

WILLIAM J. CARLIN
1926-2004
S. RICHARD KLINGES, III
1932 - 2011

THOMAS J. PROFY, III
JOHN P. KOOPMAN
JEFFREY P. GARTON
THOMAS R. HECKER
JOSEPH S. BRITTON
DOUGLAS C. MALONEY
THOMAS J. PROFY, IV*†
FRANCIS X. DILLON
TODD M. SAILER*
NATHAN D. FOX*
LYNN S. EVANS
JOHN A. TORRENTE*
SIOBHAN D. BYRNES†
STEVEN M. JONES
BREANDAN Q. NEMEC
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†Master of Laws (Taxation)

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November 19, 2015

OF COUNSEL
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BRISTOL
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NEW HOPE OFFICE
123 W. BRIDGE STREET
NEW HOPE, PA 18938
215.862.0701

NEW JERSEY OFFICE
1670 WHITEHORSE-HAMILTON SQUARE RD.
P.O. BOX 8188
HAMILTON, NJ 08690
609.588.5599

Via Hand Delivery

Bensalem Township
Building and Planning Department
2400 Byberry Road
Bensalem, PA 19020
Attn: Matthew K. Takita

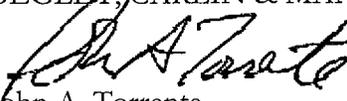
Re: Robert J. Cook, Tax Map Parcel no. 02-079-002
3244 Filbert Avenue

Dear Matt:

Please accept the filing on behalf Robert J. Cook the enclosed application for variances for use and parking in connection with the above-referenced property. In that regard I am providing you with thirteen (13) copies of the application and plan with related documents along with my clients check in the amount of \$15,000.00 which I understand represents the filing fee. I would appreciate if you could attach a copy of your rejection of the zoning certification for this property to the application.

If anything further is needed, please contact me. Thank you for your courtesies.

Very truly yours,
BEGLEY, CARLIN & MANDIO, LLP


John A. Torrente

JAT/ejr

cc: James Ryan (*via email only* - jmryan@bensalempa.gov)



BENSALEM TOWNSHIP

Building and Planning Department
2400 Byberry Road • Bensalem PA 19020
215-633-3644 • FAX 215-633-3653

Exhibit Z-4

Zoning Hearing Board

Appeal Number: _____

Township of Bensalem, Bucks County, Pennsylvania Notice of Appeal

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

Check applicable item(s):

- Certification of Non-Conforming Use
- Application for Validity Challenge
- Administrative Officer in refusing my application for a building permit dated: _____
- Special Exception
- Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name: _____ Robert J. Cook _____

Address: _____ 3116 Clive Avenue _____

_____ Bensalem, PA 19020 _____

Phone No. _____ 267-968-6136 _____

Owner's Name: _____ Robert J. Cook _____

Address: _____ 3116 Clive Avenue _____

_____ Bensalem, PA 19020 _____

Phone No. _____ 267-968-6136 _____

Attorney Name: _____ John A. Torrente, Esquire _____

Address: _____ Begley, Carlin & Mandio, LLP _____

_____ P.O. Box 308, Langhorne, PA 19047 _____

Phone No. _____ 215-750-0110 _____

_____ jtorrente@begleycarlin.com _____

Interest of appellant, if not owners (agent, lessee, etc.): _____

1. Application relates to the following:

Check items if applicable:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Use | <input type="checkbox"/> Lot Area |
| <input type="checkbox"/> Height | <input type="checkbox"/> Yards |
| <input checked="" type="checkbox"/> Existing Building | <input type="checkbox"/> Proposed Building |
| <input checked="" type="checkbox"/> Occupancy | |
| <input type="checkbox"/> Other: (describe) _____ | |
| _____ | |
| _____ | |

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-079-002

Location: 3244 Filbert Avenue

Lot Size: 7,200 sq. ft. .1650 Acres

Present Use: Residential

Proposed Use: 2 Apartments

Present Zoning Classification: R-1 Residential District

Present Improvement upon Land: Single Family Home Converted to two Apartments.

Deed recorded at Doylestown in Deed Book 1601 Page 1169

3. If this is an appeal to challenge, provide statement and/or basis for challenge to the validity of the zoning ordinance.

N/A

4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following:

Date Determination was made: N/A

Your statement of alleged error of Zoning Administrative Office: _____

5. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired):
§232 - 152 Use Regulations to permit a Multifamily Residence §232-586(C)(1) to not require 4 paved parking spaces to be located on the lot.

6. Action desired by appellant or applicant (statement of relief sought or special exception or variance desired):
See attached.

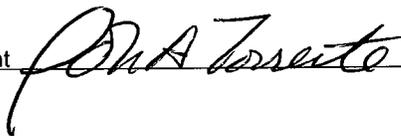
7. Reasons appellant believes board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and not whether hardship is (or is not) claimed, and the specific hardship).
See attached.

8. Has previous appeal or application for special exception or variance been filed in connection with these premises?
 YES NO

Specifications of errors must state separately the appellant's objections to the action of the zoning administrative office with respect to each question of law and fact which is sought to be reviewed.

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

John A. Torrente, Esquire, Attorney for Applicant
Appellant's or Owner's Signature



November 18, 2015
Date

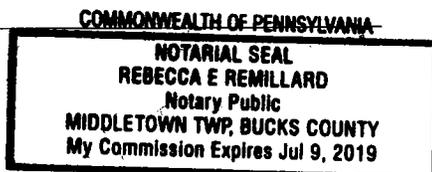
Sworn to and subscribed before me this

18th day of November 2015



Notary Public

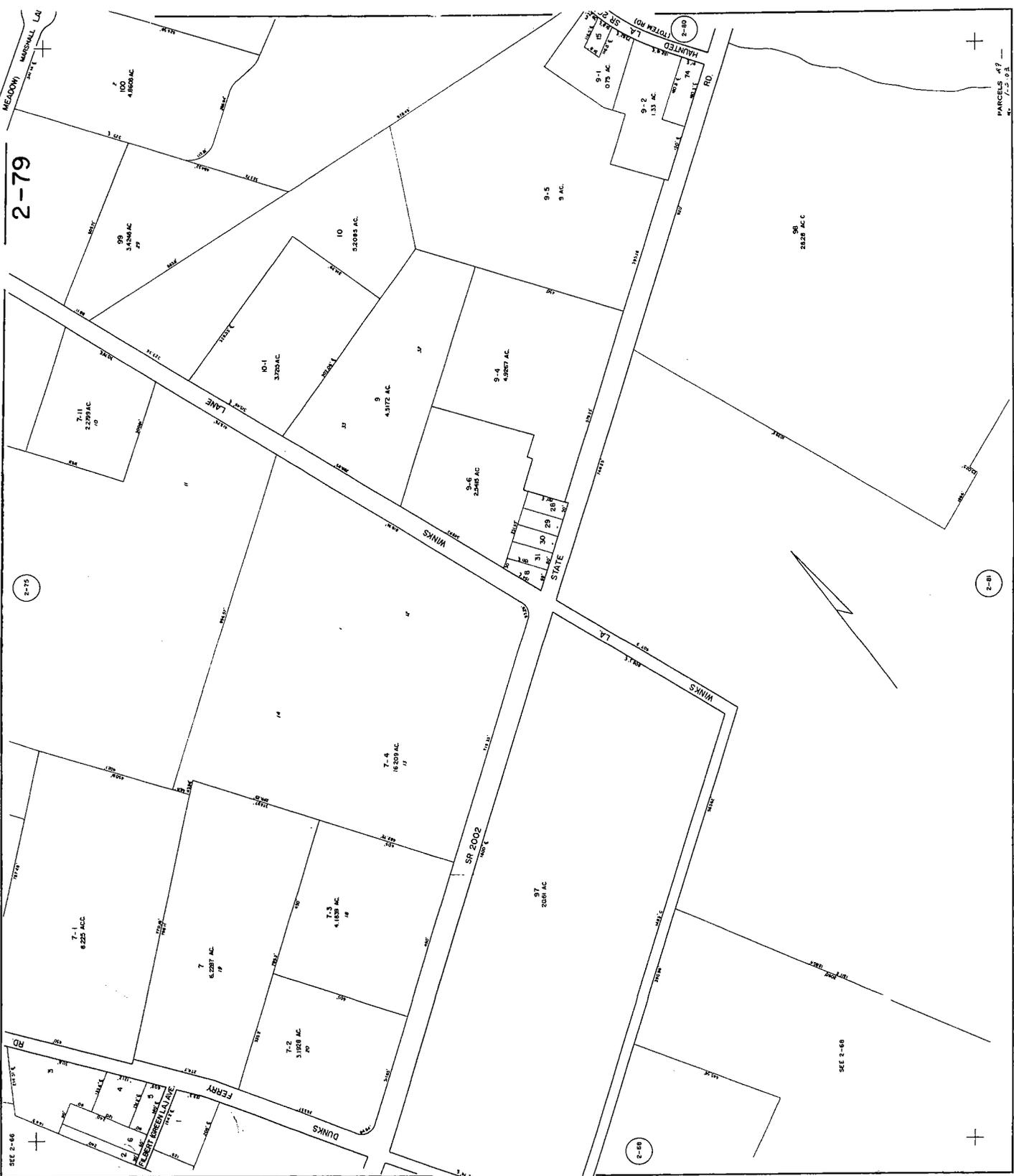
My commission expires:



6. Applicant received a Summons from the Township for failure to apply for and obtain a rental license and use and occupy permit for both units. Applicant was unaware of the requirements and wishes to obtain the necessary zoning relief to comply with the Township Ordinances. Therefore, Applicant is requesting 2 variances from Sections 232-152 and 232-586(C)(1) of the Zoning ordinance to permit the existing multifamily dwelling (2 apartments) to remain and to permit 4 unpaved parking spaces to be located adjacent to the property.

7. Variances should be granted as the request is a reasonable use of the property. There are unique physical conditions in that the parcel is essentially landlocked from Dunksferry Road and the lot is undersized in an R-1 district by 4,800 sq. ft. and is long and narrow. Also, the essential character of the neighborhood is residential and will continue to be residential if the variances are granted. Therefore, there will be no impairment of any use or development of the surrounding community or detriment to the public; especially since the Applicant is the owner of the 3 of the 4 adjacent parcels.

BUCKS COUNTY TAX MAP



2-79

2-79

2-80

2-80

PARCELS 47
1-3-03

COMPILED BY AEGIS SERVICE CORPORATION - PHILADELPHIA, PENNSYLVANIA
SCALE: 1" = 100'

THIS INDENTURE, MADE THE 20th day of *July*

in the year of our Lord one thousand nine hundred and ninety-eight (1998)

BETWEEN, Joseph L. Wesley and Marion Wesley, also known as Marion M. Wesley, husband and wife,

(hereinafter called the Grantors), of the one part,

and

Robert J. Cook,

(hereinafter called the Grantee), of the other part,

WITNESSETH, That the said Grantors, for and in consideration of the sum of

..... Two hundred fifty-two thousand five hundred and no/100 Dollars (\$252,500.00) 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, his heirs and assigns,

PREMISES "A"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situate in the Township of Bensalem, County of Bucks and Commonwealth of Pennsylvania, being Lots No. 7, 8, 9 and 10 on the Plan of "Eddington Lots" made for B. C. Quirus and recorded in Plan Book 1 page 180, and a strip of land lying immediately to the North and contiguous to Lot No. 10 on said Plan, bounded and described as follows, to wit:

BEGINNING at a point in the middle of Dunks Ferry Road (33 feet wide), said point being North 30 degrees 23 minutes West 513.9 feet and North 35 degrees 44 minutes West 294.5 feet measured along the center line of Dunks Ferry Road from its intersection with the center line of State Road; Thence extending along line of Lot No. 6, South 62 degrees 27 minutes West 133.6 feet to a point in line of Lot No. 4; Thence extending by the same, North 27 degrees 33 minutes West 60 feet to a point; Thence extending still by said Lot No. 4 and Lot No. 5, South 62 degrees 27 minutes West 90 feet to a point; Thence extending North 27 degrees 33 minutes West 120.3 feet to a point, an angle, and North 47 degrees 12 minutes West 24.6 feet; Thence extending North 33 degrees 04 minutes East 214.50 feet to a point in said center line of Dunks Ferry Road; Thence extending by the same, South 35 degrees 44 minutes East 311.55 feet to the first mentioned point and place of Beginning.

COUNTY PARCEL NUMBER 2-79-3

PREMISES "B":

ALL THAT CERTAIN lot or piece of land with the buildings and improvements thereon erected, Situate in the Township of Bensalem, County of Bucks and State of Pennsylvania, described as Lot No. 3 according to a survey and plan made for Bernard C. Quirus, Widower, made by Edward Pickering, Jr., dated May 5, 1924, and recorded in the Office for the Recording of Deeds in and for the County of Bucks in Plan Book 1 page 180, bounded and described as follows, to wit:

BEGINNING at a point in the middle of Dunks Ferry Road on the Northwesterly side of Filbert Avenue (formerly Green Lane) as laid out on the said Plan and 513.9 feet North 30 degrees 23 minutes West and 112.7 feet North 35 degrees 44 minutes West from a stone in the middle of State Road; Thence along the Northerly side of said Filbert Avenue (formerly Green Lane), South 62 degrees 27 minutes West 160 feet to a corner of Lot No. 4 on said Plan; Thence along said Lot No.

4, North 27 degrees 33 minutes West 60 feet to a corner of Lot No. 6 on said Plan; Thence along Lot No. 6, North 62 degrees 27 minutes East 151.2 feet to a corner in the middle of the aforesaid Dunks Ferry Road; Thence along the middle of the same, South 35 degrees 44 minutes East 60.6 feet to the place of Beginning.

COUNTY PARCEL NUMBER 2-79-5

PREMISES "C"

ALL THAT CERTAIN lot or piece of land situate in the Township of Bensalem, County of Bucks and State of Pennsylvania, described according to a Survey and Plan made by Edward Pickering, Jr., dated May 5, 1924, and recorded in the Office for the Recording of Deeds in and for the County of Bucks in Plan Book 1 page 180, as follows, to wit:

BEGINNING at a point in the middle of the Dunks Ferry Road 513.9 feet North 30 degrees 23 minutes West and 173.3 feet North 35 degrees 44 minutes West from a stone in the middle of State Road; Thence by Lot No. 3 on said Plan, South 62 degrees 27 minutes West 151.2 feet to a corner in line of Lot No. 4; Thence along Lot No. 4, North 27 degrees 33 minutes West 120 feet to a corner in the same line; Thence along Lots No. 8 and 7, North 62 degrees 27 minutes East 133.6 feet to a corner in the middle of the aforesaid Dunks Ferry Road; Thence along the middle of same, South 35 degrees 44 minutes East 121.2 feet to the place of Beginning.

BEING Lot No. 6 on the above mentioned Plan.
CONTAINING 17,088 square feet of land, more or less.
BEING known as 516 Dunks Ferry Road, Eddington.
COUNTY PARCEL NUMBER 2-79-4

PREMISES "D"

TRACT 1

ALL THAT CERTAIN lot or piece of land with the buildings and improvements thereon erected, Situate in the Township of Bensalem, County of Bucks and State of Pennsylvania, designated as Lot No. 4 on a Plan made May 5, 1924, by Edward Pickering, Jr., Surveyor, for Bernhard C. Quirus and recorded in the Office for the Recording of Deeds in and for the County of Bucks in Plan Book 1 page 180, bounded and described as follows:

BEGINNING at a point in the Northwestern side of Green Lane (also known as Filbert Street) 160 feet South 62 degrees 27 minutes West from the center line of Dunks Ferry Road, said point being also a corner of Lot No. 3 on said Plan; Thence along the Northwestern side of Green Lane, South 62 degrees 27 minutes West 60 feet to a corner of Lot No. 5; thence along Lot No. 5, North 27 degrees 33 minutes West 240 feet to another corner of Lot No. 5, a point in line of Lot No. 9 on the same Plan; Thence along said Lot No. 9, North 62 degrees 27 minutes East 60 feet to a corner of Lot No. 8; Thence along Lots No. 8, 6 and 3, South 27 degrees 33 minutes East 240 feet to the place of Beginning.

COUNTY PARCEL NUMBER 2-79-6

TRACT 2

ALL THAT CERTAIN lot or piece of land with the buildings and improvements thereon erected, Situate in the Township of Bensalem, County of Bucks and State of Pennsylvania, designated as Lot No. 5 on a Plan made May 5, 1924, by Edward Pickering, Jr., Surveyor, for Bernhard C. Quirus and recorded in the Office for the Recording of Deeds in and for the County of Bucks at Doylestown, Pennsylvania, in Plan Book 1 page 180, bounded and described as follows:

BEGINNING at a point in the Northwestern side of Green Lane (also known as Filbert Street) 220 feet South 62 degrees 27 minutes West from the center of Dunks Ferry Road, said point also being a corner of Lot No. 4 on said Plan; Thence along the Northwestern side of Green Lane, South 62 degrees 27 minutes West 30 feet to a corner in line of land of George Blood; Thence along said line, North 27 degrees 33 minutes West 240 feet to a corner of Lot No. 9 on said Plan; Thence along said line, North 62 degrees 27 minutes East 30 feet to a corner of Lot No. 4; Thence along line of Lot No. 4, South 27 degrees 33 minutes East 240 feet to the place of Beginning.

BEING known as 3242-54 Filbert Street, Bensalem, Pa
COUNTY PARCEL NUMBER 2-79-2

4	58064
35-01-98 141240004	111507
4 YEAR TAX	10521.00
STATE OF PA	11261.50
PROPERTY TAX	11261.50

BK1.601 PG170

AS TO PREMISES "A":

BEING THE SAME PREMISES which Union National Bank and Trust Company of Souderton, by Deed dated August 26, 1970, and recorded September 3, 1970, in Bucks County, Pennsylvania, in Deed Book 1976 page 1017, granted and conveyed unto Joseph L. Wesley and Marion M. Wesley, his wife, in fee.

AS TO PREMISES "B":

BEING THE SAME PREMISES which Charles W. Seeberger, Jr., and Mildred Seeberger, his wife, by Deed dated October 1, 1970, and recorded October 2, 1970, in Bucks County, Pennsylvania, in Deed Book 1979 page 1088, granted and conveyed unto Joseph L. Wesley and Marion Wesley, his wife, in fee.

AS TO PREMISES "C":

BEING THE SAME PREMISES which Leo J. Ellison and Madeline W. Ellison, his wife, by Deed dated February 22, 1972, and recorded February 25, 1972, in Bucks County, Pennsylvania, in Deed Book 2028 page 150, granted and conveyed unto Joseph L. Wesley and Marion Wesley, his wife, in fee.

AS TO PREMISES "D":

BEING THE SAME PREMISES which Lee Soskin and Marian Soskin, husband and wife, by Deed dated September 26, 1990, and recorded September 28, 1990, in Bucks County, Pennsylvania, in Land Record Book 225 page 970, granted and conveyed unto Joseph L. Wesley and Marion M. Wesley, husband and wife, in fee.

TOGETHER with all and singular the buildings and 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 remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantors, as well as in equity, of, in and to the same.

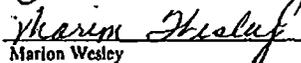
TO HAVE AND TO HOLD the said lot or piece of ground described, with the buildings and improvements erected thereon, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behoof of the said Grantee, his heirs and assigns forever.

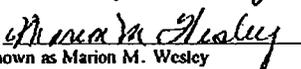
AND the said Grantors, their heirs, executors and administrators do covenant, promise and agree, to and with the Grantee, his heirs and assigns, by these presents, that they, the said Grantors and their heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, against them, the said Grantors and 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, subject as aforesaid, WARRANT and forever DEFEND.

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)
Joseph L. Wesley

 (SEAL)
Marion Wesley

 (SEAL)
also known as Marion M. Wesley

State of PENNSYLVANIA
County of BUCKS

On this, the 20 day of May, 1998, before me, a Notary Public, the undersigned Officer, personally appeared Joseph L. Wesley and Marion M. Wesley, ALSO KNOWN AS MARION WESLEY

known to me (satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

I hereunto set my hand and official seal.


Notary Public

NOTARIAL SEAL
RAYMOND GUIM, Notary Public
Bensalem Twp., Bucks County
My Commission Expires Nov. 27, 2001

NESHAMINY ABSTRACT CO., INC.
FID-29067-98-NB

DEED

Joseph L. Wesley and
Marion Wesley,
also known as Marion M. Wesley,
husband and wife,

TO

Robert J. Cook

PREMISES:
Filbert Avenue, Danks Ferry Road
Bensalem Township
Bucks County, Pennsylvania
CPN 2-79-3, 2-79-5, 2-79-4, 2-79-6, 2-79-2

RECORDED in Land Record Book
page _____, GIVEN under my hand and the
seal of the said office, the said office, the date
above written.

Recorder of Deeds

RECORD AND RETURN TO: 61218
NESHAMINY ABSTRACT CO., INC.
26-28 EAST OAKLAND AVENUE
JOYLESTOWN, PA. 18901

The address of the above-named Grantee

is 3116 CLIVE AVENUE

BENSALAM, PA 19020

On behalf of the Grantee

