# 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:** The Bensalem Masjid

Address: 1208 Crespo Lane
Bensalem, PA 190120

Phone No. _____

**Owner's Name:** IMC Properties, LLC

Address: 3046 Knights Road
Bensalem, PA 19020

Phone No. _____

**Attorney Name:** Eric S. Goldberg, Esq. / Stark & Stark

Address: 993 Lenox Drive
Lawrenceville, NJ 08648

Phone No. 609-791-7013

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

## 1. Application relates to the following:

**Check items if applicable:**

- [X] **Use**
- [ ] **Lot Area**
- [ ] **Height**
- [ ] **Yards**
- [ ] **Existing Building**
- [ ] **Proposed Building**
- [ ] **Occupancy**
- [X] **Other:** (describe) See Attached Rider.

## 2. Brief description of Real Estate affected:

Tax Parcel Number: 2-40-29; 2-40-30; 2-40-31

Location: 3743, 3805, 3825 Hulmeville Road

Lot Size: 4.58 acres collectively

Present Use: See Attached Rider

Proposed Use: See Attached Rider

Present Zoning Classification: R-11, R-A, BP

Present Improvement upon Land: See Attached Rider

Deed recorded at Doylestown in Deed Book _____ Page _____

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

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

Date Determination was made: _____

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):

See Attached Rider

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

See Attached Rider

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 Rider

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.

[redacted]

Appellant's or Owner's Signature

12/17/13
Date

Sworn to and subscribed before me this

17th day of December 2013

[redacted]

Notary Public

My commission expires: _____

**ANN L. CIRILLO**
**NOTARY PUBLIC OF NEW JERSEY**
**My Commission Expires 9/2/2016**

Rider to Application of Bensalem Masjid

The Applicant is the Bensalem Masjid. The application involves the properties known as 3743, 3805 and 3825 Hulmeville Road. The application is seeking a use variance and to the extent required, a variance from the minimum parking standards.

The property at 3743 Hulmeville Road is also known as tax map parcel 2-40-29. The property at 3805 Hulmeville Road is known as lot 2-40-30. The property at 3825 Hulmeville Road is known as lot 2-40-31(collectively the 3 lots which will be consolidated are referred to as the "Property"). The Property is located in the R-11 Residential, R-A Rural and BP Business Professional Zoning Districts. Accordingly, a use variance is needed from the Zoning Board to use the property as a mosque.

Currently, an existing single family dwelling containing approximately 2,000 square feet of space is on the Property. That building will be used as a library. The applicant will build a mosque on the Property. The library is not open to the public but will be there to support the mosque as an auxiliary place to read and worship.

The Property is approximately 4.58 acres. The proposed mosque will contain approximately 27, 243 square feet. It will be a 2 story structure with the square footage divided equally between the floors. The mosque will also contain a multi- purpose room, a meeting room, gym room, office and class rooms.

There will be a maximum of 5 daily prayer services. The timing of the services varies on the time of the year. The morning service is before sunrise, the second at approximately1:00 p.m., the third at approximately 4:00 p.m., the fourth after sunset and the fifth at approximately 8 p.m. during winter and later in the summer. The typical attendance at the daily prayer sessions ranges from 0-10 people. Typically no one attends the prayer services when they coincide with the peak evening traffic hours (the third and fourth prayer sessions depending on time of the year).

There is also one weekly prayer service. The most significant and heavily attended, prayer service is the one weekly prayer service held on Friday afternoons at approximately 1:00. This weekly service lasts approximately 45 minutes. Presently, approximately 150 people attend thus weekly prayer service. It is anticipated that this number will remain consistent at the proposed location. It is anticipated that there will be approximately 170 trips (including both exits and entrances) into the Property for the Friday prayer session. As discussed in the traffic report, the proposed mosque will not have any significant impact on traffic even during the Friday prayer session.

This congregation is currently worshipping from a local fire house in Bensalem. It has outgrown its current facilities and requires the additional space that will be provided by this location.

In addition to the prayer services, the mosque will also have additional events such as a Sunday school from 11a.m until 1:30 p.m. It is anticipated that there will be approximately 50 students at the Sunday School. There will also be other events at the mosque, none of which will conflict with the weekly Friday prayer service.

The applicant is proposing 143 parking spots on the Property. That will be more than adequate to accommodate the maximum number of patrons on the property.

As previously noted, the use is not allowed on the Property and a use variance is required. To the extent that a parking variance is needed, one is also being requested. While a church/mosque is not a permitted use, Bensalem's Ordinance notes that a church/mosque requires one off street parking space for every 4 seats or one spot for each 40 square feet of gross floor area intended to be used by patrons, whichever is greater. Additionally, one spot per full time employee is required. There will only be one full time employee on the Property. In this case, there are no seats. There will be a total of 5,646 square feet of space devoted to the mosque's prayer area. Thus based on the square footage of the prayer area, 142 spaces are required for the patrons plus a space needed for the full time employee. If the square footage considered by the Board includes the entire mosque/library, a total of 731 spots would be required. As previously noted, there is sufficient parking to accommodate the number of vehicles that will utilize the Property during the peak time period of the Friday afternoon service.

This application will benefit the community in Bensalem as it will provide an appropriate location to worship. The Property can accommodate the proposed use and the timing of the various events/prayer services will not create any traffic issues. It should be noted that the denial of the application would violate the Religious Land Use and Institutionalized Persons Act of 2000 and United States Constitution.

The Applicant would seek any other relief that it is discovered during the review and processing of this application.

December 17, 2013

To whom this may concern:

This will confirm that IMC Properties, LLC owns the property located at 3743, 3805 and 3825 Hulmeville Road in Bensalem known as Tax Map Parcels: 240-29, 30 and 31. This letter shall serve as authorization to enable the applicant, Bensalem Masjid to apply for any and all necessary zoning and land development approvals regarding using the above referenced property as a mosque.

Ijaz Chaudhry, Managing Member of IMC Properties, LLC

# BENSALEM TOWNSHIP

*Building and Planning Department*
Office 215-633-3644 • Fax 215-633-3753
Matthew K. Takita
*Director of Building and Planning*
2400 Byberry Road • Bensalem, PA 19020


November 19, 2013

Imtiza Chaudhry
1208 Crespo Ln
Bensalem, Pa. 19020

| | |
|---|---|
| Project: | Plans for Islamic Center |
| Project Address: | 3743, 3805 & 3825 Hulmeville Rd<br>Bensalem Pa. 19020 |
| Tax Parcel: | 02-040-029, 030 & 031 |
| Property Owner: | same as addressed |
| Permit Status: | application denied |

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to the *Code of the Township of Bensalem*, Chapter 232 ZONING. Please be advised the application submitted for the above captioned project has been rejected due to the following reason(s):

- **Your project lies in three zoning districts: R-11 Residential, R-A Rural and BP Business Professional.**
- **Your proposed use as a place of worship is not permitted in any of the above districts. [Section 232-226] [Section 232-110] [Section 232-434]**

This letter shall serve as formal notice that your permit application has been rejected for said project until such time as the requested information has been provided.

You have the right to appeal this rejection letter. Applications for appeals to the Zoning Hearing Board can be obtained at the Building and Planning Department located in the Municipal Building at 2400 Byberry Road, Bensalem.

Respectfully,

[redacted]

Harold W. Gans, P.E., P.L.S.
Township Engineer
215-633-3652

**91-7199-9991-7033-4453-7408**
Certified and regular mail

HWG/lva
Enclosures