

RESIDENT/ PROPERTY OWNER NOTICE
WHITPAIN TOWNSHIP ZONING HEARING BOARD

Whitpain Township Zoning Hearing Board will hold a public meeting on Thursday, September 18, 2025, at 7:00 p.m. at the Whitpain Township Building, 960 Wentz Road, Blue Bell, Pennsylvania, 19422 in order to hear and possibly render decision(s) on the following new matter:

2374-23 – Peter and Mary Kay Horgan for property located at 398 North Wales Road, Blue Bell, PA, requests a one-year extension of the zoning approval granted August 17, 2023 and extended on May 17, 2024, relating to its proposed construction of a pool deck, cabana and spa. This property is located in the R-6 Agricultural/Rural Residential Zoning District.

This notice is being mailed to you in accordance with the Township's Zoning Ordinance, including Section 160-240, that requires the mailing or serving notice to the owners or occupiers, if known, of every lot on the same street within 500ft of the property that is the subject of the hearing or, if not on the same street, within 150ft of the subject property.

Copies of the application, exhibits, site plans or other materials received by the Township in connection with the above matter are on file with the Zoning Officer at the Township Building. Paper copies may be requested in writing from the Township at a cost as permitted by law. Applications and plans are also available for review on the Township's website at www.whitpaintownship.org. All hearings will be held in-person and, unless an accommodation has been granted, all applicants, witnesses and individuals seeking to be a party to the proceeding or any individual wanting to provide public comment must be present to participate. Therefore, be advised that only testimony, evidence and public comment made before the Zoning Hearing Board may be considered as part of each hearing. Persons who wish to attend or participate in the above-referenced hearings and require an auxiliary aid, service or other accommodation, please contact the Township ADA Coordinator at 610-277-2400 or send an email to buildingandzoning@whitpaintownship.org within five days of the hearing.

Members of the public who wish to be considered a party to the proceedings may contact Whitpain Township at 610-277-2400 or send an email to buildingandzoning@whitpaintownship.org to request information about the procedure. The Zoning Hearing Board determines at the hearing who may participate in the hearing as a party in accord with Section 908(3) of the Pennsylvania Municipalities Planning Code hereafter referred to as the "MPC." The MPC permits party status to any person or persons "affected" by the Application. Having taxpayer status and/or township resident status alone is not enough to obtain party status; however a person whose property or business abuts the property that is the subject of the Application is typically deemed to

be affected and sufficient for party status. Ultimately, it is the Zoning Hearing Board that makes the party status determination after reviewing the request.

You need not be a party in order to provide comment on an application. The Zoning Hearing Board will hear public comment on each application prior to closing the hearing. Following the close of the hearing, the Zoning Hearing Board will render a decision, unless it deems that additional time is required for consideration and deliberation, in which case it will continue the public meeting to an announced date and time for that purpose.

**ZONING HEARING BOARD
OF WHITPAIN TOWNSHIP**

**HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN, PC** JUL 25 2025
WHITPAIN TOWNSHIP

www.HRMML.com
Lawyers@HRMML.com

31142-0001

July 25, 2025

VIA HAND DELIVERY

Travis DeCaro
Code Enforcement Officer
Whitpain Township
960 Wentz Road
Blue Bell, PA 19422

J. Edmund Mullin
Steven H. Lupin
Carl N. Weiner
Mark F. Himsorth
Steven A. Hann
Steven B. Barrett
Christen G. Pionzio
Ethan R. O'Shea
Bernadette A. Kearney
Paul G. Mullin
John J. Iannozzi
William G. Roark
Lisa A. Shearman, LL.M.
Nathan M. Murawsky
Robert J. Iannozzi Jr.
Sean E. Cullen LL.M.
Michael S. Gill
Ron L. Woodman
Kevin M. McGrath LL.M.
Kathleen A. Maloles
Steven J. English
Danielle M. Yacono
Zachary R. Morano
Brittany Ann Kane
Celso L. Leite
J. Braun Taylor
Grace Gelone
Mark Umansky
Gabriela Amado

**Re: Whitpain Township Zoning Hearing Board
Peter and Mary Kay Horgan
398 North Wales Road
Zoning Hearing Board Application/Extension of Relief (App. No. 2374-23)**

Dear Travis:

Please be advised this office represents Peter and Mary Kay Horgan, the record owners of the property situated at 398 North Wales Road, identified as tax parcel number **66-00-04894-00-8**. Enclosed please find 12 copies of the following:

1. Zoning Hearing Board Application and Addendum;
2. August 17, 2023 Decision and Order for App. No. 2374-23;
3. May 17, 2024 Approval of Extension Letter for App. No. 2374-23.

Also enclosed is a check made payable to Whitpain Township in the amount of \$650.00. Please advise me of the hearing date for the above-referenced zoning hearing board application. If you require any additional information do not hesitate to contact me.

Very truly yours,

HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN

By:

JOHN J. IANNOZZI

Enclosures

cc: Peter and Mary Kay Horgan (via email)

RECEIVED

Case: ZHB #2374-23



JUL 25 2025

WHITPAIN TOWNSHIP

Whitpain Township
960 Wentz Road
Blue Bell, PA 19422
610.277.2400

Codes@WhitpainTownship.org

Code Enforcement Department Zoning Hearing Board Application

1. Required Information:

Applicant Name: Peter and Mary Kay Horgan

Applicant is: Owner or Owner's Representative Equitable Owner Tenant Other

Applicant Address: 398 North Wales Road, PO Box 1525, Blue Bell, PA 19422

Phone: 215-669-8659 Email: countryview2118@aol.com

Subject Property Address: 398 North Wales Road, Blue Bell, PA 19422 (Tax Parcel ID 66-00-04894-00-8)

2. Application Type (select all that apply):

Variance Appeal of the determination of Zoning Officer Appeal from a Zoning Enforcement Notice

Special Exception Request to extend a previously granted variance or special exception prior to expiration

Other: _____

3. Description of Project and Relief Request in Detail (required):

See attached.

4. Signatures:

Applicant: Peter Horgan Date: July 21 2025

Property Owner: Peter Horgan Date: July 21 2025

For Office Use Only	
Fee: <u>\$300.00</u>	Zoning District: <u>R-6</u>
Article: _____	Section: _____
Reviewed By: <u>AR</u>	Review Date: <u>8/20/25</u>

Whitpain Township Zoning Hearing Board

Peter and Mary Kay Horgan

398 North Wales Road

Zoning Hearing Board Application Addendum

Peter and Mary Kay Horgan (“Applicants”) are the record owners of the property situated at 398 North Wales Road, Whitpain Township, Montgomery County, Pennsylvania, identified as tax parcel number **66-00-04894-00-8** (“Subject Property”).

The Subject Property is located within Whitpain Township’s R-6 Agricultural/Rural Residence Zoning District. The Subject Property is approximately 9.534 acres +/- and currently improved by a single-family dwelling and barn.

On or about June 20, 2023, Applicants filed a Zoning Hearing Board Application (“Application No. 2374-23”) requesting zoning relief related to the proposed construction of a pool, pool deck, pool cabana, and spa (“Project”) at the Subject Property. On August 17, 2023, after a public hearing, the Whitpain Township Zoning Hearing Board (“Board”) granted the requested zoning relief (“Granted Relief”) and issued a Decision and Order dated August 17, 2023 (“Decision and Order”). A true and correct copy of the Decision and Order is attached hereto and made a part hereof.

Condition #5 of the Decision and Order provides, “Unless otherwise stated in this Decision and Order, any and all relief granted herein shall expire within one (1) year of the date of this decision if Applicant(s) fails to obtain a use and occupancy permit or a building permit as applicable in accordance with Section 160-241 of the Whitpain Township Zoning Ordinance.”

On or about April 4, 2024, Applicants filed a second Zoning Hearing Board Application requesting an extension of the Granted Relief before its expiration. On May 16, 2025, after a public hearing, the Board approved an extension of the Granted Relief under Application No. 2374-23 and issued an Approval of Extension Letter dated May 17, 2024 (“Extension Letter”) extending the Granted Relief through August 31, 2025. A true and correct copy of the Extension Letter is attached hereto and made a part hereof.

Since receiving the Extension Letter from the Board, Applicants have been diligently working with Penn’s Trail Environmental, Stout Tacconelli Engineering, and the Pennsylvania Department of Environmental Protection to obtain the required permits and approvals for the Project. While Applicants continue to make progress in obtaining the necessary permits and approvals relative to the Project, the requested extension is needed given the scope of the Project. **Accordingly, Applicants request an additional extension of the Granted Relief through August 31, 2026 pursuant to Section 160-241 of the Whitpain Township Zoning Ordinance.**



519 Swede Street • Norristown, PA 19401
(484) 679-8150

PATRICK M. HITCHENS, ESQUIRE
Direct Dial: 484-602-9284
patrick@skilkennylaw.com

May 17, 2024

SENT VIA EMAIL ONLY (JIannozzi@hrmml.com)

Peter and Mary Horgan
398 North Wales Road
Blue Bell, PA 19422

John Iannozzi, Esq.
Hamburg, Rub, Mullin, Maxwell & Lupin
1684 S. Broad Street
Lansdale, PA 19446

RE: Whitpain Township Zoning Hearing #2374-23
Subject Property – 398 North Wales Road
Approval of Extension

Dear Mr. Iannozzi:

As the solicitor to the Whitpain Township Zoning Hearing Board, please allow this letter to serve as formal confirmation that at its May 16, 2024, hearing night, the Zoning Hearing Board approved an extension for the variances previously granted in Hearing 2374-23. This extension shall be to August 31, 2025, after which the relief shall expire if Applicant fails to obtain a use and occupancy permit or a building permit as applicable or unless an additional extension is granted by the Board in their discretion. No further Decision and Order will be issued in this matter and all conditions and requirements of the prior approval remain in effect. Should you have any questions or concerns, please contact either me or Travis DeCaro, Whitpain Township Zoning Officer.

Sincerely,



Patrick M. Hitchens, Esq.

PMH/

cc: Travis DeCaro, Zoning Officer
Anne Ryan, Secretary to Zoning Hearing Board

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

Application No. 2374-23

Hearing Date(s): August 17, 2023

Appeal Of:
Peter and Mary Kay Horgan

Decided: August 17, 2023

Property Address:
398 North Wales Road
Blue Bell, PA 19422

Copy Mailed: August 18, 2023

After completion of a public hearing on the above referenced Application, the Zoning Hearing Board of Whitpain Township decided as follows:

1. a variance from Section 160-172.A to permit new construction, alteration, or improvement of buildings and other types of permanent structure within the Floodplain Conservation District is hereby GRANTED;
2. a variance from Section 160-172.B to permit the placement of fill within the Floodplain Conservation District is hereby GRANTED;
3. a variance from Section 160-172.C to permit the encroachment, alteration or improvement to a watercourse within the Floodplain Conservation District is hereby GRANTED;
4. a special exception from Section 160-175.C to permit dams, culverts, end walls, head walls, or bridges within the Floodplain Conservation District is hereby GRANTED;
5. a special exception from Section 160-175.D to permit impoundment basins within the Floodplain Conservation District is hereby GRANTED;
6. a special exception from Section 160-175.E to permit roads, driveways serving residential dwelling units, or parking facilities within the Floodplain Conservation District is hereby GRANTED;
7. a special exception from Section 160-175.G to permit grading or regrading of lands, including the deposit of topsoils and the grading thereof within the Floodplain Conservation District is hereby GRANTED; and
8. a special exception from Section 160-175.H to permit other similar uses within the Floodplain Conservation District.

THIS DECISION AND ORDER IS SUBJECT TO THE FOLLOWING STANDARD CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant(s), unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The approvals granted herein apply only to the proposed construction or development as shown in the exhibits and shall not apply to any other uses or structures.

3. The Applicant(s) shall comply with all requirements of Whitpain Township Code including, but not limited to, all building codes, fire codes, and other zoning provisions to the extent relief was not granted herein or by subsequent Order, and the Subdivision and Land Development Ordinance (SALDO) to the extent applicable.

4. The Applicant(s) shall submit, if required by any law, regulation, or ordinance, all plans, and shall apply for and obtain all permits required for the proposed construction.

5. Unless otherwise stated in this Decision and Order, any and all relief granted herein shall expire within one (1) year of the date of this decision if Applicant(s) fails to obtain a use and occupancy permit or a building permit as applicable in accordance with Section 160-241 of the Whitpain Township Zoning Ordinance.

THIS DECISION AND ORDER IS ALSO SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

6. ~~The Applicant shall provide all necessary culvert information for review to the Township Engineering Department and the Applicant shall obtain all necessary permits relating to said culvert including but not limited Township Grading Permit and PA DEP permits.~~

6. The Applicant shall provide all requested information for review by the Twp Engineer for the proposed work including but not limited to the culvert and the Applicant shall obtain all necessary permits relating to all improvements and related work including but not limited to a Twp Grading Permit and PA DCP permits.

BY: WHITPAIN TOWNSHIP
ZONING HEARING BOARD



Kyle Speece, Chair



Marie Golson, Secretary

Absent
Amy McAndrew, Member



Kent Conway, Vice-Chair

Absent
Dana DiSandro, Member

THIS DECISION AND ORDER OF THE WHITPAIN TOWNSHIP ZONING HEARING BOARD IS FINAL AND ANY APPEAL OF IT MUST BE FILED WITH THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY WITHIN THIRTY (30) DAYS FOLLOWING THE COPY MAILING DATE SET FORTH ABOVE.