determining the amount of the Sewer Assessment for the Sparango Property, in accordance with Section 95-11.B. of the Township Code, utilize the frontage of 50 feet on Whitmarsh Valley Road for the purposes of calculating the Assessment.

2. In the event the Township does not adopt the Proposed Ordinance referenced in Section 1.(A), above:

(A) Damages, Sparango would have been entitled to had the Township condemned the Easement, will be determined by a qualified Real Estate Appraiser agreed upon by the parties; and,

(B) The Township will not appear in opposition before the Whitmarsh Township Zoning Hearing Board on an application for a Variance from the provisions of Section 116-165 of the Whitmarsh Township Zoning Code.

3. The substantive laws of the Commonwealth of Pennsylvania shall govern the construction of this Agreement and the rights and remedies of the parties hereto.


4. This Agreement shall inure to the benefit of, and shall be binding upon, the respective heirs, personal representatives, successors and assigns to the parties hereto.

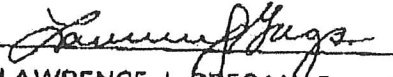
5. This Agreement and the documents executed and delivered pursuant hereto constitute the entire Agreement between the two parties.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed and delivered as of the day of the year first above written.

WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS

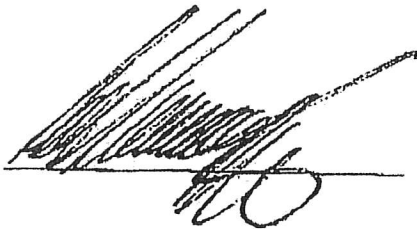
ATTEST:

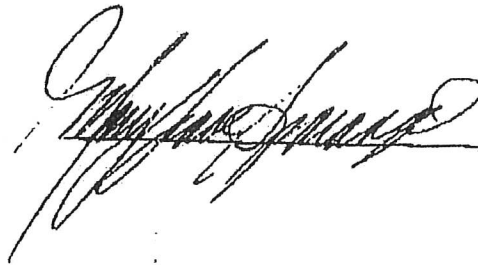
BY: 
MARY-ELLEN ANTAL, CHAIRMAN


LAWRENCE J. GREGAN, Secretary

PAT SPARANGO INC.

ATTEST:

BY: 



spgoagr.doc

COMMONWEALTH OF PENNSYLVANIA ;
; SS
COUNTY OF MONTGOMERY ;

On this, the *23rd* of *October, 1997*, before me the undersigned Officer, personally appeared Mary-Ellen Antal, who acknowledged herself to be the Chairman of the Board of Supervisors of Whitemarsh Township and that she executed the foregoing instrument of the purposes contained therein.

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

Elaine R. Richardson
NOTARY PUBLIC

Notarial Seal
Elaine R. Richardson, Notary Public
Whitemarsh Twp., Montgomery County
My Commission Expires Aug. 14, 2000
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA :
 : SS.
COUNTY OF MONTGOMERY :

On this, the 8th day of October, 1997, before me the undersigned Officer, personally appeared Pat Sparango, who acknowledged himself to be the President of Pat Sparango, Inc., a Pennsylvania corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes contained therein.

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

Kathleen M. Eobacilla
NOTARIAL SEAL
KATHLEEN M. EOBACILLA, Notary Public
Whitpain Twp. Montgomery County
My Commission Expires March 8, 1999

SANITARY SEWER EASEMENT(S) AGREEMENT

1. **PARTIES.** This Agreement is made this 25th day of OCTOBER, 1997, between the Board of Supervisors of Whitmarsh Township, Montgomery County, Pennsylvania ("Township") and Pat Sparango, Inc. ("Grantor").

2. **BACKGROUND.** Grantor is the owner of certain lands as situate in Whitmarsh Township, Montgomery County, Pennsylvania, more particularly described in a deed from William C. Guent, Jr. and Marion S. Guent to Pat Sparango, Inc. dated January 20, 1965, and recorded in the Office of the Recorder of Deeds of Montgomery County in Deed Book #3367, Page(s) #952 ("Grantor's Property").

3. **EASEMENT(S).** Grantor hereby irrevocably grants and conveys unto Township, its successors and assigns, a perpetual easement(s) to install, operate, renew, alter, inspect, maintain, repair, and to change the size of, and/or replace, sanitary sewer mains, together with such structures, control devises, accessories and appurtenances pertaining thereto, as Township may from time to time require, in connection therewith, in, upon, under, across and through the portion of the Grantor's Property which is depicted on Exhibit "A" and which is described on Exhibit "B" ("Easement Area").

This easement(s) is granted together with the free and uninterrupted rights of ingress, egress and regress, over and across the remainder of the Grantor's Property for the purpose of obtaining access to the Easement Area to install, construct, repair and maintain the sanitary sewer lines and appurtenance constructed or to be constructed therein. The Grantor covenants that the Easement Area shall remain unencumbered by the Grantor of all buildings and structures of any kind. Provided, however, that in the event of any disturbance of any driveway improvement, trees, shrubbery, sod, landscaping or natural surface by Township, or any of its agents or contractors, the same shall be restored to the extent reasonably possible in exercise of its rights hereunder by Township at its expense to the condition as it existed prior to such disturbance.

Reserved unto Grantor is the right to use and enjoy the surface of the Easement Area.

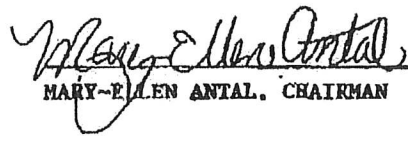
Township, its successors and assigns, are hereby given the right to have and to hold said easements and appurtenances, forever and under warrant.

4. **RECORDING.** This Agreement shall be entered of public record in the Montgomery County Office of the Recorder of Deeds.

5. **SUCCESSORS.** This Agreement shall bind and inure to the benefit of the heirs, administrators, and assigns of the parties hereto.


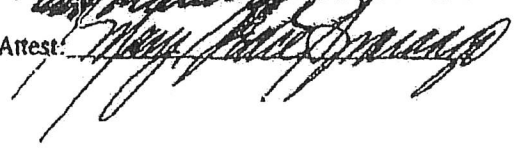
IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties have executed this Agreement.

**WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS**



MARY-ELEN ANTAL, CHAIRMAN

PAT SPARANCO, INC.

By: 
Attest: 

[SEAL]



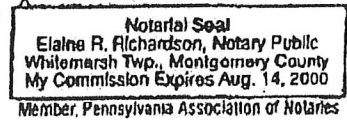
ACKNOWLEDGMENTS

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF MONTGOMERY :

On this, the 23rd day of October, 1997, before me, a notary public residing in Montgomery County, Pennsylvania personally appeared Mary-ellen Antal, who acknowledged himself to be the Chaitman of the Whitemarsh Township Board of Supervisors, and that he, as such Chairman, being authorized to do so, executed the foregoing Agreement for the purpose therein contained by signing the name of the Whitemarsh Township Board of Supervisors by himself as Chairman.

In witness whereof, I hereunto set my hand and official seal.

Elaine R. Richardson
Notary Public

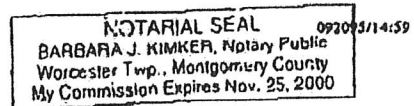


COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF MONTGOMERY :

On this, the 23 day of Oct., 1997, before me, the undersigned, personally appeared Pat Sparano, who acknowledged himself to be the President of Pat Sparano, Inc., a PA Corp., and that he as such President being authorized to do so; executed the foregoing instrument for the purpose therein contained by signing the name of the Corporation by himself as President.

In witness whereof, I hereunto set my hand and official seal.

Barbara J. Kimker
Notary Public



AMBK/2050-43/132003_1

CKS E. gineers, Inc.

Ref: #5433

May 11, 1993

Revised: October 19, 1994

L E G A L D E S C R I P T I O N

SANITARY SEWER EASEMENT

PAT SPARANGO, INC.

TAX MAP BLOCK NO. 49D, UNIT 9

DESCRIPTION OF ALL THAT CERTAIN 20 foot wide strip of land situate in the Township of Whitemarsh, County of Montgomery, Commonwealth of Pennsylvania, for a sanitary sewer easement being bounded and described in accordance with a Plan of Easement on lands of Pat Sparango, Inc., as prepared by CKS Engineers, Inc., Doylestown, Pennsylvania, dated May 11, 1993, last revised October 19, 1994.

BEGINNING at a point on the southeasterly legal right-of-way line of Whitemarsh Valley Road (50 feet wide), said BEGINNING point being located N 39° 40' E, 25.00 feet, measured along said southeasterly legal right-of-way line, from the northeasterly corner of lands of now or late Anthony J. and Alda C. Girardi (Block No. 49D, Unit 8); thence, from said point of BEGINNING along said southeasterly legal right-of-way line of Whitemarsh Valley Road N 39° 40' E, 20.00 feet to a point, a corner; thence, through lands of Tax Map Block No. 49D, Unit 9, of which this is a part, the following two (2) courses and distances, to wit: (1) S 50° 20' E, 416.91 feet to an angle point; thence (2) S 28° 44' 16" E, 254.65 feet to a point, a corner of this and in the northeasterly line of lands of now or late James E. and Martha Jean Hill (Block No. 49, Unit 47), said point being also located N 75° 53' 30" W, 37.11 feet, measured along said northeasterly line of lands from the northwesterly legal right-of-way line of Lafayette Avenue (S.R. 3014) (being 30 feet from the centerline thereof); thence, along said northeasterly line of lands of Tax Map Block No. 49, Unit 47, N 75° 53' 30" W, 27.28 feet to a point, a corner; thence, again through the aforesaid lands of Tax Map Block No. 49D, Unit 9, of which this is a part, the following two (2) courses and distances, to wit: (1) N 28° 44' 16" W, 232.28 feet to an angle point, thence (2) N 50° 20' W, 413.09 feet to the first mentioned point and place of BEGINNING.

CONTAINING 13,169 sq. ft. (0.3023 acres) more or less.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, BY AMENDING CHAPTER 116 THEREOF, "ZONING", ARTICLE XXII, ENTITLED "FLOOD PLAIN CONSERVATION DISTRICT" TO AMEND REGULATIONS GOVERNING USES AND ACTIVITIES PERMITTED WITHIN THE FLOOD PLAIN CONSERVATION DISTRICT;

BE IT ORDAINED and it is hereby ordained by the Board of Supervisors of Whitemarsh Township, Montgomery County, Pennsylvania as follows:

SECTION 1.- Section 116-165 "Permitted Uses" of Article XXII of Chapter 116 "ZONING" of the Whitemarsh Township Code is hereby amended by adding Subsection E to read as follows:

- E. Dwellings, except for mobile homes, within the Floodway fringe, provided that they are in compliance with the provisions of the underlying district, they cause no increase in the elevation of the one-hundred-year-frequency recurrent interval flood by more than one (1) foot at any point, are not prohibited by any other ordinances or regulations.

SECTION 2.- Section 116-165 entitled "Special Exception Uses" of Article XXII of Chapter 116 "ZONING" of the Whitemarsh Township Code is hereby amended by deleting Subsection B in its entirety and replacing it to read as follows:

- B. The following uses and activities may be permitted in the floodway fringe by special exception, provided that they are in compliance with the provisions of the underlying district, they cause no increase in the elevation of the one hundred year frequency recurrent interval flood by more than one (1) foot at any point, and are not prohibited by any other ordinance:
 - (1) Any use permitted in Subsection A above.
 - (2) Utilities and public facilities and improvements, such as railroads, streets, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.
 - (3) Extraction of sand, gravel and other materials.
 - (4) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding.
 - (5) Other similar uses and activities.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are severable, and if any portion thereof is held to be invalid, the decision of the Court shall not effect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intent of the Supervisors of the Township of Whitmarsh that this Ordinance would have been adopted if the invalid portion had not been included herein.

SECTION 4. EFFECTIVE DATE

The provisions of this Ordinance shall become effective as of the date of adoption.

ORDAINED AND ENACTED this ____ day of _____, 1995.

**WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

LAWRENCE J. GREGAN
Secretary

P. BRUCE FERGUSON, Chairman

ZHB APPEAL #2026-06
SUMMARY

APPLICANT: Steven S. Sensenich

PROPERTY LOCATION: Parcel # 65-00-12430-00-6
Block 022B, Unit 050
4022 N Warner Road
Lafayette Hill, PA 19444

ZONING DISTRICT: B-Residential

SUMMARY OF RELIEF REQUEST:

The Applicant is proposing to add an accessory building to house his vehicle collection.. The following relief is requested:

1. **Variance from Section 116-57.H.** to allow 37.5% Impervious Coverage, whereas a maximum of 30% is allowed.
2. **Variance from 116-194.A.** to allow an increase in nonconforming impervious coverage of 30.8%. (to the proposed 37.5%).
3. **Variance from 116-202.B.** to allow Building Coverage of 21.9%, whereas a maximum of 20% is allowed. The dimensional requirements of this section may be used for this property since the house was built before June 23, 1966 (original construction date is 1950).

PRIOR DECISIONS:

None

Respectfully Submitted,



Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: _____

Applicant/Appellant: Steven S Sensesich

Address: 4022 N Warner Rd Lafayette Hill PA 19444

Phone #: 610-828-3191 Cell Number: NA E-Mail: SSENSENIC@BELLATLANTIC.NET

Owner: Steven S. Sensesich

Address: Same

Phone #: _____ Cell Number: _____ E-Mail: _____

Location of the Property Involved: 4022 N. Warner Rd Lafayette Hill PA 19444

Block #: 022B Unit #: 050 Parcel #: 65-00-12430-006

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

See attached Ordinance Document

GROUND(S) FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):

**Attach additional sheets if necessary

Hardship: undersized lot "B" lot said to be 10,000 sq feet actual is 8400 sq feet

Legal Counsel (if represented): _____

Address: _____

Phone #: _____ E-Mail: _____

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

I am (We are)

Owner(s) of Legal Title

Owner(s) of Equitable Title

Tenant(s) with permission of Owner(s) of Title
(Enclose letter attesting to same)

Date: 2/25/26

[Signature]
Signature of Applicant/Appellant:

Signature of Applicant/Appellant:

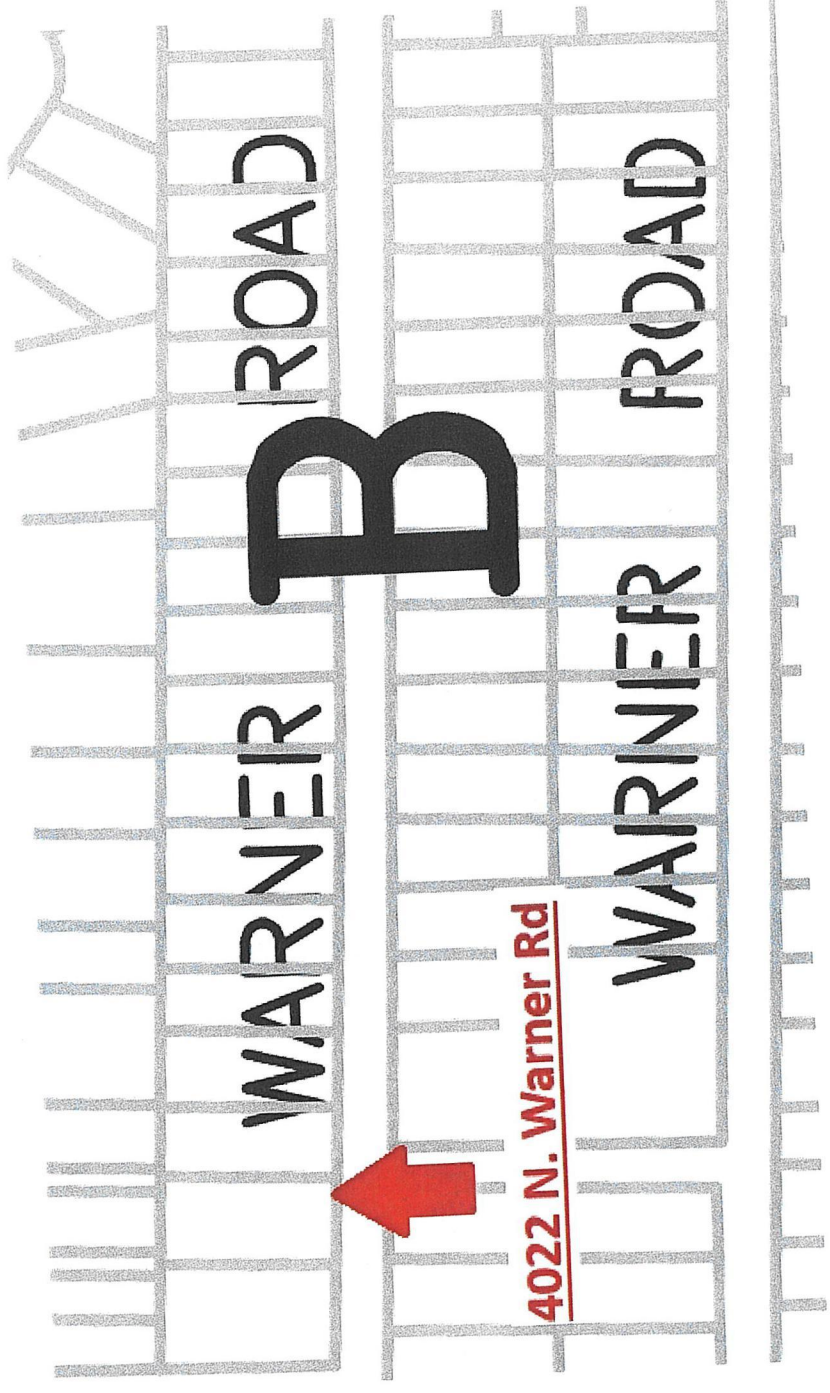
Guidance Document: (4022 N. Warner Rd)

Proposing to add a vehicle storage building. The following relief is required:

Variance from Section 116-57.H. for 37.5% Impervious Coverage (30% allowed).

Variance from 116-194.A. to allow an increase in nonconforming impervious coverage of 30.8%. (to proposed 37.5%).

Variance from 116-202.B. to allow Building Coverage of 21.9% (20% allowed) .



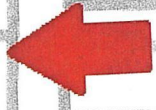
ROAD

WARNER

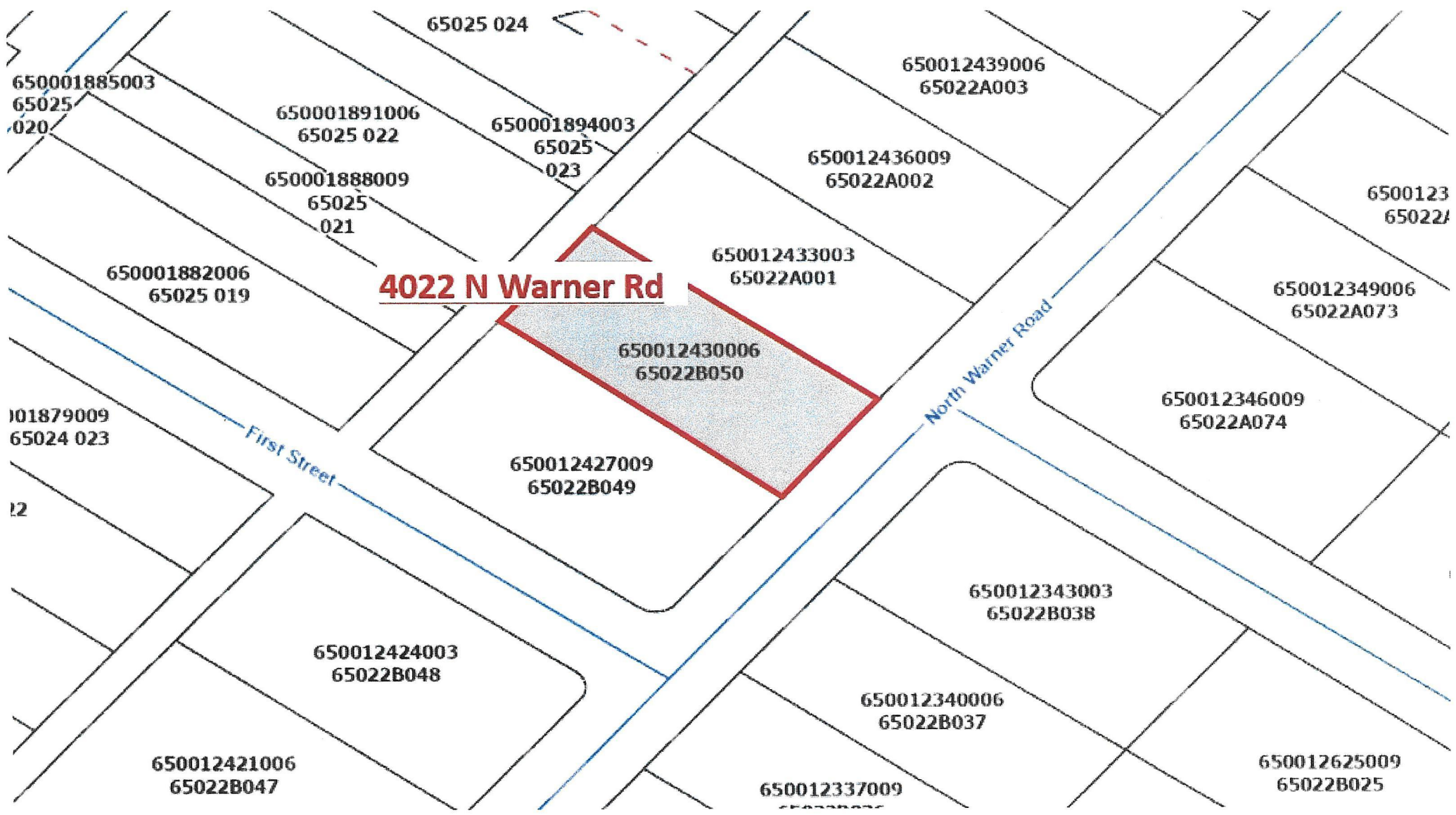
B

ROAD

WARINIER



4022 N. Warner Rd



4022 N Warner Rd

65001243006
65022B050

650012427009
65022B049

650012424003
65022B048

650012421006
65022B047

650012433003
65022A001

650012436009
65022A002

650012439006
65022A003

650012349006
65022A073

650012346009
65022A074

650012343003
65022B038

650012340006
65022B037

650012337009

650012625009
65022B025

6500123
65022A

6501879009
65024 023

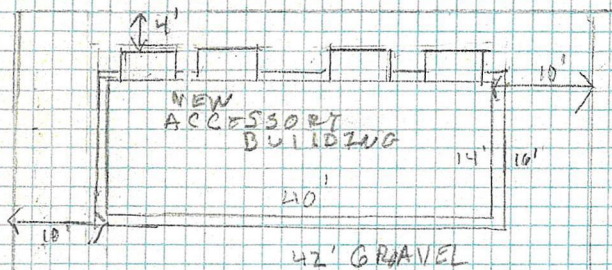
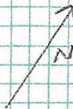
12

CURRENT

BUILDING 15.2%
IMPERVIOUS 30.8%

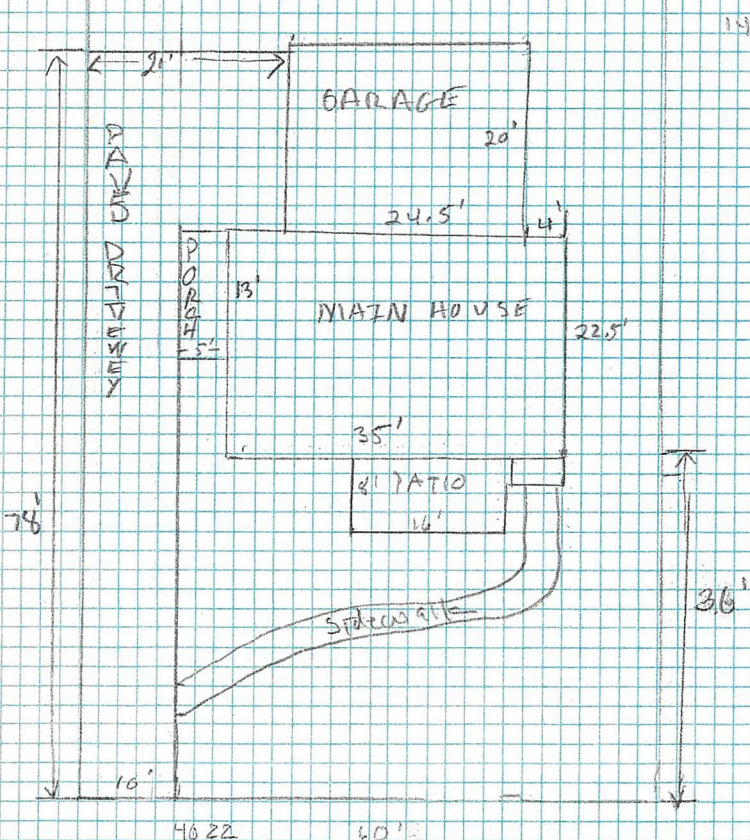
PROPOSED

BUILDING 21.9%
IMPERVIOUS 37.5%



BACKYARD = 3720
20% 1116

ACCESSORY 560
HOUSE & GARAGE 1278
PATIO 128
PORCH 165
DRIVEWAY 950
SIDEWALK 152



TOTAL AREA 8400
20% 1680
30% 2520

TOTAL BUILDING 1838
COVER AREA 3133

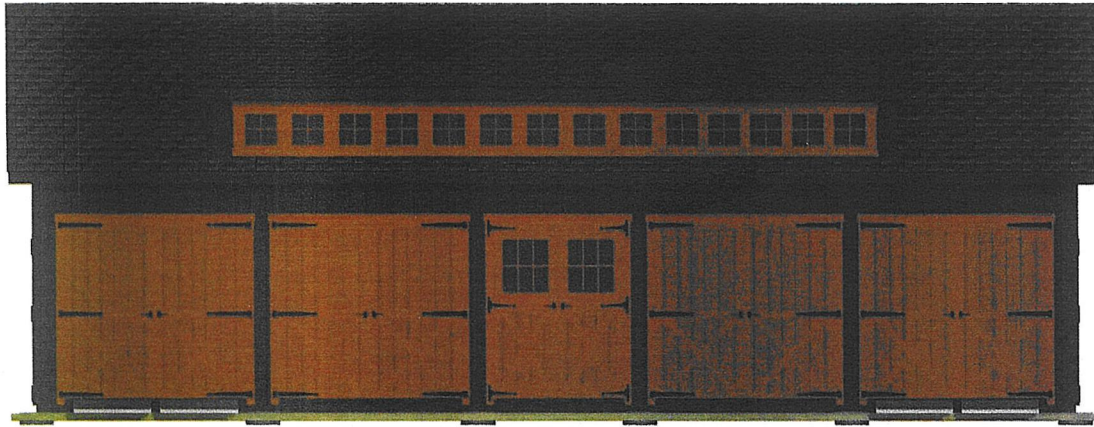
OVERCOVER AREA 613
OVER BUILDING 158

2/26/26

STEVEN SEYSENICH

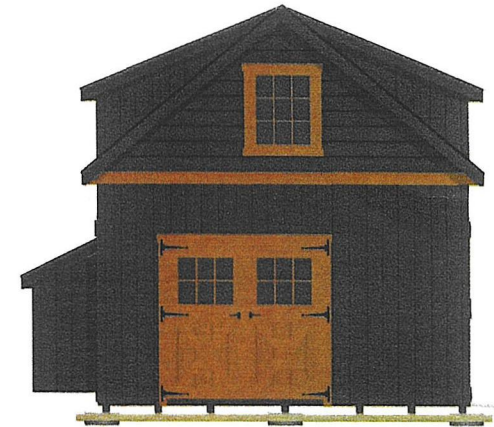
610-828-3191

□ = + SQUARE FEET OF 2'



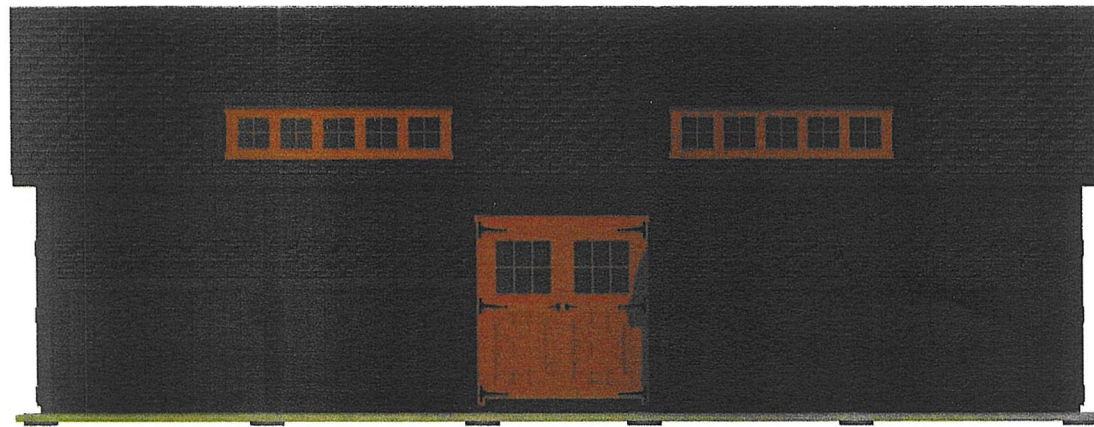
FRONT ELEVATION

SCALE: 0.14" = 1'-0"



LEFT ELEVATION

SCALE: 0.14" = 1'-0"



REAR ELEVATION

SCALE: 0.14" = 1'-0"



RIGHT ELEVATION

SCALE: 0.14" = 1'-0"

Drawn by:
John H.



Date: 2/23/2026

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

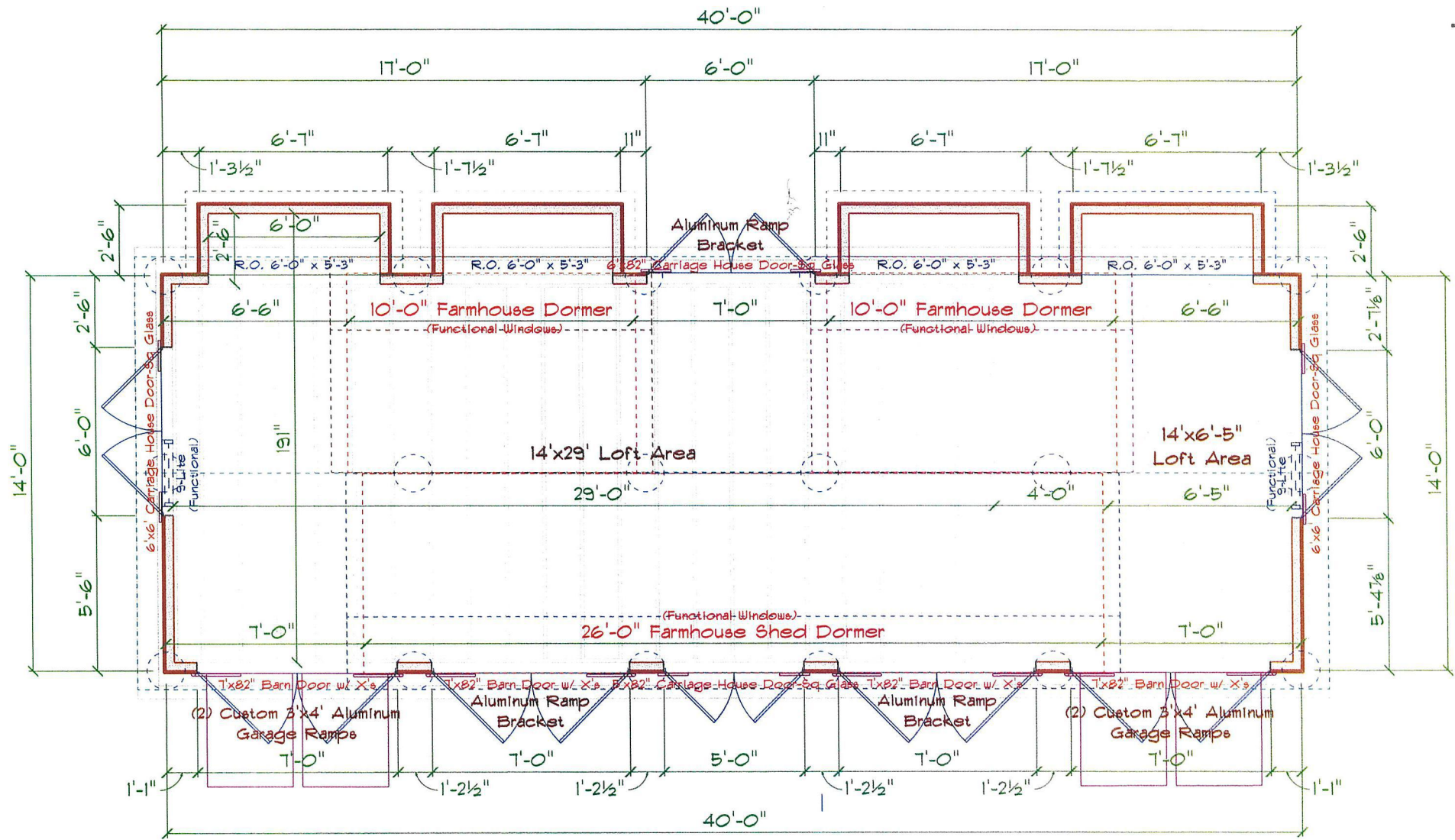
14x40 New England Barn w Dormers (LSL-Sensenich)

x

date:

PAGE:

1/3



MAIN FLOOR

SCALE: 1" = 5'-0"

Drawn by:
John H.



Date: 2/23/2026

SOFTPLAN
ARCHITECTURAL DESIGN GROUP

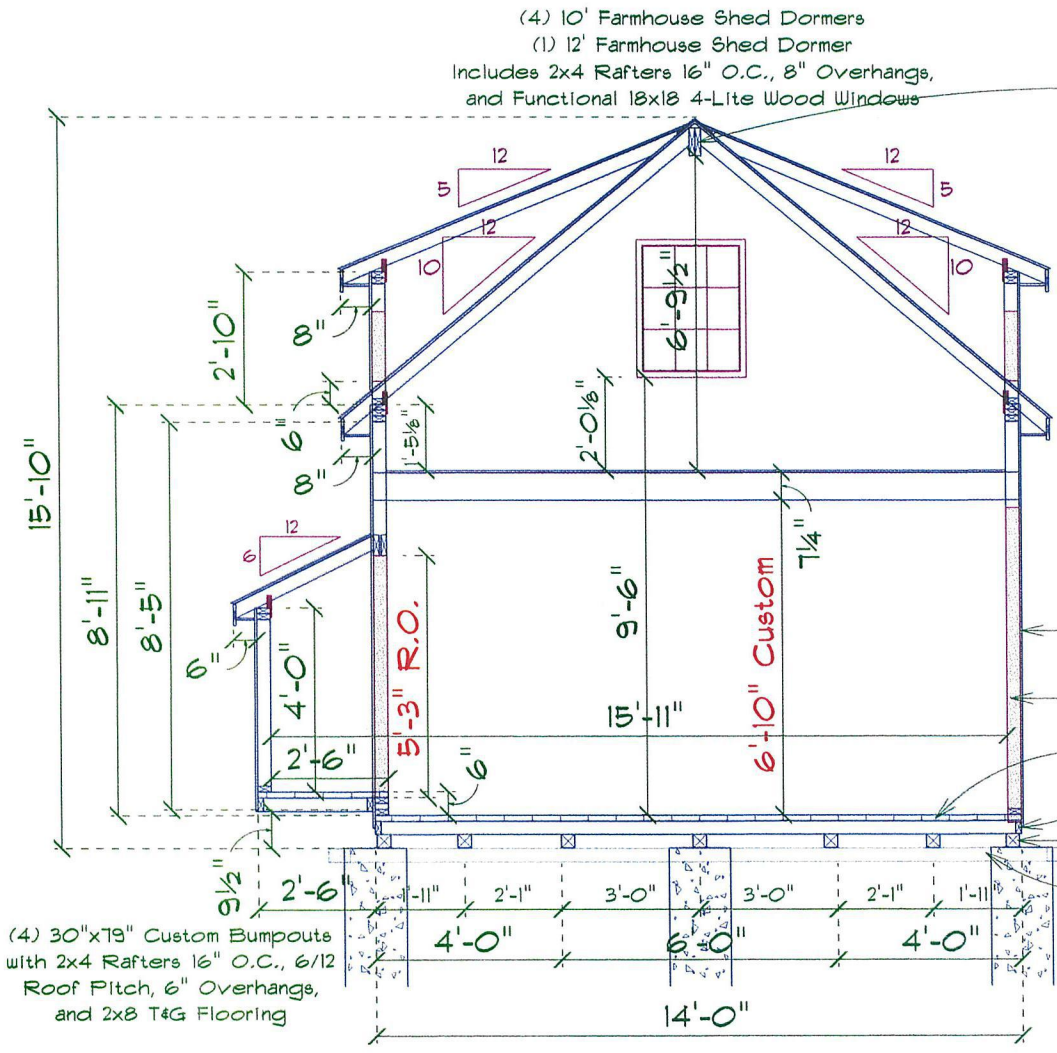
14x40 New England Barn w Dormers (LSL-Sensenich)

X

date:

PAGE:

2 / 3



(4) 10' Farmhouse Shed Dormers
 (1) 12' Farmhouse Shed Dormer
 Includes 2x4 Rafters 16" O.C., 8" Overhangs,
 and Functional 18x18 4-Lite Wood Windows

Double 2x8 Ridge Beam
 30 Year Architectural Shingles
 on Felt Roof Paper
 1/2" Roof Sheeting with
 Radiant Barrier
 2x4 Rafters 16" O.C. (NO Crossies
 needed because of Lofts)
 H-8 Hurricane Ties on every Rafter
 (2) Loft Sections (14'x29' & 14'x6'-5")
 Includes 5/8" Plywood Flooring, 16" O.C. 2x8
 Joists attached to Wall Studs (2x6 ledger
 board supports underneath where possible)

Accent Gables with 7" reveal LP Lap Siding and
 1x6 MiraTec Transition Board (both Gable Peaks)

1/2" LP SmartPanel Wall Sheeting
 with Radiant Barrier
 2x4 Wall Studs 16" O.C.
 2x8 SYP Tongue & Groove Flooring
 P.T. 2x4 Floor Joist 12" O.C.
 P.T. 4x4 Runners

16x42 Stone Foundation with
 P.T. 4x6 Perimeter
 (18) 16"x36" Concrete Piers embedded
 in Stone Foundation

(4) 30"x19" Custom Bumpouts
 with 2x4 Rafters 16" O.C., 6/12
 Roof Pitch, 6" Overhangs,
 and 2x8 T&G Flooring

CROSS SECTION

SCALE: 1/4" = 1'-0"

Drawn by:
 John H.





View of Backyard From House
4022 N. Warner Rd Lot 1066111 DA 19044



View of house from Backyard
4002 N. Warner Rd Lafayette Hill PA 19344

ZHB APPEAL #2026-07
SUMMARY

APPLICANT: Madras Investments 1, LLC c/o William H. Littleton, Jr.

PROPERTY LOCATION: Parcel # 65-00-06370-50-4
Block 052, Unit 009
400 Stenton Ave
Plymouth Meeting, PA 19462

ZONING DISTRICT: AA- Residential

SUMMARY OF RELIEF REQUEST:

The Applicant is proposing to maintain the recently updated business sign on Joshua Road. The following relief is requested:

1. **Variance from Section 116-205.** to allow a 7.13 sq ft business sign in a residential district; this section provides for signs in a residential district and does not allow business signs.
2. **Variance from Section 116-209.C.** to allow the sign setback from the street line of 4.9' whereas half the distance of the applicable front yard is the required setback (in this case, 25' or half of the 50' front yard setback of the AA – Residential District in which the property is located).

PRIOR DECISIONS:

ZHB #1961-03: Withdrawn;
ZBH #1997-34: Monopole and facilities constitute a public utility facility.
ZHB #2005-38: Withdrawn;
ZHB #2020-06: Withdrawn;

Respectfully Submitted,


Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: _____

Applicant/Appellant: Madras Investments 1, LLC c/o William H. Littleton Jr.
Address: 400 Stanton Ave, Plymouth Meeting, PA 19462
Phone #: 215.233.2223 Cell Number: 215.397.8402 E-Mail: wlittleton@LittletonLLC.com

Owner: Madras Investments 1, LLC c/o William H. Littleton Jr.
Address: 400 Stanton Ave, Plymouth Meeting, PA 19462
Phone #: 215.233.2223 Cell Number: 215.397.8402 E-Mail: wlittleton@LittletonLLC.com

Location of the Property Involved: 400 Stanton Ave, Plymouth Meeting, PA 19462
Block #: 052 Unit #: 009 Parcel #: 65-00-06370-50-

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):
See attached.

GROUND(S) FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
**Attach additional sheets if necessary

Previous owner/tenants sign structures have been present for 20+ years on property; appealing to update to current ownerships w/o only, no changes to placement or sizing from existing being requested.


Legal Counsel (if represented): Stephen Rhoads
Address: 433 W. Market St., Suite 200; West Chester, PA 19382
Phone #: 610.936.9413 E-Mail: srhoads@macmainlaw.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

- I am (We are)
- Owner(s) of Legal Title
 - Owner(s) of Equitable Title
 - Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)

Date: 2/26/26

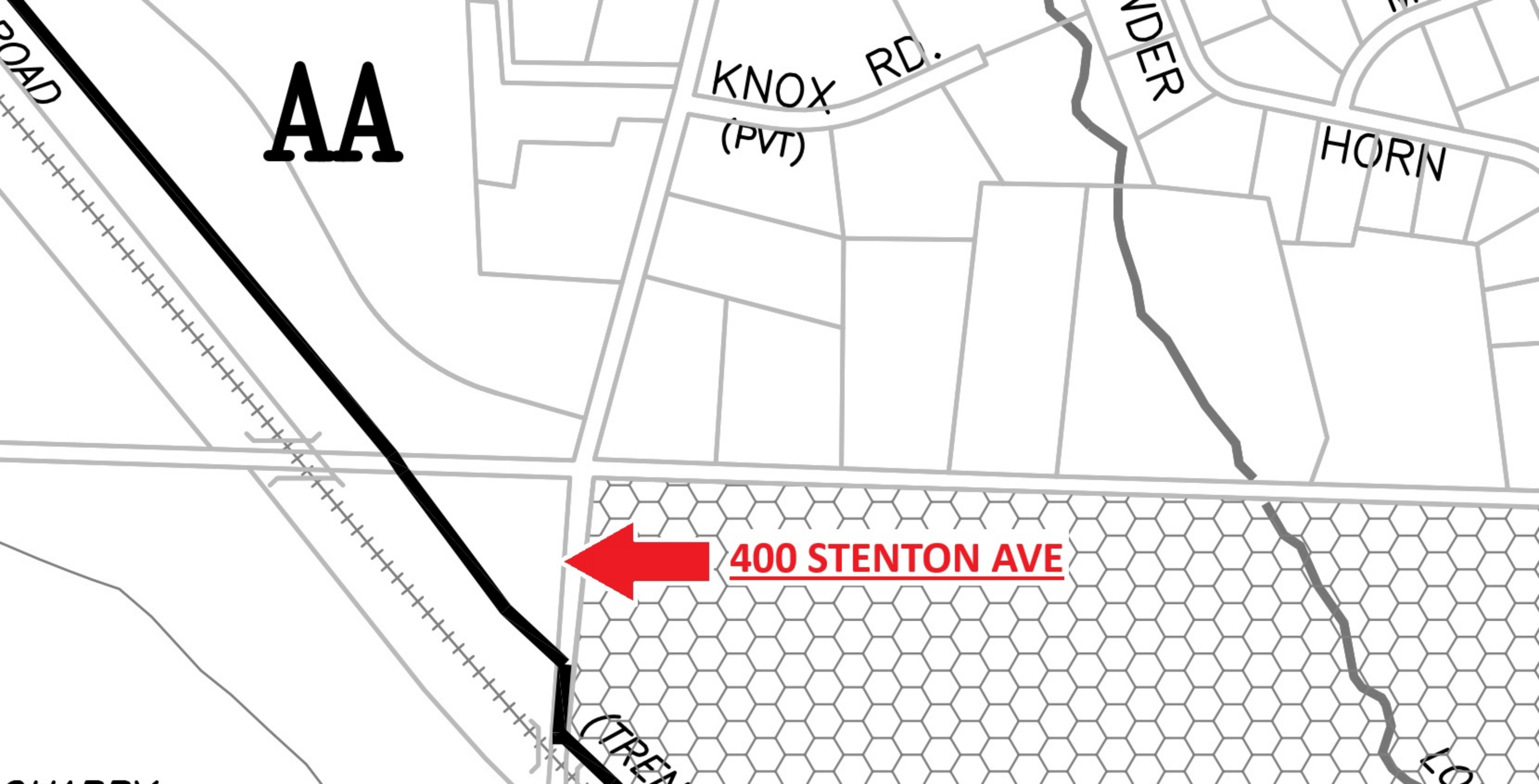

Signature of Applicant/Appellant:

Signature of Applicant/Appellant:

GUIDANCE DOCUMENT: (400 Stenton Avenue)

To maintain the recently updated business sign on Joshua Road, the following relief is required:

1. **Variance from Section 116-205.** to allow a 7.13 sq ft business sign in a residential district; this section provides for signs in a residential district and does not allow business signs.
2. **Variance from Section 116-209.C.** to allow the sign setback from the street line of 4.9' whereas half the distance of the applicable front yard is the required setback (25' or half of the 50' front yard setback of the AA – Residential District).



AA

KNOX RD.
(PVT)

ANDER

HORN



400 STENTON AVE

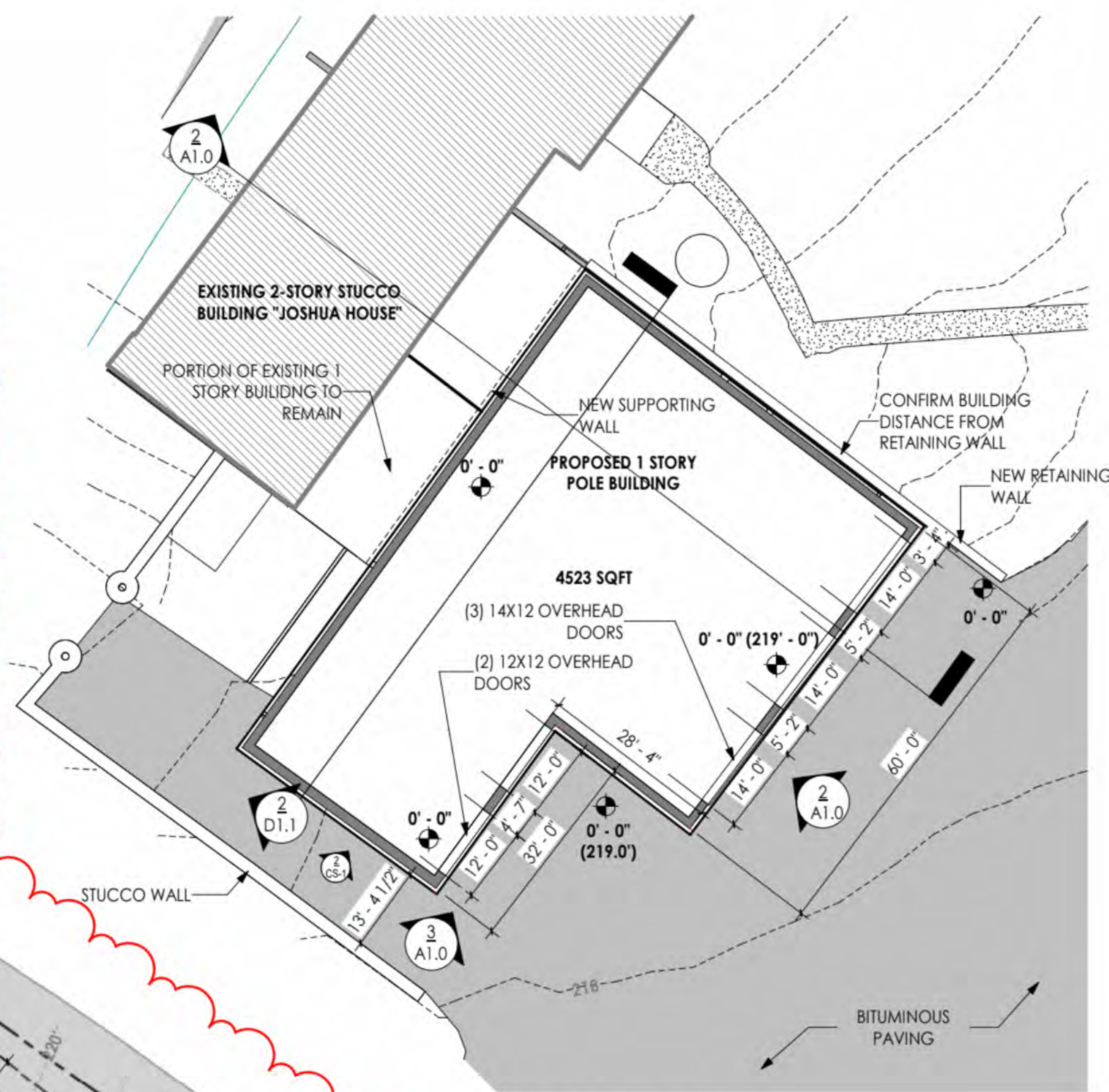
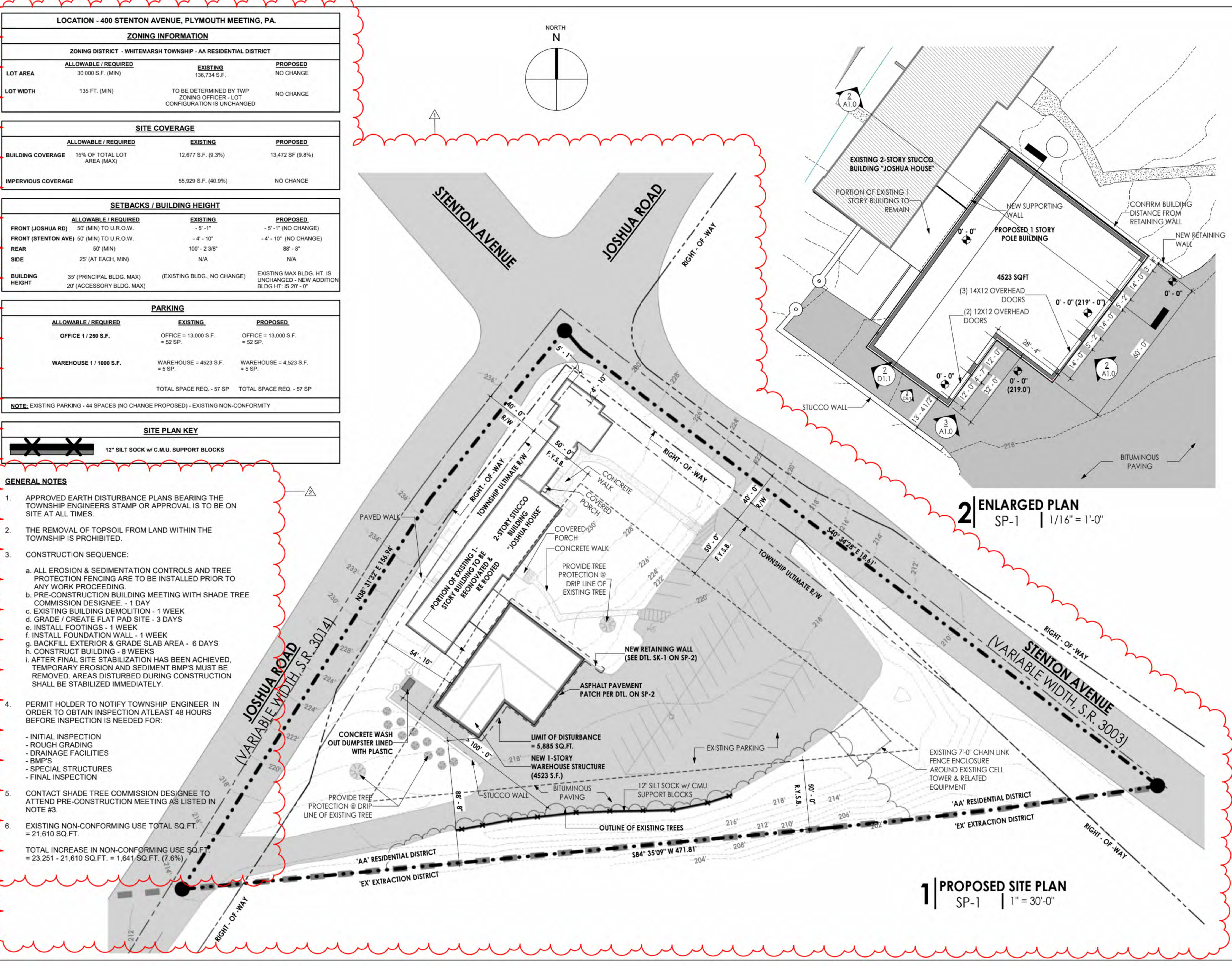
(TREA

10



LOCATION - 400 STENTON AVENUE, PLYMOUTH MEETING, PA.			
ZONING INFORMATION			
ZONING DISTRICT - WHITEMARSH TOWNSHIP - AA RESIDENTIAL DISTRICT			
LOT AREA	ALLOWABLE / REQUIRED 30,000 S.F. (MIN)	EXISTING 136,734 S.F.	PROPOSED NO CHANGE
LOT WIDTH	135 FT. (MIN)	TO BE DETERMINED BY TWP ZONING OFFICER - LOT CONFIGURATION IS UNCHANGED	
SITE COVERAGE			
BUILDING COVERAGE	ALLOWABLE / REQUIRED 15% OF TOTAL LOT AREA (MAX)	EXISTING 12,677 S.F. (9.3%)	PROPOSED 13,472 SF (9.8%)
IMPERVIOUS COVERAGE		55,929 S.F. (40.9%)	NO CHANGE
SETBACKS / BUILDING HEIGHT			
FRONT (JOSHUA RD)	ALLOWABLE / REQUIRED 50' (MIN) TO U.R.O.W.	EXISTING - 5' - 1"	PROPOSED - 5' - 1" (NO CHANGE)
FRONT (STENTON AVE)	50' (MIN) TO U.R.O.W.	- 4' - 10"	- 4' - 10" (NO CHANGE)
REAR	50' (MIN)	100' - 2 3/8"	88' - 8"
SIDE	25' (AT EACH, MIN)	N/A	N/A
BUILDING HEIGHT	35' (PRINCIPAL BLDG. MAX) 20' (ACCESSORY BLDG. MAX)	(EXISTING BLDG., NO CHANGE)	EXISTING MAX BLDG. HT. IS UNCHANGED - NEW ADDITION BLDG HT: IS 20' - 0"
PARKING			
OFFICE 1 / 250 S.F.	ALLOWABLE / REQUIRED	EXISTING OFFICE = 13,000 S.F. = 52 SP.	PROPOSED OFFICE = 13,000 S.F. = 52 SP.
WAREHOUSE 1 / 1000 S.F.		WAREHOUSE = 4,523 S.F. = 5 SP.	WAREHOUSE = 4,523 S.F. = 5 SP.
		TOTAL SPACE REQ. - 57 SP	TOTAL SPACE REQ. - 57 SP
NOTE: EXISTING PARKING - 44 SPACES (NO CHANGE PROPOSED) - EXISTING NON-CONFORMITY			
SITE PLAN KEY			
12" SILT SOCK w/ C.M.U. SUPPORT BLOCKS			

- GENERAL NOTES**
- APPROVED EARTH DISTURBANCE PLANS BEARING THE TOWNSHIP ENGINEERS STAMP OR APPROVAL IS TO BE ON SITE AT ALL TIMES.
 - THE REMOVAL OF TOPSOIL FROM LAND WITHIN THE TOWNSHIP IS PROHIBITED.
 - CONSTRUCTION SEQUENCE:
 - ALL EROSION & SEDIMENTATION CONTROLS AND TREE PROTECTION FENCING ARE TO BE INSTALLED PRIOR TO ANY WORK PROCEEDING.
 - PRE-CONSTRUCTION BUILDING MEETING WITH SHADE TREE COMMISSION DESIGNER. - 1 DAY
 - EXISTING BUILDING DEMOLITION - 1 WEEK
 - GRADE / CREATE FLAT PAD SITE - 3 DAYS
 - INSTALL FOOTINGS - 1 WEEK
 - INSTALL FOUNDATION WALL - 1 WEEK
 - BACKFILL EXTERIOR & GRADE SLAB AREA - 6 DAYS
 - CONSTRUCT BUILDING - 8 WEEKS
 - AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED, TEMPORARY EROSION AND SEDIMENT BMP'S MUST BE REMOVED. AREAS DISTURBED DURING CONSTRUCTION SHALL BE STABILIZED IMMEDIATELY.
 - PERMIT HOLDER TO NOTIFY TOWNSHIP ENGINEER IN ORDER TO OBTAIN INSPECTION AT LEAST 48 HOURS BEFORE INSPECTION IS NEEDED FOR:
 - INITIAL INSPECTION
 - ROUGH GRADING
 - DRAINAGE FACILITIES
 - BMP'S
 - SPECIAL STRUCTURES
 - FINAL INSPECTION
 - CONTACT SHADE TREE COMMISSION DESIGNER TO ATTEND PRE-CONSTRUCTION MEETING AS LISTED IN NOTE #3.
 - EXISTING NON-CONFORMING USE TOTAL SQ.FT. = 21,610 SQ.FT.
TOTAL INCREASE IN NON-CONFORMING USE SQ.FT. = 23,251 - 21,610 SQ.FT. = 1,641 SQ.FT. (7.6%)



2 | ENLARGED PLAN
SP-1 | 1/16" = 1'-0"

1 | PROPOSED SITE PLAN
SP-1 | 1" = 30'-0"

REGAN, KLINE, CROSS, LLC
ARCHITECTURE • PLANNING
PROJECT MANAGEMENT
7670 QUEEN ST., SUITE 200,
WYNDMOOR, PA 19038
PHONE: (215) 886-1888
FAX: (215) 886-8124

CLIENT
OWNER
CLIENT ADDRESS
PHONE #

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THIS DRAWING AND ITS CONTENTS IS THE
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Charles E. Hess, Jr.
LA-001324E

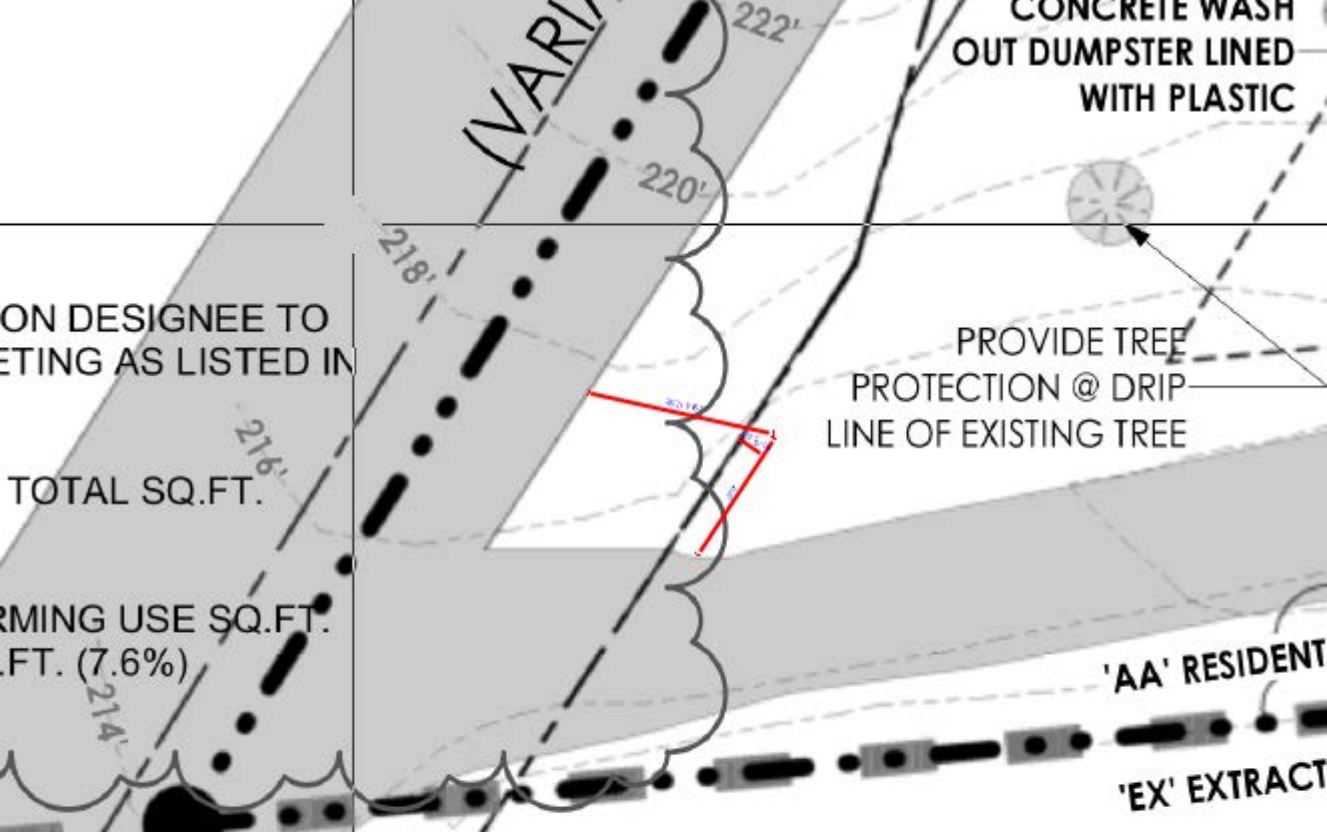
PROJECT ADDRESS
400 Stenton Ave. Plymouth Meeting,
PA 19462

2	Earth Disturbance Review Comments	2026/02/11
1	Earth Disturbance Review Comments	2026/01/28
SUBMISSIONS & REVISIONS		BY APPD YYYY.MM.DD

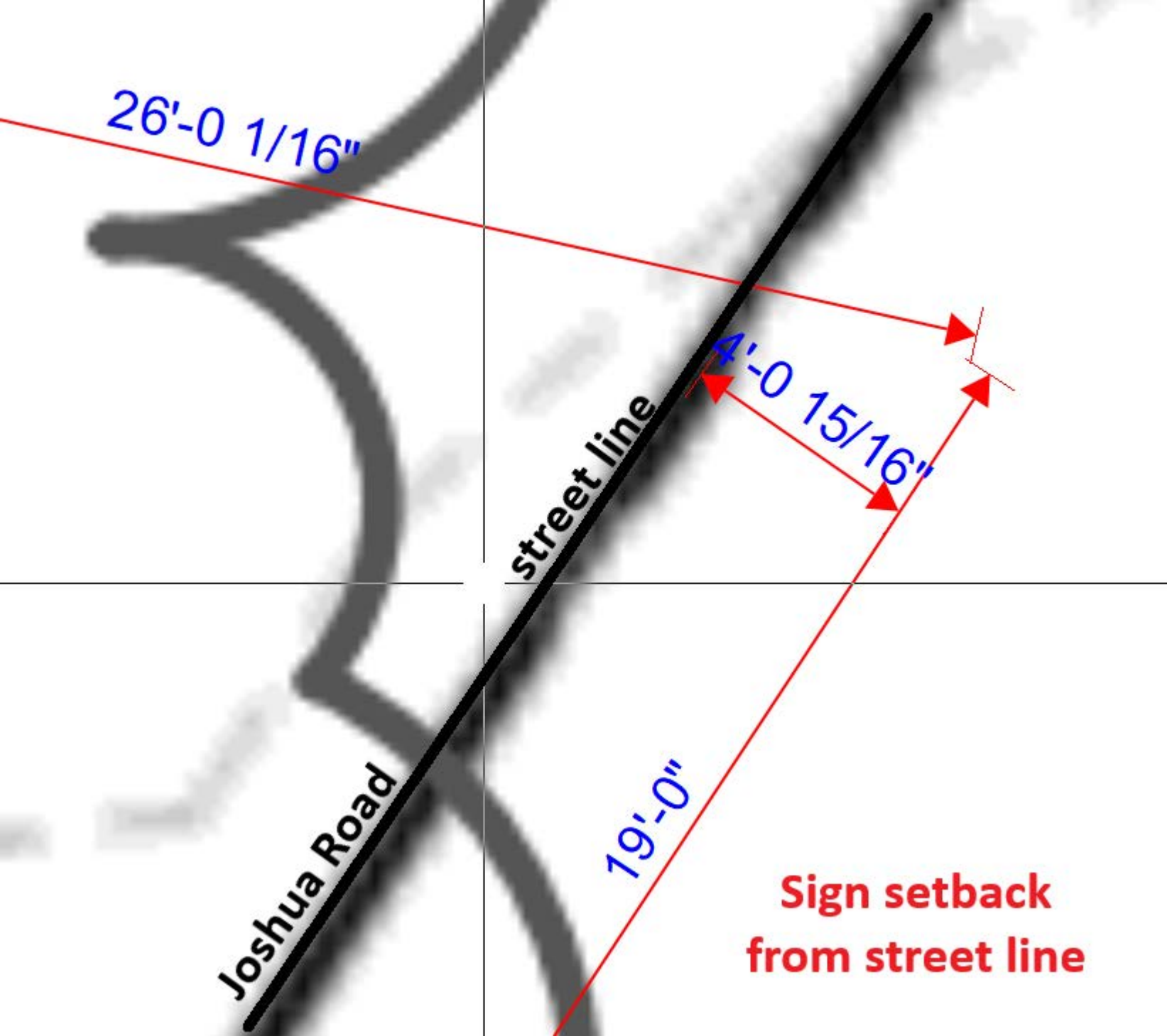
PROJECT
**LITTLETON CONTRACTORS - 400
STENTON AVE.**

SHEET TITLE
PROPOSED SITE PLAN

DATE 10/17/2025
DRAWING NO.
REVISION 2
SCALE As indicated
SP-1



Sign location on site





1200 E. Mermaid Lane
Wyndmoor, PA 19038
(215) 836-9020

**PAID
IN
FULL**

INVOICE

<https://phillynwpa.image360.com/>

Completed Date: 8/14/2025

Payment Terms: Cash Customer

Payment Due Date: 8/14/2025

Order Due Date: 8/14/2025

Created Date: 8/11/2025

DESCRIPTION: Hanging Sign Littleton Logo Wraps

Bill To: Littleton Contractors LLC
9 River Road
Conshohocken, PA 19428
US

Pickup At: Image360
1200 E. Mermaid Lane
Wyndmoor, PA 19038
US

Ordered By: Wick Littleton
Email: wlittleton@littletonllc.com
Work Phone: (215) 233-2223
Cell Phone: [REDACTED]

Salesperson: House PhillyNW
Entered By: Raheem Dade

NO.	Product Summary	QTY	UNIT PRICE	TAXABLE	AMOUNT
1	Design Services (simple layout)	1	[REDACTED]		
1.1	Design Services - simple layout Services - Design - # Hours: 0.50				
2	Vinyl Wraps (28"x37" Printed Cast Vinyl ; Satin Cast Laminate)	5	[REDACTED]		
2.1	Vinyl - Printed Cast (3MIJ180Cv3) - Part Qty: 1 Width: 28.00" 2.3' 7.13' Height: 37.00" 3.1' Laminates - Cast - Laminate Type: Satin Cast (Arlon 3220)				

PLEASE NOTE: Unless this invoice has PERMITTING as a line item, any necessary permitting or engineering requirements are the responsibility of the client.

Subtotal:	[REDACTED]
Taxable Amount:	[REDACTED]
Taxes:	[REDACTED]
Grand Total:	[REDACTED]
Amount Paid:	[REDACTED]
BALANCE DUE:	[REDACTED]
<i>Total Paid with Surcharge</i>	[REDACTED]

TRANSACTIONS			
Date	Type	Amount	Surcharge Fee
8/11/2025	(Online)	[REDACTED]	[REDACTED]

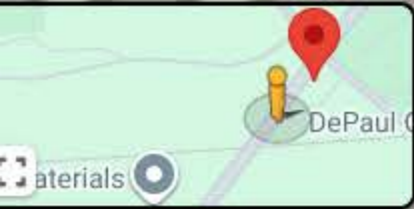
PROVIDED FOR SIGN DIMENSIONS





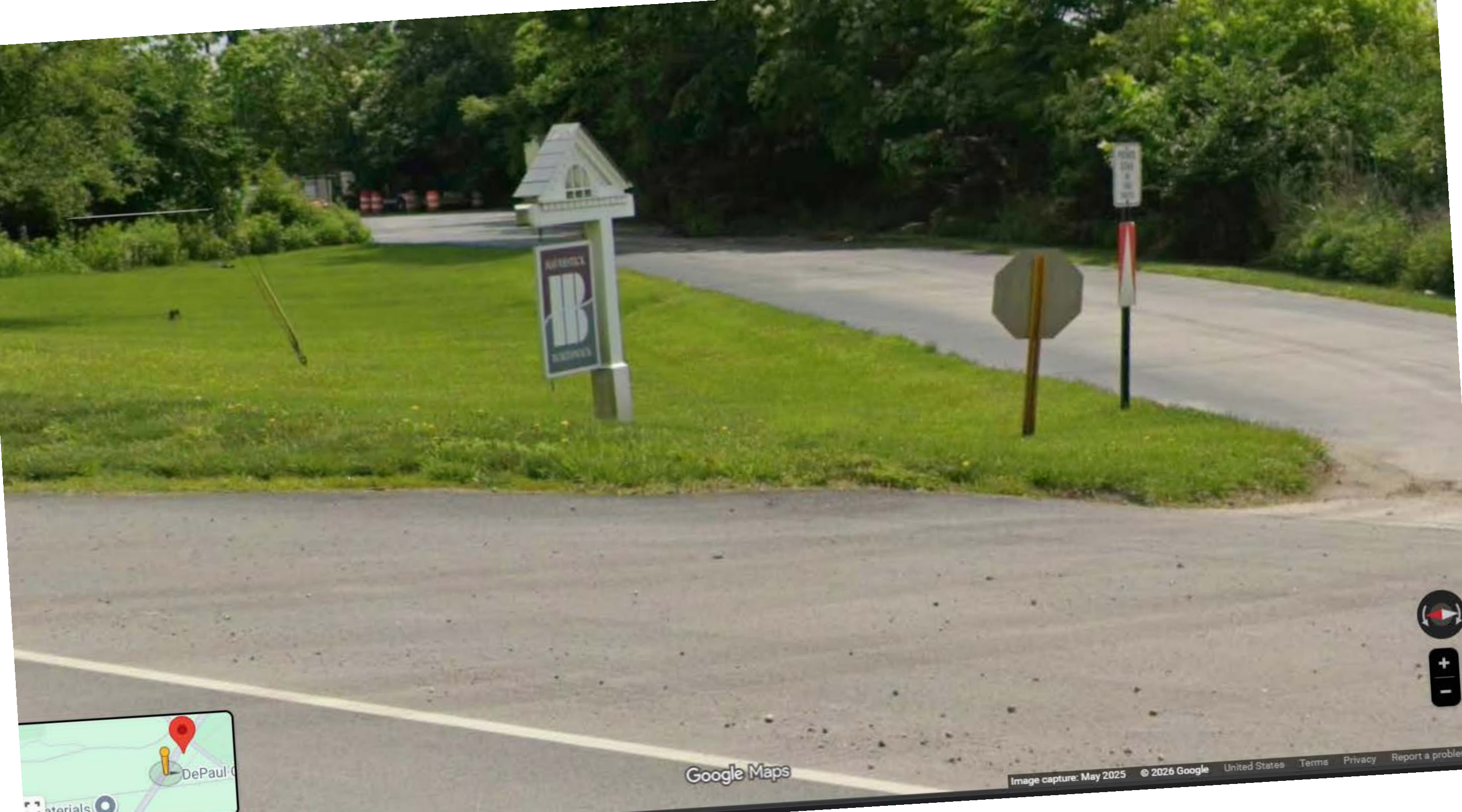
© 2025 Google

Shiva Rd



Google Maps





Google Maps



Prior ZHB Decisions (4)

*Notes Mailed
11-11-60*

DATE 11/4/60

TO: ALL MEMBERS
ZONING BOARD OF ADJUSTMENT
WHITEMARSH TOWNSHIP

*Petition
withdrawn*

ENCLOSED IS PETITION OF COSTELLO BROTHERS

WHICH IS TO BE PLACED ON THE SCHEDULE FOR THE NEXT MEETING
OF THE ZONING BOARD OF ADJUSTMENT. **NOVEMBER 22, 1960 at
8:00 P.M.**

WILLIAM E. LIGHTKEP
BUILDING INSPECTOR
WHITEMARSH TOWNSHIP.

PETITIONER NOTIFIED OF HEARING

DECISION AND ORDER

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

APPLICATION 97-34

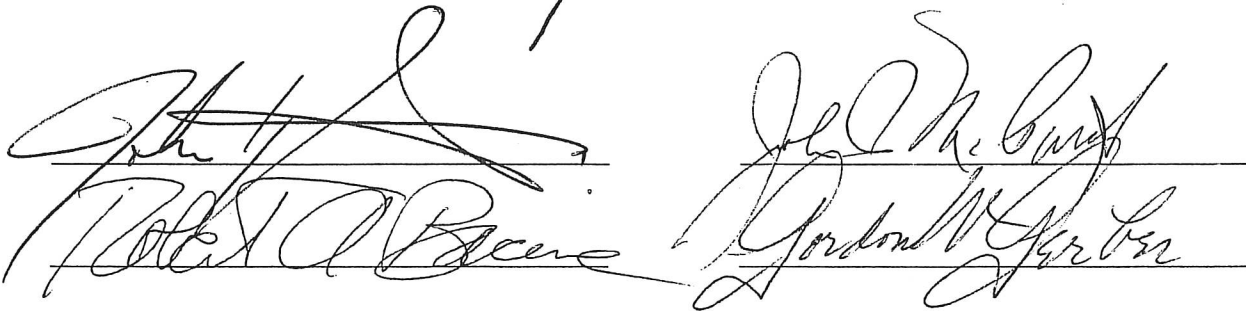
Omnipoint Communications Enterprises, Inc. First Hearing 11/10/97 Decided 1/12/98 Copy Mailed 1/13/98

At a public hearing of the above application, the Zoning Hearing Board decides and orders as follows:

1. The Board decides that the monopole with communications antenna and equipment cabinet proposed to be located on a portion of the property at 400 Stanton Avenue is a public utility facility in accordance with Section 116-11 of the Whitemarsh Township Code.
2. The Special Exception in accordance with Section 116-35.C(1) necessary to allow the proposed public facility use in a residential district is hereby ~~granted~~ / denied.
3. The variance from Section 116- 49.F necessary to allow the pole to be **83** feet high is hereby ~~granted~~ / denied.
4. The Variance from Section 116-49.E of the Code necessary to allow the pole and equipment structure to invade the rear yard by **30** feet is hereby ~~granted~~ / denied.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.



Two sets of handwritten signatures are present, each with a horizontal line underneath. The signatures are written in dark ink and appear to be cursive.

RICHARD KIWE (absent)

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within 30 days following the copy mailing date set out above.

Section 116-223 of the Whitemarsh Township Code provides that all applications granted by the Board shall automatically expire 365 days after the expiration of the last day to appeal to the Court of Common Pleas of Montgomery County or to an Appellate Court, if, during that time, the applicant has not acted upon the granted application by obtaining the granted permit and paying the required fee for same. Any request for an extension must be submitted in writing to the Board at least thirty (30) days prior to the expiration date.

10/19/2005 Property Master Record - Lot Maintenance
Parcel Code: 0006370504 Number of Units: Block #: 052 Unit #: 009
Street No.: 400 Street: STENTON AVE Parcel Zip: 19462
City: PLYMOUTH MEETING State: PA Lot: 0000 Land Area: 0 sq.ft.
1st X Street: 2nd X St:
Location: Description:
Publicly Owned? No Date of Sale: 03/15/1985 Deed Book: 4764 Pg: 0873
Public Water? Public Sewer?
Area/Region: Market value: 185300
Subdivision:
Zoning ID: HVY-X MODIFIED HEAVY INDUSTRIAL Conforms? Yes
Land Use: 4326 multi-story offices-under 50,000sf
Water Servc:
Fire Dist:
Sewer Servc:
Gas Service:
Safety Dist: Footage: 00000
Hydrant Svc: Footage: 00000
Strt.Lights: Footage: 00000
Refuse Serv: Units: 00
Other Cd: WASTE WASTE GENERATION FEE Rate: 340.00
Owner Name: JOSHUA HOUSE ASSOCIATES
Owner Addr: % HAVERSTICK BORTHWICK CO 2nd St: 400 STENTON AVE
City: PLYMOUTH MEETING St: PA Zip: 19462 Tel:

Description for Parcel: 0006370504

ZHB #61-03, COSTELLO BROTHERS WITHDRAWN

ZHB #97-34, DENIED APPEALED

zhb # 2005-38 SPRINT

R. [Redacted] LAW OFFICE OF
RICHARD J. LEMANOWICZ
J. L. 400 STENTON AVENUE, SUITE 215
 PLYMOUTH MEETING, PA 19462
 TELEPHONE: (610) 825-2075
 FACSIMILE: (610) 825-2076

ADMITTED TO THE PRACTICE OF
LAW IN NEW JERSEY AND PENNSYLVANIA

E-MAIL: R.JL@LEMANOWICZLAW.COM
INTERNET: WWW.LEMANOWICZLAW.COM

May 8, 2006

Via First Class Mail and Facsimile Transmission

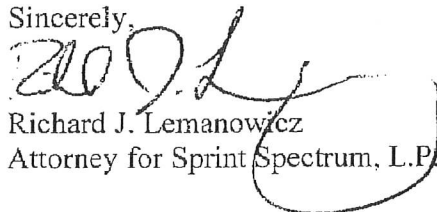
Bruce G. Horrocks
Whitemarsh Township
Director of Planning and Zoning
616 Germantown Pike
Lafayette Hill, PA 19444-1821

**Re: 400 Stenton Avenue
Whitemarsh Township, Montgomery County, Pennsylvania
Applicant: Sprint Spectrum, L.P.
Voluntary Withdrawal of Zoning Hearing Board Application No. 2005-38**

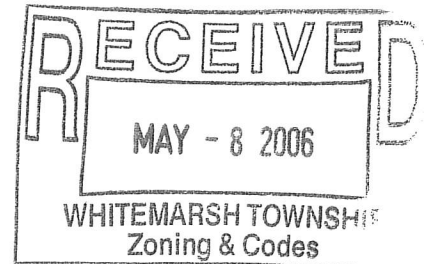
Dear Bruce:

I am writing on behalf of Sprint Spectrum to voluntarily withdraw Whitemarsh Township Zoning Hearing Board Application 2005-38 without prejudice to the Applicant. If there are any questions or comments regarding this matter, I may be reached at (610)825-2075.

Sincerely,


 Richard J. Lemanowicz
 Attorney for Sprint Spectrum, L.P.

cc: Sprint Spectrum, L.P., via electronic document transfer
Neil A. Stein, Esq., via facsimile
Michael E. Furey, Esq., via facsimile
Amee S. Farrell, Esq., via electronic mail



349 WEST AVENUE
OCEAN CITY, NJ 08226
TELEPHONE: (609) 814-0165
FACSIMILE: (609) 814-0166

LAW OFFICE OF
RICHARD J. LEMANOWICZ

ATTORNEY AT LAW

ADMITTED TO THE PRACTICE OF
LAW IN PENNSYLVANIA AND NEW JERSEY

400 STENTON AVENUE, SUITE 215
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FACSIMILE: (610) 825-2076

349 WEST AVENUE
OCEAN CITY, NJ 08226
TELEPHONE: (609) 814-0165
FACSIMILE: (609) 814-0166

PLEASE REPLY TO:
PENNSYLVANIA OFFICE

E-MAIL: [RJL@LEMANOWICZLAW.COM](mailto:rjl@lemanowiczlaw.com)
INTERNET: WWW.LEMANOWICZLAW.COM

FACSIMILE COVER SHEET

FROM: RICHARD J. LEMANOWICZ

SUBJECT: WHITEMARSH TOWNSHIP ZONING HEARING BOARD APPLICATION No. 2005-38

TOTAL NUMBER OF PAGES INCLUDING THIS COVERSHEET: 2

PLEASE DELIVER AS SOON AS POSSIBLE TO:

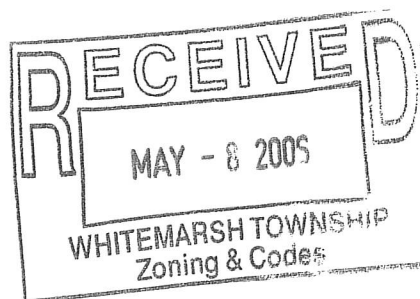
RECIPIENT(S)	COMPANY	FACSIMILE	TELEPHONE
BRUCE G. HORROCKS	WHITEMARSH TOWNSHIP	(610)825-9416	(610)825-3535
MICHAEL E. FUREY, ESQ.	FUREY & BALDASSARI, P.C.	(610)631-2200	(610)631-2500
NEIL A. STEIN, ESQ.	KAPLIN, STEWART, MELOFF, REITER & STEIN, P.C.	(610)240-1240	(610)941-2469

MAY 8, 2006

MESSAGE:

PLEASE SEE THE ATTACHED CORRESPONDENCE REGARDING WHITEMARSH TOWNSHIP ZONING HEARING BOARD APPLICATION 2005-38.

RICHARD J. LEMANOWICZ



NOTICE: THIS FACSIMILE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT(S), AND SHOULD BE PRESUMED CONFIDENTIAL AND PRIVILEGED. ANY UNAUTHORIZED REVIEW, USE, DISCLOSURE, FORWARDING OR DISTRIBUTION OF THIS FACSIMILE, INCLUDING ANY ATTACHMENTS, IS PROHIBITED. NO CONFIDENTIALITY IS WAIVED BY ANY MISDIRECTION OF THIS FACSIMILE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER AND DESTROY ALL COPIES OF THE TRANSMITTED FACSIMILE.

NICHOLAS A. CUCÉ, JR.
nickc@rrhc.com
Extension 214



November 12, 2020

via E-mail Charlie Guttenplan cguttenplan@whitemarshwp.org
and First-Class Mail

Charles L. Guttenplan, AICP
Director of Planning/Zoning
Whitemarsh Township
616 Germantown Pike
Lafayette Hill, PA 19444

**Re: Zoning Hearing Board Application
Crown Castle/Joshua House
400 Stenton Avenue, Whitemarsh Township, PA
ZHB #2020-06
Our File No.: 5984-19**

Dear Charlie:

As you are aware, I represent Crown Castle in regard to its pending Zoning Hearing Board application for 400 Stenton Avenue, Whitemarsh Township, Montgomery County, Pennsylvania ("Property").

We currently maintain a Zoning Hearing Board date of November 17, 2020.

The Applicant would kindly request that this application be withdrawn without prejudice at this time. As such, the Applicant will not be present at the November 17, 2020 Zoning Hearing Board hearing.

I would kindly request that this withdrawal be confirmed in writing at your earliest convenience.

Thank you for your attention and assistance in this matter. Should you have any concerns or questions, please feel free to contact my office.

Very truly yours,

Nicholas A. Cuce

Nicholas A. Cucé, Jr.

NAC, JR./kw

cc: Sarah Brown (via e-mail)

ZHB APPEAL #2026-08
SUMMARY

APPLICANTS: Chad & Marci Carmeans

PROPERTY LOCATION: Parcel # 65-00-00464-00-2
Block 006, Unit 008
317 Barren Hill Road
Conshohocken, PA 19428

ZONING DISTRICT: AAAA- Residential

SUMMARY OF RELIEF REQUEST:


The Applicants are proposing to build an addition. The following relief is requested:

Variance from Section 116-41. D. to allow a side yard setback of 51.83 ft., whereas a minimum of 60 ft is required.

PRIOR DECISIONS:

None

Respectfully Submitted,


Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: 2026-08

Applicant/Appellant: Chad Carmeans, Marc Carmeans
Address: 317 Barren Hill Rd Conshohocken, PA
Phone #: 215-534-6713 Cell Number: 215-534-6713 E-Mail: CCARMEANS@gmail.com

Owner: Chad Carmeans
Address: 317 Barren Hill Rd Conshohocken, PA 19428
Phone #: 215-534-6713 Cell Number: 215-534-6713 E-Mail: CCARMEANS@gmail.com

Location of the Property Involved: 317 Barren Hill Rd Conshohocken PA, 19428
Block #: 006 Unit #: 008 Parcel #: 65-00-00464-00-2

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

See attached

GROUND(S) FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):

**Attach additional sheets if necessary

See Attached

Legal Counsel (if represented): N/A

Address:

Phone #:

E-Mail:

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

I am (We are)

Owner(s) of Legal Title

Owner(s) of Equitable Title

Tenant(s) with permission of Owner(s) of Title
(Enclose letter attesting to same)

Date: 2/26/26

[Signature]
Signature of Applicant/Appellant:

[Signature]
Signature of Applicant/Appellant:

Nature of Application:

To build an addition, the following relief is requested:

Variance from Section 116-41. D. To allow side yard setback of 51.83 ft., whereas 60 ft is required. Additional allowance of 8.17 ft.

Grounds for Appeal:

1. Topography and Physical Constrains of Lot

The subject property contains unique physical characteristics that create a hardship not generally applicable to other properties in the zoning district. The lot is exceptionally steep, leaving only a limited area suitable for construction. Significant grade changes on the buildable side of the lot necessitate the use of a small bridge for safe access.

In addition, a substantial swale traverses the property and functions as a stormwater conveyance for multiple homes located along Harts Ridge and neighboring properties on Barren Hill Road. This swale renders a large portion of the lot unbuildable, particularly on the side of the property where setbacks would otherwise be compliant. As a result, the usable buildable area is severely constrained by natural conditions beyond the applicant's control.

2. Existing Utilities and Site Infrastructure

Critical site utilities further limit the feasible placement of the proposed addition. The primary propane tank and existing electrical service lines are located on the side of the property opposite the proposed auxiliary structure envelope. Relocating these utilities would be impractical and would require substantial disruption to the site, resulting in unnecessary expense and potential safety concerns.

These existing infrastructure constraints materially restrict alternative locations for the addition and contribute to the need for the requested variance.

3. Existing Foundation and Building Configuration

The existing structure's foundation and building layout create additional physical limitations. The foundation design does not allow for a lower-level connection to the proposed addition without major structural modification. Such modification would eliminate a required means of egress from a lower-level room, placing the home out of compliance with applicable building and safety codes.

Accordingly, the proposed location represents the only feasible means of expanding the home while maintaining code compliance and structural integrity.

4. **Family Needs and Reasonable Use of the Property**

The applicant seeks the proposed addition to accommodate a growing family, specifically to provide additional bedrooms located on the same floor as the parents. Due to the constraints of the existing structure, this need cannot be reasonably met without expanding the building footprint.

The requested variance is the minimum relief necessary to allow a reasonable residential use of the property consistent with its intended purpose, while preserving the character of the neighborhood and without creating any adverse impact on adjacent properties or the public welfare.

AAAA

317 Barren Hill Rd



RIDGE

ROAD

HARTS

AA

DR
RED MAPLE
BARREN
APPLEWOOD
TYSON
TERRACE
MAGNOLIA
CREEKVIEW
TERRACE
HILL
OAK
DRIVE
CHERRYDALE
BASSWOOD
DRIVE
LANE

REE
LA
AUTUM
CHINABERRY
COT
COURT
DRIVE
CR

Barren Hill Road

317 Barren Hill Rd



650000464002
65006 008

Harts Ridge Road

BARREN HILL ROAD SR 301

S 13°54'55" E

80 FT. WIDE TRP. ULTIMATE R/W LINE

PROPOSED DRIVEWAY

SUPERELEVATE
1/4" PER FT.

PROPOSED
DW ENDWALL
TW 185.0
INV 181.4

JOHN AND ANNE CURTIS
PAR ID 65-00-00463-03-9
DEED BOOK 5578, PAGE 75B

PROPOSED 18" ADS 150 LF S= 19.4%

PROPOSED DWELLING
first floor el. 223.0
second floor el. 232.2

22x34

51.83'

PATIO

BUILDING SETBACK LINE

PROPOSED
2x4 TYPE M
TG 217.5
INV 211.7

DANIEL ALEXANDER MOHER AND
AMANDA ARMSTRONG WATTERS
PAR ID 65-00-00466-00-9
DEED BOOK 5944, PAGE 17

