MAIDENCREEK TOWNSHIP ZONING HEARING BOARD

NOTICE OF APPEAL OR APPLICATION
(To be filed in triplicate with plot plan attached.)

APPEAL NO. _____

DATE _____

Appeal is hereby made by the undersigned (check one)

( ) from the action of the Zoning Officer in refusing my application for a Zoning Permit on _____, 20 .

(x) for a Variance from the terms of the Zoning Ordinance of Maidencreek Township.

(x) for a Special Exception from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Conditional Use from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Rezoning from the terms of the Zoning Ordinance of Maidencreek Township.

( ) from the action of the Building Inspector in refusing my application for a Building Permit on _____, 20 .

Name of Property Owner GSP Properties - North Bethlehem, LLC

Name of Applicant Same

Location of Property 8508 and 8520 Allentown Pike

Address of Applicant P.O. Box 3712, Allentown PA 18106-0712

Interest of Applicant in property if not owner (agent, lessee, equitable, etc.) _____

Attorney (if any) William Colby, Esquire

1. Application relates to:

Use ( ) Lot Area ( ) Yards ( ) Height ( ) Existing Building ( )
Proposed Building (x) Area Classification ( )
Other (x) See Addendum

2. Description of Real Property and Location:

The properties contain 4.797 acres. The present use is two single family dwellings. Previously the site also contained green houses. The present zoning is C-R - Commercial-Residential District and the site is located on the south side of Rt. 222, 1700' east of Rt. 73.

(a) Lot Size
(b) Present Use
(c) Present Zoning Classification
(d) Present Existing Improvements

3. Date Building Inspector or Zoning Officer made his determination _____

Statement of alleged error or Building or Zoning Officer _____

4. Action desired by applicant See Addendum

5. Reasons applicant believes the Board should approve the desired action (ei. To section or sections of the ordinance under which you believe the desired action may be allowed, and note specifically whether or not a hardship is being claimed) _____

6. Has a previous appeal been filed in connection with these premises? No

7. List names and addresses of all adjoining property owners and all property owners and/or residents within 1000 feet of the location of applicant's property.

8. Attach 3 scale copies of a plot plan of the real estate affected and in question here, indicating its location, North point, scale, adjoining owners, distances, lot size, size and location of improvements now existing and the size and location of proposed improvements, show site location insert, and indicate any other changes desired or information required by the Zoning Hearing Board.

9. The undersigned being the legal or equitable owner of certain real estate, which is the subject of a zoning application which is being submitted to the Township of Maidencreek simultaneously herewith, in consideration of the Township of Maidencreek processing the aforesaid plan, agree to pay to the aforesaid Township, within thirty (30) days from the date of the Township invoice, all costs that the Township has incurred, in processing the said zoning application.

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct to the best ~~of my~~ knowledge, information and belief.

Date 12/2/17

Applicant

Witness:

Stephen K Berenzi

THIS APPLICATION MUST BE ACCOMPANIED WITH A CHECK IN THE AMOUNT OF $ 1500
MADE PAYABLE TO: MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS.

ADDENDUM TO
MAIDENCREEK TOWNSHIP ZONING HEARING BOARD
NOTICE OF APPEAL OR APPLICATION

1. Application relates to:

   Other (x) Special Exception per Section 220-39(B) Square Footage of Building
   Section 220-61E(5)(c) Parking Space Requirement
   Section 220-38(A) Impervious Cover
   Sections 220-61(K)(6) and 220-61(K) Loading Zones and Loading Spaces

4. Action desired by applicant: To grant a special exception in accordance with Section 220-39(B) of the Township Zoning Ordinance to allow the buildings to contain 2958 Sq. Ft. and to grand a variance from Section 220-61(E)(5)(c) to allow 91 parking spaces instead of the required 114 parking spaces, a variance from Section 220-38(A) to allow the impervious cover to be 44.5% instead of the required 35% and variances from Section 220-61(K) and Section 220-61(K)(6) which require loading zones and one loading space per building. We are proposing the driveway to be 32' wide which would allow a 12' wide loading area anywhere along the driveway and still allow the driveway to be 20 ft. wide which would allow two cars to pass each other.

GSP Properties – North Bethlehem, LLC
BUSINESS PARK AT MAIDENCREEK
MAIDENCREEK TOWNSHIP - BERKS COUNTY, PENNSYLVANIA
PROJECT NO.: 2017-059
November 2017

Zoning Request

GSP Properties – North Bethlehem, LLC is proposing to construct a 22-unit business and commercial park on two (2) parcels located in Maidencreek Township, Berks County, Pennsylvania. The parcels are located on the south side of Allentown Pike (SR 222), between Constitution Avenue to the east and Main Street (SR 73) to the west. The proposed improvements include construction of a driveway off SR 222, a parking lot, connections to public utilities, and storm sewer systems for the conveyance of stormwater to an underground infiltration basin.

The project area is approximately 4.79 acres and is located in the C-R – Commercial – Residential District. The site is surrounded by other commercial and residential uses.

The Applicant/ Developer, is requesting the following relief from the Maidencreek Township Zoning Ordinance:

Special Exception:
- Section 220-39-(B) –Square Footage of the Building

Variances:
- Section 220-61 (E) (5) (c) – Parking Space Requirements
- Section 220-38 (A) – Impervious Coverage
- Section 220-61(k) and 220-61(k) (6) – Loading Zones and Loading Spaces

The action required is for the Zoning Hearing Board to grant a Special Exception in accordance with Section 220-39-(B) of the Township Zoning Ordinance to allow all the buildings to contain 2,958 square feet and to grant the following variances; Section 220-61(E)(5) (c) to allow 91 parking spaces instead of the required 114 parking spaces; a variance from Section 220-38 (A) or in the alternative a determination that Section 220-38(A) is a typographical mistake to allow the impervious cover to be 44.5 % instead of 35% and variances from Section 220-61(K) and Section 220-61(K)(6) which required loading zones and one loading space per building. We are proposing the driveway to be 32' wide, which would allow a 12' wide loading area anywhere along the driveway and still allow the driveway to be 20' wide which would allow two vehicles to pass each other.

Through the testimony and documentation at the Zoning Hearing, it will be proven, that the Developer/Applicant request for the Special Exception and variances are justified due to the site's limitations and restrictions. All the other provisions and requirements of the Township's regulations will be met.

The Developer/Applicant is requesting the Township Zoning Hearing Board consider granting the Special Exception and the variances.

Prepared by:
Allen R. Shollenberger, Esquire
Leisawitz Heller Abramowitch Phillips, P.C.
2755 Century Boulevard
Wyomissing, PA 19610
Telephone: 610-372-3500

Return to:
Heartland/Edge Associates
55 Commerce Drive
Wyomissing, PA 19610

Property Address:
8508 Allentown Pike
Maidencreek Township, Berks County
Blandon, PA 19510
PIN: 61541119629166

This Deed made the 13 day of April, 2016,

Between: **WILLIAM D. RIEDEL and FAITH M. RIEDEL, husband and wife,**
(hereinafter called the Grantors), and

GSP PROPERTIES-NORTH BETHLEHEM, LLC, a Pennsylvania Limited Liability Company,
(hereinafter called the Grantee),

Witnesseth: That the said Grantors, for and in consideration of the sum of One Dollar ($1.00) lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns,

TRACT A

ALL THAT CERTAIN lot or piece of ground lying to the rear of property fronting on the southeasterly side of the Pennsylvania State Highway Legislative Route No. 157, U.S. Route 222, known as the Allentown Highway, being northeastward from the Halfway House in the Village of Maidencreek, situate in the Township of Maidencreek, County of Berks and State of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at an iron pipe in line of property belonging to Harry L. Schaeffer and Mildred E., his wife, and a corner of property belonging to Darwin H. Schaeffer and R. Patsy, his wife;

THENCE along said property belonging to Darwin H. Schaeffer and R. Patsy, his wife, North forty-one degrees three minutes fifteen seconds West (N. 41° 03' 15" W.) a distance of Two hundred twenty-seven and fifty-five one-hundredths feet (227.55') to an iron pipe, a corner of a triangular shaped piece of ground about to be conveyed by the said Darwin H. Schaeffer and R. Patsy, his wife, to Catherine E. Bowers Dunkle, wife of S. Franklin Dunkle, and being a corner of residue property belonging to Catherine E. Bowers Dunkle, wife of S. Franklin Dunkle, of which the herein described lot was a part;

THENCE along said residue property North forty-eight degrees fifty-six minutes forty-five seconds East (N. 48° 56' 45" E.) a distance of One hundred and no one-hundredths feet (100.00') to an iron pipe in line of the aforementioned property belonging to Harry L. Schaeffer and Mildred E., his wife;

THENCE along said property belonging to Harry L. Schaeffer and Mildred E., his wife, the two following courses and distances, viz:

(1) South forty-one degrees three minutes fifteen seconds East (S. 41° 03' 15" E.) a distance of Two hundred eighty-three and ninety-seven one-hundredths feet (283.97') to an iron pipe, and
(2) South seventy-eight degrees twenty-two minutes forty-five seconds West (S. 78° 22' 45" W.) a distance of One hundred fourteen and eighty-two one-hundredths feet (114.82') to the PLACE OF BEGINNING.

CONTAINING IN AREA: 0.587 ACRES.

TRACT B

ALL THAT CERTAIN two story frame dwelling, one story cinder block garage, frame shed and other improvements, together with the tract or piece of land upon which the same are erected, situate on the southerly side of Pennsylvania State Highway U.S. Route No. 222, leading from Reading to Kutztown in the Township of Maidencreek, County of Berks, and Commonwealth of Pennsylvania, more fully bounded and described as follows, to wit:

BEGINNING at a point on the center line of said Pennsylvania State Highway U.S. Route No. 222 in line of land now or late of Arthur Bowers and Catherine E. Bowers, his wife, said place of beginning being South sixty-three (63) degrees West, six hundred five (605) feet measured along said center line from the division line between property now or late of Lester Heere and Lot No. 10 as shown on the plan of building lots laid out by Maude H. Schaeffer, said plan recorded in Plan Book Volume 14, page 8 Berks County records, said division line being marked by marble monuments: thence from said place of

beginning extending along land now or late of Arthur Bowers and Catherine E. Bowers, leaving said highway, South forty-one (41) degrees three and one fourth (3 ¼) minutes East, nine hundred fifty three feet and thirty hundredths of one foot (953.30') to a point: thence extending along land now or late of Harry L. Schaeffer and Mildred E. Schaeffer, his wife, South seventy-eight (78) degrees twenty-two and three fourths (22 ¾) minutes West one hundred thirty-five feet and two hundredths of one foot (135.02') to an iron axle: thence extending along land now or late of John C. German and Naomi B. German, his wife, North forty (40) degrees fifty-eight and three fourths (58 ¾) minutes West a distance of nine hundred sixteen feet and nine hundredths of one foot (916.09') to a point on the center line of Pennsylvania State Highway U.S. Route No. 222: thence extending along the center line of Pennsylvania State Highway Route No. 222, North sixty-three (63) degrees East, one hundred twenty feet (120') to the place of Beginning.

CONTAINING in area two acres and eighty-one hundredths perches of land.

EXCEPTING THEREOUT AND THEREFROM all that certain narrow triangular shaped lot or piece of ground lying on the southeasterly side of the Pennsylvania State Highway Legislative Route No. 157, U.S. Route No. 222, known as the Allentown Highway, being northeastwardly from the Halfway House in the Village of Maidencreek, situate in the Township of Maidencreek, County of Berks and State of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at a point in the center line of the aforesaid State Highway known as the Allentown Highway, being a corner of residue property belonging to Darwin H. Schaeffer and R. Patsy, his wife, of which the herein described lot was a part;

THENCE along the center line of said Allentown Highway, North sixty-three degrees East (N. 63° E.) a distance of twelve and fifty-three one-hundredths feet (12.53') to a point:

THENCE leaving said highway and extending along property belonging to Catherine E. Bowers Dunkle, wife of S. Franklin Dunkle, South forty-one degrees three minutes fifteen seconds East (S. 41° 03' 15" E.) passing through an iron pipe on line at a distance of thirty and ninety-three one-hundredths feet (30.93'), a total distance of Seven hundred twenty-five and seventy-five one-hundredths feet (725.75') to an iron pipe, a corner of property about to be conveyed by the said Catherine E. Bowers Dunkle to Darwin H. Schaeffer and R. Patsy, his wife, and being a corner of the aforementioned residue property belonging to Darwin H. Schaeffer and R. Patsy, his wife;

THENCE along said residue property belonging to Darwin H. Schaeffer and R. Patsy, his wife, North forty-two degrees no minutes thirty-five seconds West (N. 42° 00' 35" W.) a distance of Seven hundred twenty-eight and eighty-nine one hundredths feet (728.89') to the PLACE OF BEGINNING.

CONTAINING IN AREA: 0.101 ACRES.

BEING THE SAME PREMISES which WILLIAM D. RIEDEL by Deed dated September 24, 1986, and recorded October 6, 1986, in Deed Book Volume 1909, Page 0614, Berks County Records granted and conveyed unto WILLIAM D. RIEDEL and FAITH M. RIEDEL, husband and wife, in fee, the Grantors herein.

Together with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of WILLIAM D. RIEDEL and FAITH M. RIEDEL, the said Grantors, as well at law as in equity, of, in, and to the same.

To have and to hold the said lot or piece of ground above described hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns.

And the said Grantors, for themselves, their heirs, executors and administrators do covenant, promise and agree, to and with the said Grantee, its successors and assigns, by these presents, that WILLIAM D. RIEDEL and FAITH M. RIEDEL, the said Grantors, their heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against WILLIAM D. RIEDEL and FAITH M. RIEDEL, the said Grantors, their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, them, or any of them, shall and will SPECIALLY WARRANT and forever DEFEND.

ACTUAL CONSIDERATION: $250,000.00

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered :
In The Presence of Us :

_____ _____(SEAL)
WILLIAM D. RIEDEL

_____ _____(SEAL)
FAITH M. RIEDEL

4

Prepared By:
Signature Abstract
1100 Berkshire Boulevard
Suite 100
Wyomissing, Pa 19610
(610) 376-1818
12645-RS

Return To:
GSP PROPERTIES - NORTH BETHLEHEM LLC
10 Woods Way
Wyomissing, PA 19610

Premises:
8520 ALLENTOWN PIKE, BLANDON, PA 19510
MAIDENCREEK TOWNSHIP
BERKS COUNTY, PA

This Deed, made this 9th day of **February, 2010**

Between,

WILLIAM D. RIEDEL and FAITH M. RIEDEL, husband & wife
(hereinafter called "Grantor"), of the one part, and

GSP PROPERTIES - NORTH BETHLEHEM LLC (hereinafter called the "Grantee"), of the other part.

Witnesseth, That in consideration of **$ 167,500.00**

in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, **his/her** heirs and assigns,

See Attached Exhibit A

Exhibit A

PURPART NO. 1

ALL THAT CERTAIN lot or piece of ground together with the improvements erected thereon situate in the Township of Maidencreek, County of Berks, Commonwealth of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at a point in the William Penn Highway and in line of property now or late of Lawrence Schalters and wife, Irene; thence along said William Penn Highway northeastwardly one hundred forty feet to property now or late of Victoria S. Terrell and Ida L. Miller; thence at right angles with said William Penn Highway southwardly one hundred fifty feet to a point; thence southeastwardly and parallel to above mentioned Shalter's line about one hundred feet northeastward from Shalter's Line; thence running along property now or late of Victoria S. Terrell and Ida L. Miller and parallel aforesaid eight hundred feet, more or less, to a stone fence; thence along the same westwardly one hundred feet, more or less to property now or late of said Shalters; thence northwestwardly nine hundred forty-six feet, more or less, to the point or place of beginning.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN lot or piece of ground containing 0.587 acres as conveyed in a Deed from Catherine E. Bowers Dunkle and S. Franklin Dunkle, her husband, to Darwin H. Schaeffer and R. Patsy Schaeffer, his wife, dated February 29, 1972 recorded in Deed Book Volume 1603, page 554, Berks County Record.

PURPART NO. 2

ALL THAT CERTAIN narrow triangular shaped lot or piece of ground lying on the southeasterly side of the Pennsylvania State Highway Legislative Route No. 157, U.S. Route No. 222, known as the Allentown Highway, being northeastwardly from the Halfway House in the Village of Maidencreek, situate in the Township of Maidencreek, County of Berks, Commonwealth of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at a point in the center line of the aforesaid State Highway known as the Allentown Highway, being a corner of residue property belonging to Darwin H. Schaeffer and R. Patsy, his wife, of which the herein described lot was a part; thence along the center line of said Allentown Highway, North sixty-three degrees East
(N. 63° E.), a distance of twelve and fifty-three one-hundredths feet (12.53') to a point; thence leaving said highway and extending along property belonging to Catherine E. Bowers Dunkle, wife of S. Franklin Dunkle, South forty-one degrees three minutes fifteen seconds East (S. 41° 03' 15" E.) passing through an iron pipe on a line at a distance of thirty and ninety-three one hundredths feet (30.93') a total distance of seven hundred twenty-five and seventy-five one hundredths feet (725.75') to an iron pipe, a corner of property about to be conveyed by the said Catherine E. Bowers Dunkle to Darwin H. Schaeffer and R. Patsy Schaeffer, his wife, and being

a corner of the aforementioned residue property belonging to Darwin H. Schaeffer and R. Patsy Schaeffer, his wife; thence along said residue property belonging to Darwin H. Schaeffer and R. Patsy Schaeffer, his wife North forty-two degrees no minutes thirty-five seconds West (N. 42° 00' 35" W.), a distance of seven hundred twenty-eight and eighty-nine one-hundredths feet (728.89') to the place of beginning.

CONTAINING in area 0.101 acres.

BEING THE SAME PREMISES WHICH ANDREW DiSTEFANO, ROSOLINO DiSTEFANO and MARIANGELA DiSTEFANO, by Deed dated 3/29/1996 and recorded 4/10/1996 in the Office for the Recorder of Deeds in and for the COUNTY of BERKS, and COMMONWEALTH of PENNSYLVANIA in Record Book 2719, Page 985, granted and conveyed unto WILLIAM D. RIEDEL and FAITH M. RIEDEL.

THE ACTUAL CONSIDERATION IS : $ 167,500.00