

RESIDENT/ PROPERTY OWNER NOTICE
WHITPAIN TOWNSHIP ZONING HEARING BOARD

Whitpain Township Zoning Hearing Board will hold a public meeting on Thursday, October 16, 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:

2464-25 – Hargobind Blue Bell Inc. for property located at 1790 Swede Road, Blue Bell, PA, requests the following variances from the Whitpain Township Zoning Ordinance to convert existing service bays into additional convenience store use: (1) a special exception under Section 160-119.R(9) to permit convenience store use; and (2) a variance from Section 160-192.B(2)(q) to permit 14 parking spaces where 26 parking spaces are required. This Property is located in the C-Commercial 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.whitpainttownship.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@whitpainttownship.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@whitpainttownship.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**

RECEIVED

Case: ZHB # 2464-25



SEP 02 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: Hargobind Blue Bell Inc. c/o Julie Bernstein, Esq.

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

Applicant Address: 910 Harvest Drive, P.O. Box 19422

Phone: (610) 941.2458 Email: jbernstein@kaplaw.com

Subject Property Address: 1790 Swede Road, Blue Bell, PA

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: see attached addendum

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

See attached addendum.

4. Signatures:

Applicant: Julie Date: 9/2/2025

Property Owner: _____ Date: _____

For Office Use Only	
Fee:	<u>\$1600.00</u>
Article:	<u>XIX</u>
Article:	<u>XXVII</u>
Article:	_____
Article:	_____
Article:	_____
Reviewed By:	<u>TD</u>
Zoning District:	<u>C</u>
Section:	<u>160-119 R(9)</u>
Section:	<u>160-192 B(2)(a)</u>
Section:	_____
Section:	_____
Section:	_____
Review Date:	<u>9/17/25</u>

Julie Bernstein, Esquire
Kaplin Stewart Meloff Reiter & Stein, PC
Union Meeting Corporate Center
910 Harvest Drive
Post Office Box 3037
Blue Bell, PA 19422
(610) 941-2458
jbernstein@kaplaw.com

Attorneys for Applicant

**BEFORE THE ZONING HEARING BOARD
OF WHITPAIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

In the Matter of:

Hargobind Blue Bell Inc.
Applicant

1790 Swede Road, Blue Bell, PA
Tax Parcel No. 66-00-07219-00-5

ADDENDUM TO ZONING HEARING BOARD APPLICATION

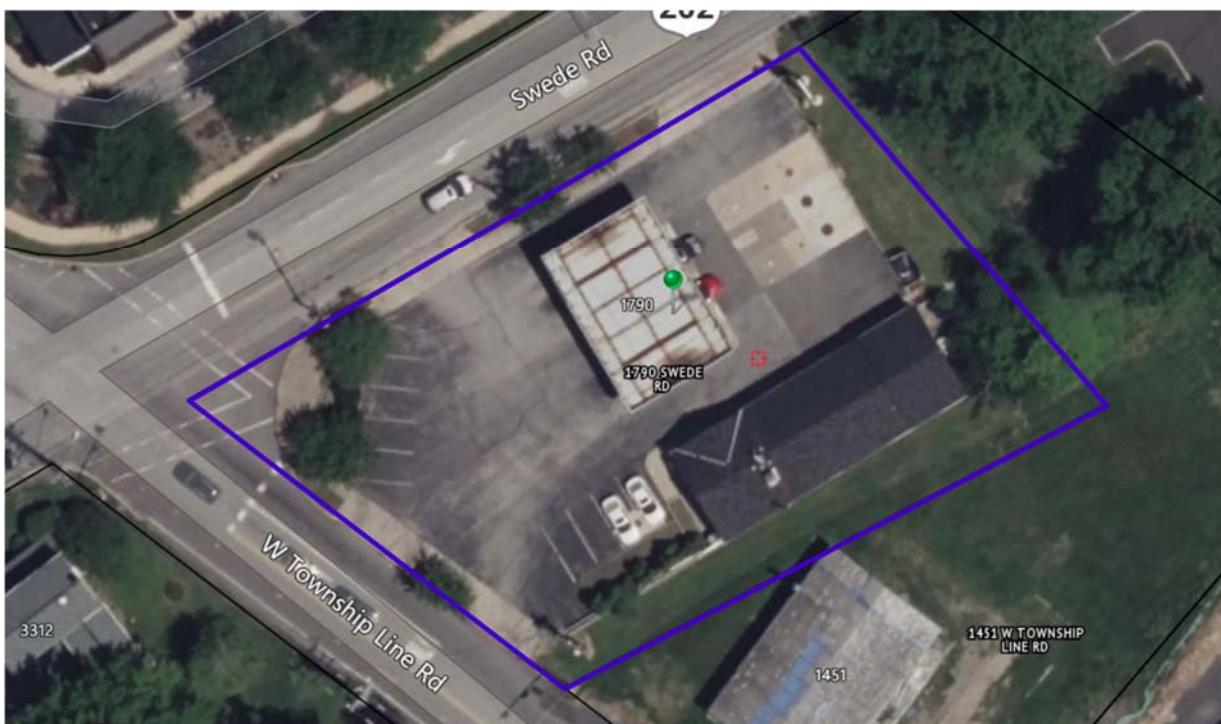
Hargobind Blue Bell Inc., by and through their attorney, Julie Bernstein, Esquire, hereby files this addendum to their Application to the Whitpain Township Zoning Hearing Board, and in support thereof states as follows:

1. **Owner/Applicant.** Applicant is Hargobind Blue Bell Inc. (“**Applicant**”) is the legal owner of the property located at 1790 Swede Road in Blue Bell, Whitpain Township, Montgomery County, PA, further known as Montgomery County Tax Parcel No. 66-00-07219-00-5 (“**Property**”).

2. **Description of the Property.** The Property is approximately 23,078 s.f. and is located at the corner of Swede Road and Township Line Road. It is irregularly shaped and presently improved with a gasoline station with four (4) pump islands covered by a canopy, a 2,546 s.f. retail building and service center, associated signage and improvements. The Property is accessed via two curb cuts off Swede Road and two curb cuts off Township Line Road. The

existing parking field is in poor condition and in need of maintenance, and the service bays on the existing building are boarded up and no longer in use.

Aerial Views:



View of Property from Swede Road:



View of Property from the corner of Swede Road and Township Line Road:



View of Property from Township Line Road:



The Property, as developed, is now nonconforming as to the Whitpain Township Zoning Code's requirements for minimum rear yard setbacks and minimum green areas. The existing conditions of the Property are further depicted on the Site Improvements Sketch Plan, prepared by Padula Engineering and dated June 23, 2025, last revised August 22, 2025 ("Site Improvements Plan"), which is attached as **Exhibit A** and incorporated herein by reference. Additional photographs of the Property are attached as **Exhibit B** and incorporated herein by reference.

3. **Zoning.** The Property is located in the C Commercial District ("Commercial District") pursuant to the Whitpain Township Zoning Code and associated Zoning Map (collectively, "Code"). Gasoline filling stations and convenience stores are currently permitted by special exception in the Commercial District.

According to Township records provided in response to a right-to-know request, this Property has been permitted for use as a service station since at least 1969. In 1993, a prior owner of the Property submitted an application seeking zoning relief (and/or an interpretation of the zoning ordinance) to further improve the property, which at the time reportedly contained five (5) pump islands and a three (3) bay gas station consisting of a 1,980 s.f. enclosed space, with a canopy and signage for the existing gas station. Zoning relief was granted in February of 1994 to permit these improvements. Further zoning relief was granted the same year to permit the use of the property for sale of convenience store items, such as candy, cigarettes, soda, sundry items, newspapers, etc. in the office/retail sales area of the existing building on the Property. Subsequent relief was then provided in 1999 permitting the expansion of the existing building on site to add an additional service bay.

Over the years, additional relief has been provided to allow for modifications to the signage on this Property and to allow for U-Haul vehicle storage, vehicle rental dispatch from the

Property, and vehicle repairs. Copies of these zoning decisions are attached as **Exhibit C** and incorporated herein by reference.

4. **Existing Use.** The Property is currently in use as a gasoline station and has an associated convenience store. The Property is no longer being used for U-Haul vehicle storage, vehicle rental storage, or vehicle repairs.

5. **Proposal.** Applicant is proposing to renovate the existing building and convert the portion of the building containing out-of-use service bays for use as additional convenience store space. These building improvements are further depicted on the Site Plan, prepared by Lee Smith Architects Inc. and dated November 25, 2023, which attached as **Exhibit D** and incorporated herein by reference. The existing parking field will be patched and re-paved (as necessary), and the existing parking spaces will be re-striped (the existing parking field provides sufficient space for fourteen (14) parking spaces, including one (1) ADA parking space). As depicted on the Site Improvements Plan, attached as Exhibit A, no changes are proposed to the footprint or layout of the existing improvements on the Property.

6. **Relief Requested.** In support of this Proposal, Applicant is seeking:

- a. a determination that the continued use of the Property as a gasoline station with a convenience store is permitted; or,
- b. in the alternative, if deemed necessary and to the extent required by the Zoning Hearing Board:
 - i. a special exception pursuant to Section 160-119.R.(9) to permit a convenience store, where the sale of gasoline is permitted in conjunction with a convenience store operation on the Property; and
 - ii. a variance from Section 160-192.B(2)(q) to permit fourteen (14)

parking spaces for the proposed “gasoline service station mini-market” where twenty-six (26) parking spaces are required by the Code; and

c. such other relief is deemed necessary to permit this Proposal on the Property.

7. **Grounds for Relief.** Applicant is seeking to improve and maintain the Property to allow for the continued use of the Property as a gasoline station with a convenience store. The existing service bays are boarded up and out of use, and the Property is no longer being used to store and repair vehicles, including U-Haul vehicles. The Proposal and relief, if deemed necessary, will allow for the reasonable use of this Property. Granting this relief will have no detrimental impact on the surrounding properties or the public health, safety, and welfare of the Township.

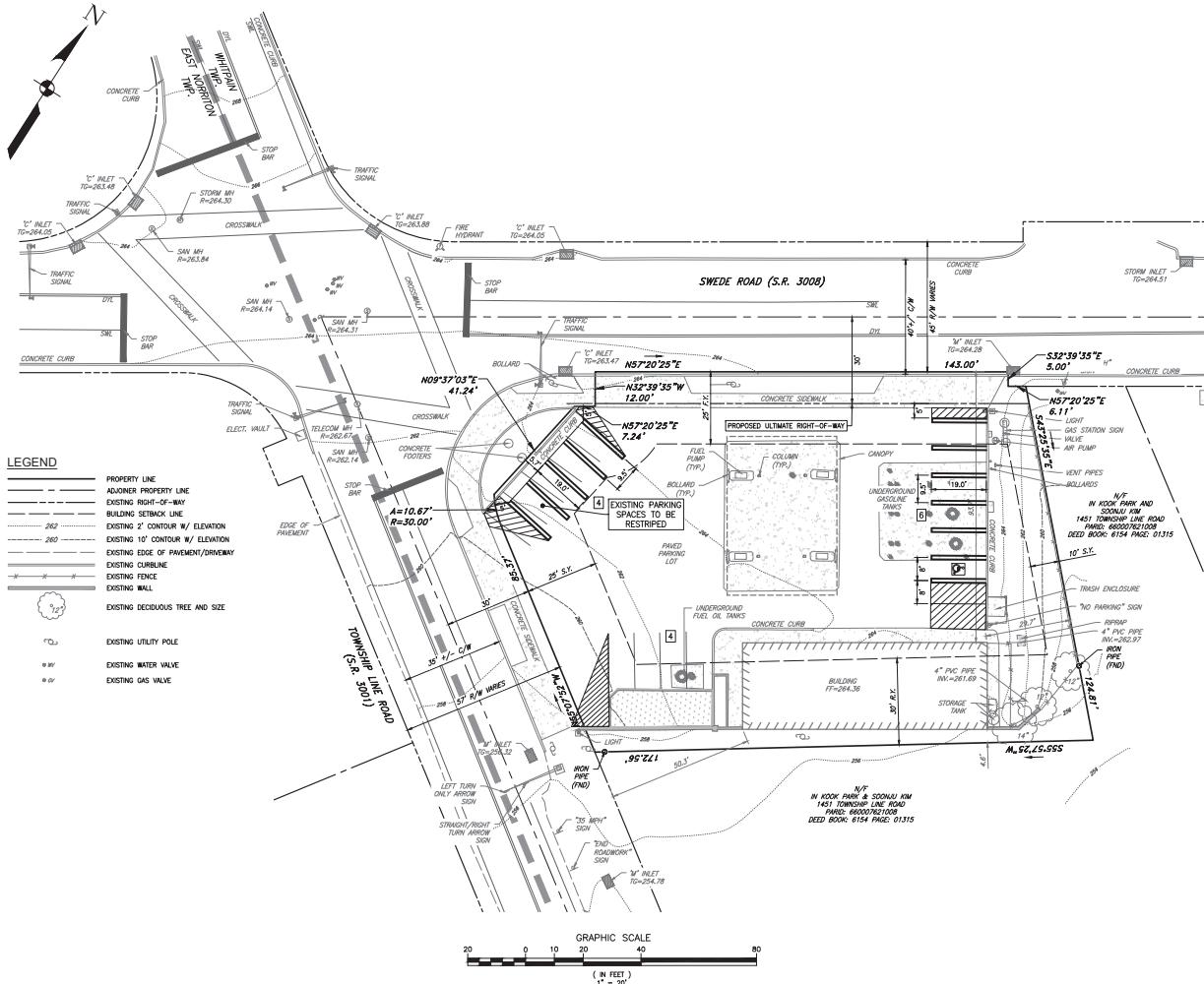
Respectfully Submitted,



JULIE BERNSTEIN, ESQUIRE
Attorney for Applicant

Date: September 2, 2025

EXHIBIT A
(Site Improvements Plan)



PARID: 660007219005



CALL BEFORE YOU DIG!

PENNSYLVANIA LAW REQUIRES THAT THE COMPANY DOES NOT GUARANTEE THE ACCURACY OF THE LOCATIONS FOR EXISTING SUBSURFACE UTILITIES. THE COMPANY IS NOT RESPONSIBLE FOR THE LOCATION OF EXISTING UTILITIES. NOR DOES PADULA ENGINEERING COMPANY GUARANTEE THAT ALL SUBSURFACE UTILITIES ARE LOCATED. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES BEFORE THE START OF WORK.

GEOLOGY DESCRIPTION

UNIT NO.	SYMBOL	NAME	AGE	LITH1	LITH2	LITH3
20	Trs	STOCKTON FORMATION	TRIASSIC	ARROGIC SANDSTONE	SILTSTONE	MUDSTONE

GEOLGY INFORMATION TAKEN FROM PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, eMapPA

SOILS DESCRIPTIONS

SYMBOL	DESCRIPTION	DEPTH TO RESTRICTIVE FEATURE	NATURAL DRAINAGE CLASS	DEPTH TO WATER TABLE	HYDROLOGIC SOIL GROUP	HYDRIIC SOIL RATING
Urb	URBAN LAND-PENN COMPLEX 0'-85' SLOPES	20'-40' TO UTM BEDROCK	WELL DRAINED	MORE THAN 80'	B	NO

SOIL INFORMATION TAKEN FROM UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION DISTRICT, WEB SOIL SURVEY

LOT AREA CALCULATION		
GROSS LOT AREA	23,078 S.F.	0.530 ACRES
LESS SWDE ROAD		
ULTIMATE RIGHT-OF-WAY	1,613 S.F.	0.037 ACRES
NET LOT AREA	21,465 S.F.	0.493 ACRES

ZONING DATA		
ZONING DISTRICT:	C (COMMERCIAL DISTRICT)	
REQUIRED		EXISTING
LOT AREA	6,000 S.F. (MIN.)	23,078 S.F.
LOT FRONTAGE ON A PUBLIC ROAD	60' (MIN.)	154.35'
BUILDING SETBACKS		
FRONT YARD	25' (MIN.)	93.7'
SIDE YARD ⁽¹⁾	10' (MIN.)	24.7'
REAR YARD	30' (MIN.)	4.6'
BUILDING HEIGHT	40' (MAX.)	EXISTING
BUILDING COVERAGE	25% (MAX.)	11.0%

*EXISTING NON-COMPLIANCE

10' SIDE YARD - ON EACH CORNER LOT, THERE SHALL BE ABUTTING THE STREET A SIDE YARD HAVING A WIDTH OF NOT LESS THAN 25 FEET FROM THE STREET SIDE LINE.

REFER TO WHITPAK TOWNSHIP ZONING ORDINANCE FOR ANY ADDITIONAL REGULATIONS THAT MAY APPLY.

BUILDING & IMPERVIOUS SURFACE SUMMARY	
	EXISTING
BUILDING	2,546 S.F.
TOTAL BUILDING COVERAGE:	2,546 S.F.
PAVEMENT	10,183 S.F.
CONCRETE	5,588 S.F.
WALLS	136 S.F.
TOTAL IMPERVIOUS COVERAGE:	18,453 S.F.

PARKING SPACE REQUIREMENTS

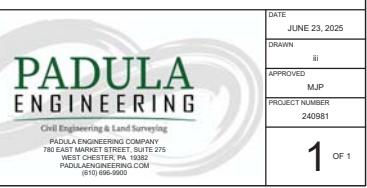
CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS	1 SPACE FOR EVERY 30 S.F. OF TOTAL FLLOOR AREA FOR THE FIRST 3,000 S.F.
BUILDING = 2,546 S.F.	26 SPACES REQUIRED 14 SPACES PROVIDED



GENERAL NOTES

1. OWNER: HARGOBIND BLUE BELL INC. 1196 W. LINCOLN HIGHWAY COATESVILLE, PA 19320-5807
2. SITE ADDRESS: 1196 W. LINCOLN HIGHWAY COATESVILLE, PA 19320-5807
3. DEED INFORMATION: BOOK: 6347, PAGE: 00211
4. REFERENCING PLAN: HARGOBIND BLUE BELL INC. PREPARED FOR HARGOBIND BLUE BELL INC. PREPARED BY PADULA ENGINEERING, MARCH 6, 2023, PROJECT NO. 2409861.
5. SURVEY NOTES FROM REFERENCE PLAN:
 - A. BOUNDARY AND IMPROVEMENTS SHOWN BY PHYSICAL FIELD SURVEY
 - B. HORIZONTAL DATUM IS REFERENCED TO PENNSYLVANIA STATE PLANE COORDINATE SYSTEM AND VERTICAL DATUM IS REFERENCED TO NAVIGATION AND SURVEYING SYSTEM (NAD 83, 1988)
 - C. OBSERVATION ON DECEMBER 06, 2024.
6. REFERENCING PLANS: HARGOBIND BLUE BELL INC. PREPARED FOR HARGOBIND BLUE BELL INC. PREPARED BY PADULA ENGINEERING, MARCH 6, 2023, PROJECT NO. 2409861.
7. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: A. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
8. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: B. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
9. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: C. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
10. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: D. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
11. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: E. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
12. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: F. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
13. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: G. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
14. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: H. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
15. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: I. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
16. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: J. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
17. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: K. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
18. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: L. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
19. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: M. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
20. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: N. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
21. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: O. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
22. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: P. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
23. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: Q. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
24. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: R. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
25. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: S. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
26. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: T. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
27. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: U. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
28. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: V. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
29. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: W. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
30. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: X. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
31. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: Y. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.
32. CONVENIENCE STORE AND GASOLINE SERVICE STATION MIN-MARKETS: Z. PILLAR AGREEMENT WITH THE BOARD OF TRUSTEES OF WHITPAK TOWNSHIP AS IN DEED BOOK 5020, PAGE 49.

PREPARED BY:	
1	6/22/2025
DATE	JUNE 23, 2025
DRAWN	ii
APPROVED	MJP
PROJECT NUMBER	2409861
PREPARED FOR:	HARGOBIND BLUE BELL INC. 1790 SWEDE ROAD BLUE BELL, PA 19422 WHITPAK TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA
PLAN TITLE:	SITE IMPROVEMENTS SKETCH PLAN



(C) 2025 PADULA ENGINEERING COMPANY

EXHIBIT B
(Photographs of the Property)

Exhibit B - Photographs





EXHIBIT C

(Prior Zoning Decisions)

NOTICE OF DECISION
Hearing #179

As the result of a hearing held Thursday evening, October 9, 1969, the Whitpain Township Zoning Hearing Board granted permission to Silver & Harting, T/A Co-Partners, 1422 Chestnut Street, Philadelphia, Pa. for a variance to permit the erection of service station facilities and a sign on the northeast corner of Swede and Township Line Roads, Washington Square, with the following condition imposed:

"lighting must be so arranged that it will not disturb the neighboring property owners"

WHITPAIN TOWNSHIP ZONING HEARING BOARD

October 16, 1969

N.B. - Article VX, Section 1506 of the Whitpain Township Zoning Ordinance provides as follows:

"Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within six (6) months from the date of authorization hereof."

JAN '94 10:31 WISLER WHITPAIN TOWNSHIP

FAX NO. 2152772208

P.O.P.2

No. #964 93

APPLICATION DATE COMPLETED APPLICATION

TO WHITPAIN TOWNSHIP ZONING HEARING BOARD December 21, 1993

Center Square Associates, G.P.

Phone No. 275-3750

1. The Applicant (Name) of (address) 1537 DeKalb Pike, P.O. box 339, Blue Bell, PA 19422
2. () Appeals from the decision of the Zoning Officer; or
(x) Appeals for special exception to, or variance from, the terms of the Zoning Ordinance; or
3. If other than owner, state interest in property
4. Property: 1790 Swede Road, Blue Bell
(a) Location
- (b) Dimensions of Property
1. Area 28,900 SF
2. Frontage and Depth 221' x 133' (irregular)
- (c) Zoning Classification C-Commercial
- (d) Describe existing improvements upon property Five (5) pump islands and a three (3) bay gas station consisting of 1980 SF of enclosed space.
5. Proposed Use or Construction Four (4) pump islands, canopy and service station
Permit for pump island relocation already received. *11/24/94*
11/5/94
6. The Pertinent section(s) of Ordinance in violation 160-114(c) [front yard not less than 25 feet in depth] 160-182.2G.(3) [sign sizes]
7. Specify Legal Grounds for Appeal See attached addendum
8. I (we) hereby waive the requirements of Article IX, Section 908(9) of the Pennsylvania Municipalities Planning Code (Act 347) and do hereby agree to extend from 60 days to 120 days the time period in which my hearing must be held.

Signature of Applicant

I (we) certify that the foregoing statements are true.

Attorney: James J. Garrity, Esquire

Phone: (215) 825-8400

Applicant

(DO NOT WRITE IN THIS SPACE)

SCHEDULED HEARING DATE

Petition refused:

Petition granted:

The following special conditions are imposed:

WHITPAIN TOWNSHIP ZONING HEARING BOARD

by:

Filing Fee \$10.00 Rec'd 12/21/03

by: *Patricia Bellows*

WHITPAIN TOWNSHIP

TOWNSHIP FILE COPY

10/4/03

RECEIVED

DEC 21 1993

5

WHITPAIN TOWNSHIP ZONING HEARING BOARD
NOTICE OF DECISION
#964-93

As a result of the public hearing held at the Blue Bell Elementary School on February 17, 1994, to consider the application filed by Center Square Associates, G.P., 1537 DeKalb Pike, P.O. Box 339, Blue Bell, Penna., 19422, as owner of the subject property located at 1790 Swede Road, Blue Bell, Penna. 19422, the Whitpain Township Zoning Hearing Board publicly voted to GRANT Applicant's amended request for variances from the terms of the Zoning Ordinance:

- A. To allow construction of a 36 ft. x 54 ft. canopy (accessory structure) over the gasoline pumps, within the minimum front yard, coincidental with the ultimate right-of-way line on Swede Road; and
- B. To allow erection of the following signs:
 1. One 6 ft. x 7 ft. "Texaco" pole sign; and
 2. One 6 ft. x 4 1/2 ft. "Prices" sign; and
 3. Three 96 in. x 22 in. signs (14.7 sq. ft.) to be placed above each bay; and
 4. Four "Pump topper" signs with a total of 1.99 sq. ft. to be placed on top of each of the gasoline pumps; and
- C. The Applicant withdrew its request for two 3' x 12' each sign boards, one above each pump island; and
- D. To DENY Applicant's request for an interpretation.

WHITPAIN TOWNSHIP ZONING HEARING BOARD

February 18, 1994

N.B. ARTICLE XXVIII, PARAGRAPH 160-226 OF
THE WHITPAIN TOWNSHIP ZONING ORDINANCE PROVIDES AS FOLLOWS:

"Unless otherwise specified by the Board, a special exception or a variance shall expire if the Applicant fails to obtain a Building Permit or a Use and Occupancy Permit, as the case may be, within six (6) months from the date of authorization thereof."

The Building Permit or Use and Occupancy Certificate must be obtained prior to construction or occupancy of the subject premises.

Also kindly note, it is the sole responsibility of the Applicant to monitor the six (6) month time period and make timely application to the Whitpain Township Zoning Hearing Board for any extension of that six (6) month time period, which may become necessary, in the absence of which the expiration of that time period is automatic, mandatory and without notice to the Applicant.

WHITPAIN TOWNSHIP ZONING HEARING BOARD

NOTICE OF DECISION
#993-94

As a result of the public hearing held at the Township Building on October 20, 1994, to consider the application filed by Center Square Associates, G.P., 1537 Dekalb Pike, P.O. Box 339, Blue Bell, Penna., 19422, as owner of the subject property located at 1790 Swede Road, Blue Bell, Penna., 19422, the Whitpain Township Zoning Hearing Board publicly voted:

- A. To GRANT a variance from the terms of the Zoning Ordinance to permit the sale of minor, non-perishable convenience items such as candy, cigarettes, soda, sundry items, newspapers etc., as testified to, in the office (retail sales area) of approximately 210 sq. ft. only, as indicated on Applicant's plans submitted with the application and marked Exhibit's A-1 and A-2; and
- B. To DENY Applicant's request for an interpretation; and
- C. To DENY Applicant's appeal from the decision of the Zoning Officer.

WHITPAIN TOWNSHIP ZONING HEARING BOARD

October 21, 1994

WHITPAIN TOWNSHIP ZONING HEARING BOARD

Notice of Decision

#1207-99

As a result of the public hearing held at the Township Building on April 15, 1999, to consider the application filed by Steve DelliGatti, as equitable owner of the property located at 1790 Swede Road Blue Bell, Penna. 19422, the Whitpain Township Zoning Hearing Board publicly voted:

A. To GRANT Applicant's request for a variance from the terms of the Zoning Ordinance to allow the following at the subject property:

1. A 19' x 30' service bay addition to the Northeast side of the existing building.

subject to the condition:

- a. That not less than 450 square feet of green space area be provided as indicated in pencil on the plans submitted with the application.

2. Signage consisting of the following:

- a. Removing existing window signs and installing an additional 6'x 4' sign on the existing Texaco sign pole.
- b. Addition of a small awning to the front of the store area. The Board considered this request moot because no relief was required according to the Code Enforcement Officer.

B. To DENY Applicant's request for a variance from the terms of the Zoning Ordinance to allow the addition of a bay banner on the proposed new service bay addition at the subject property.

C. To DENY Applicant's request for a special exception under the terms of the Zoning Ordinance.

A copy of this file is on record and may be examined at the Whitpain Township Building, 960 Wentz Road, Blue Bell, Penna. 19422.

Whitpain Township Zoning Hearing Board

NOTICE

N.B. ARTICLE XXVII, PARAGRAPH 160-226 OF THE WHITPAIN TOWNSHIP ZONING PROVIDES AS FOLLOWS:

Unless otherwise specified by the Board, a special exception or a variance shall expire if the Applicant fails to obtain a required building permit or a use and occupancy permit within six (6) months from the date of decision.

The building permit or occupancy certificate must be obtained prior to construction or occupancy of the subject premises.

Also kindly note, it is the sole responsibility of the applicant to monitor the six (6) month time period and make timely application to the Whitpain Township Zoning Hearing Board for any time extension which may become necessary. In the absence of a granted time extension based on a written request by the applicant for an extension to this time period, the expiration of the decision is automatic, mandatory and without notice to the Applicant.

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

APPLICATION 1530-04

Appeal of Steven Delligatti on
behalf of Steve's Auto Care

Property Address: 1790 Swede Road
Blue Bell, PA 19422

First Hearing: May 20, 2004

Decided: *MAY 20, 2004*

Copy Mailed: *MAY 21, 2004*

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

1. The variance from the terms of Article XXIII, Section 160-182.2.G to allow an increase of the existing canopy signs from 9 sq. ft. to 11.5 sq. ft. pursuant to Zoning Hearing Board Decisions No. 964-93 and No. 1241-99 at the subject property is hereby **GRANTED/DENIED**.

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

APPLICATION: 1970-13

FIRST HEARING: April 18, 2013

APPEAL OF: Steve DelliGatti

DECIDED: 4/18/13

PROPERTY ADDRESS: 1790 Swede Road
Blue Bell, PA 19422

COPY MAILED:

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

1. A variance from Article XIX, Section 160-119 regarding use regulations. GRANTED/DENIED
2. A variance/special exception from Article XIX, Section 160-119.R(5) regarding uses to allow an added use, Uhaul rentals, keeping 4-5 rental vehicles on the subject property, the size of vehicles stored to be no larger than a 10' box truck, such as a cargo van, pickup truck, or a 10' box truck. GRANTED/DENIED

DECISION AND ORDER

WHITPAIN TOWNSHIP ZONING HEARING BOARD

APPLICATION: **1982-13**

FIRST HEARING: **October 17, 2013**

APPEAL OF: **Steve DelliGatti**

DECIDED: **October 17, 2013**

PROPERTY ADDRESS: **1790 Swede Road
Blue Bell, PA 19422**

COPY MAILED:

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

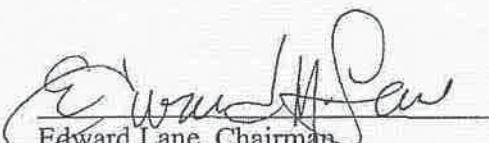
1. A special exception from Article XIX, Section 160-119.R(5) regarding use regulations and a modification of conditions from Zoning Hearing Board Decision No. 1970-13 related to stored vehicles for rental use.

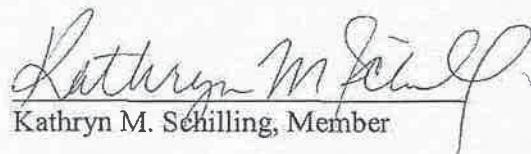
GRANTED/DENIED

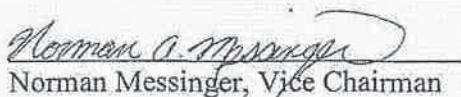
1982
APPLICATION-1970-13 - APPEAL OF Steve DelliGatti

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.
2. The Applicant shall obtain a grading permit if required by the Township Engineering Department.
3. See below.


Edward Lane, Chairman


Kathryn M. Schilling, Member


Norman Messinger, Vice Chairman


Harry Phifer, Member


John J. O'Hara, Secretary

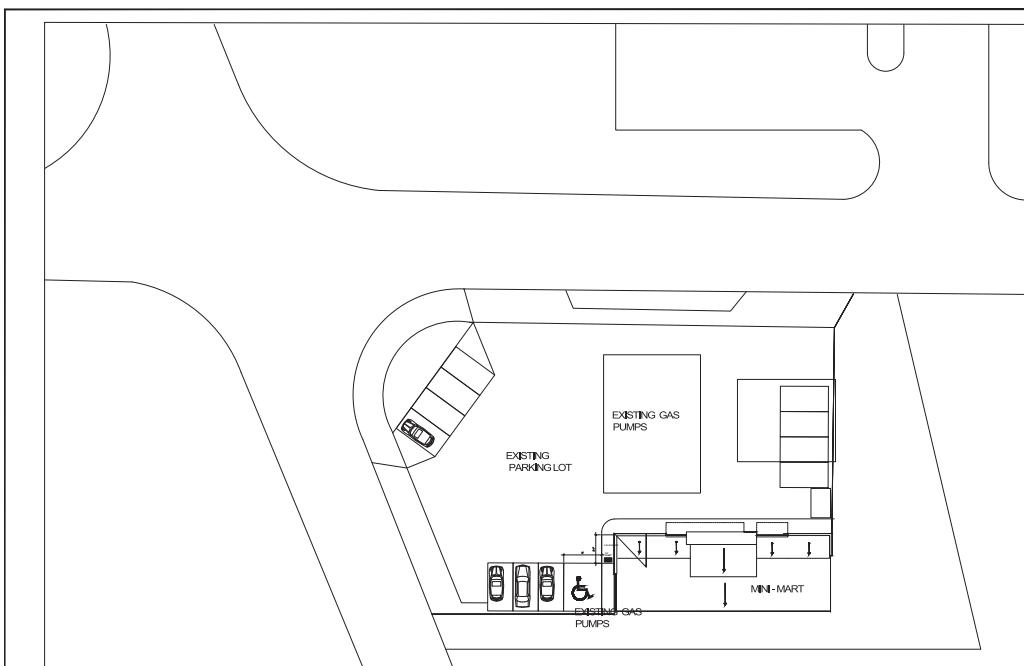
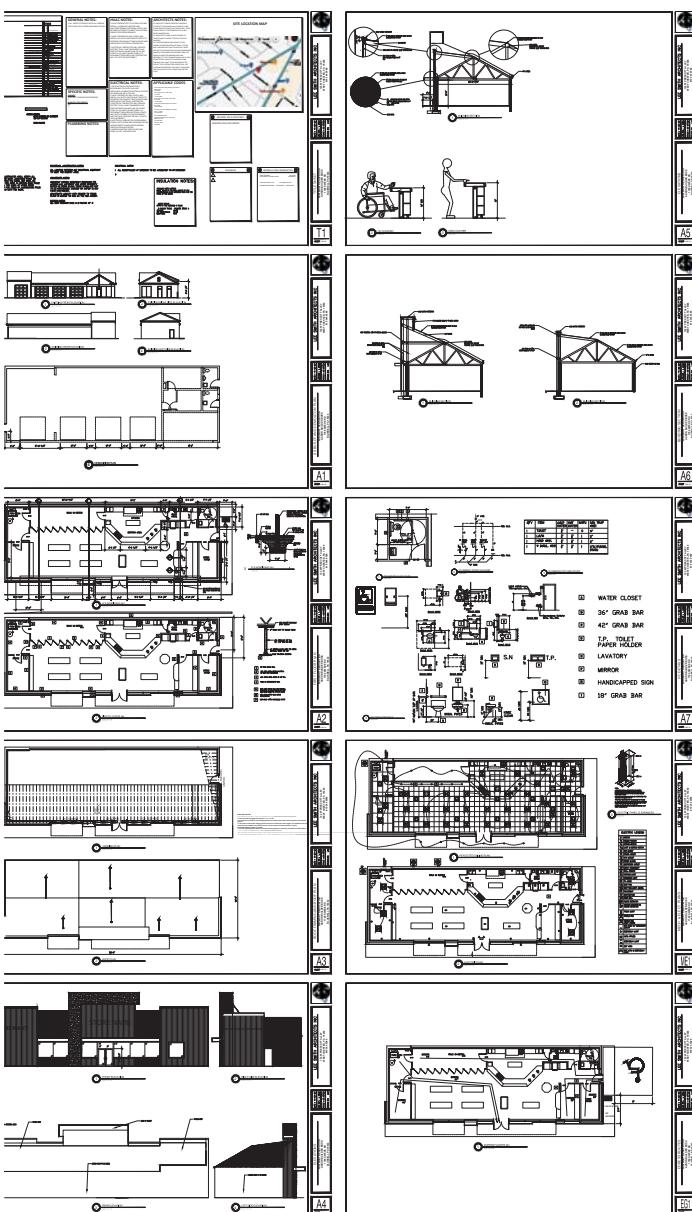
This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 160-241. *Expiration of Special Exceptions and Variances*, of the Whitpain Township Zoning Ordinance of 1950, as amended, Chapter 160 of the Code of the Township of Whitpain, provides that unless otherwise specified by the Board, a special exception or variance shall expire if the Applicant fails to obtain a building permit or use and occupancy permit, as the case may be, within six (6) months from the date of authorization thereof.

3. Applicant shall comply with the prior Decision of April 18, 2013 except that the number of rental vehicles permitted shall be increased from 5 to 10. Moreover, as set forth in Exhibit "A" attached hereto, parking at the corner of the property (intersection of Swede St. and Township Line Rd.) shall be limited to a maximum of 5 cars only (no trucks). Parking at the north side of the property shall be limited to 5 cars and/or trucks with a maximum truck size of 14 feet or less. Parking on the east side of the property shall be limited to 5 cars or trucks with a maximum truck size of 20 feet or less. There shall be no other parking, no parking under the canopy, and no parking on any sidewalk area.

EXHIBIT D

(Site Plan)



1 REAR ELEVATION
SCALE: 1'-0" = 1'-0"

