

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.

RECEIVED

DEC 06 2019

Check applicable item(s):

BENSALEM TOWNSHIP
BUILDING AND PLANNING

- 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: AV HOTELS LLC

Address: 1329 BRISTOL PIKE

BENSALEM PA - 19020

Phone No. 856-981-8544.

E-Mail Address: DVVERMA@GMAIL.COM

Owner's Name: AV HOTELS LLC

Address: 1329 BRISTOL PIKE

BENSALEM PA - 19020.

Phone No. 856-981-8544.

E-Mail Address: DVVERMA@GMAIL.COM.

Attorney Name: _____

Address: - N.A -

Phone No. _____

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

N.A

1. Application relates to the following:

Check items if applicable:

- Use
- Height
- Existing Building
- Occupancy
- Other: (describe) MINOR SUBDIVISION OF EXISTING LOT INTO TWO LOTS.
- Lot Area
- Yards
- Proposed Building

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-030-108

Location: HOLIDAY INN EXPRESS & BOB EVANS.

Lot Size: 13 ACRE

Present Use: HOLIDAY INN EXPRESS & BOB EVANS IN ONE LOT.

Proposed Use: SUB DIVISION OF EXISTING LOT INTO TWO LOTS.

Present Zoning Classification: BUSINESS

Present Improvement upon Land: NONE

Deed recorded at Doylestown in Deed Book 02-030 Page 108

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: _____

1. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired):

Section 232-464(b), Section 232-464(c)(3), Section 232-464(c)(2)

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

SEEKING ZONING HEARING BOARD VARIANCES APPROVAL FOR MINOR SUB-DIVISION OF ONE LOT INTO TWO LOTS.

3. 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.

AS WE ARE NOT DOING ANY ADDITION OR CONSTRUCTION. WE ARE JUST SUB-DIVIDING, EXISTING LOT, INTO TWO LOTS.

4. 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.

[Signature]
Appellant's or Owner's Signature

Date 12-06-19

A SIGNED COPY OF THIS APPLICATION IS REQUIRED UPON SUBMISSION OF DOCUMENTS

Sworn to and subscribed before me this

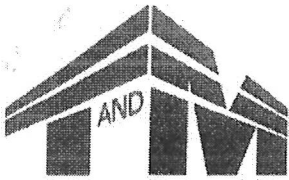
6th day of December 20019

Notary Public

My commission expires: _____

TAMMY L RUBINO
ID # 50097530
NOTARY PUBLIC OF N.J.
MY COMMISSION EXPIRES JAN 23, 2024

[Signature]



YOUR GOALS. OUR MISSION.

M E M O R A N D U M

To: Mr. Ken Farrall, Director of Building and Planning

From: Harold W. Gans, P.E., P.L.S., Township Engineer

Date: November 19, 2019

RE: **Minor Subdivision Plan**
AV Hotels, LLC
1329 Bristol Pike
TMP #02-030-108
File No. BENSRO700

A. APPLICATION

Pursuant to Section 201-81 of the Code of the Township of Bensalem, we received and reviewed the above referenced Minor Subdivision Plan. The application consisted of the following:

1. Subdivision and land development application received October 31, 2019.
2. Plan No. S-1 entitled "Minor Subdivision Plan" as prepared by VS Land Data, Phillipsburg, NJ dated October 14, 2019.

B. DISCUSSION

The subject parcel is a 292,950 SF (6.725 acres) tract having frontage on Bristol Pike and Biddle Lane. The parcel includes a Holiday Inn Express Hotel and a Bob Evans Restaurant and is located in a PCD Planned Commercial Park District. Both buildings are served by public utilities.

The plan proposes dividing the 6.725 parcel into two (2) parcels.

Parcel A would contain 1.862 acres and includes the Bob Evans Restaurant. Parcel B would contain 4.863 acres and includes the Holiday Inn Express.

Parcel A has frontage on Bristol Pike while Parcel B has frontage on Biddle Lane.

C. CHAPTER 232 – ZONING

1. The creation of Parcel A eliminates main access to Bristol Pike for Parcel B. A cross easement agreement providing for reciprocal rights for Parcels A and B for ingress and egress to Bristol Pike shall be provided and reviewed by the Township Solicitor and Township Engineer and subsequently recorded with the final plans. [Section 232-464(b)]
2. There are numerous existing non-conformalities as to lot width, front yard, side yard, and rear yard setbacks on this parcel. The following are new non-conformalities created by this subdivision:
 - i. Parcel A, a rear yard setback of 76 feet which is less than the required 100 feet. [Section 232-464(c)(3)]
 - ii. Parcel B, a side yard setback of 55.5 feet which is less than the required 75 feet [Section 232-464(c)(2)].

D. CHAPTER 201 – SUBDIVISION AND LAND DEVELOPMENT

1. The required name and owners of all adjacent tax parcels, with tax parcel numbers, use and zoning classifications have not been provided [Section 201-41(d)(2)]
2. The Zoning district must be placed on the plan [Section 201-41(d)(6)]
3. The required street rights of way and cartway widths have not been provided [Section 201-41(d)(7)]
4. All zoning requirements shall be listed, and a tabulation provided demonstrating that the subdivision is in conformance and/or lists the required variances from the Zoning Hearing Board [Section 201-41(d)(12)]
5. Certification of Ownership, acknowledgement of the plan, notarization of the same, approval block for Bensalem Township Council, review block for the Township Engineer, block for the Bucks County Planning Commission review stamp and a block for the Bucks County Recorder of Deeds shall be placed on the plan. [Section 201-41(d)(13)].



E. Chapter 201 – Land Development

There is no construction proposed with this application.

F. MISCELLANEOUS

The total square footage of the two (2) parcels is not in agreement with the square footage of the original parcel.

G. SUMMARY

The plan is in position for the applicant to seek necessary Zoning Hearing Board variances as listed in Zoning Section 2A and 2B. Should the variances be granted, the plan will be scheduled for consideration by the Bensalem Township Council.

If you have any questions, please contact me.

cc: Honorable Mayor Joseph DiGirolamo
Ms. Loretta Alston, Bensalem Planning Commission
Ms. Debbie McBreen, Bensalem Council Clerk
Ms. Danielle Kimmel, Bensalem Township Finance Department
Mr. Michael Roedig, Bucks County Planning Commission
Edward Rudolph, Esquire, Rudolph Clarke, LLC
Joseph Pizzo, Esquire, Rudolph Clarke, LLC
Mr. Russell Benner, PE, T&M Associates
AV Hotels, LLC, 1329 Bristol Pike, Bensalem, PA 19020
KLUK Consultants, LLC, 2 Eastwick Drive, Suite 202, Gibbsboro, NJ 08026

HWG:bah



BUCKS COUNTY TAX MAP
9-2

2-29

Parcel 10B
6.72584 AC

ROAD

SR 8031

BRISTOL

US 13

WOODHAVEN

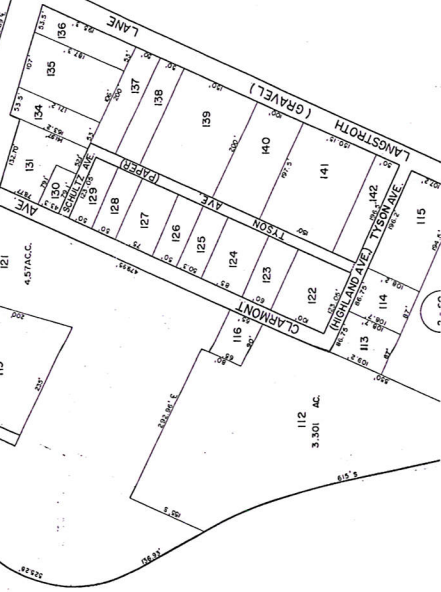
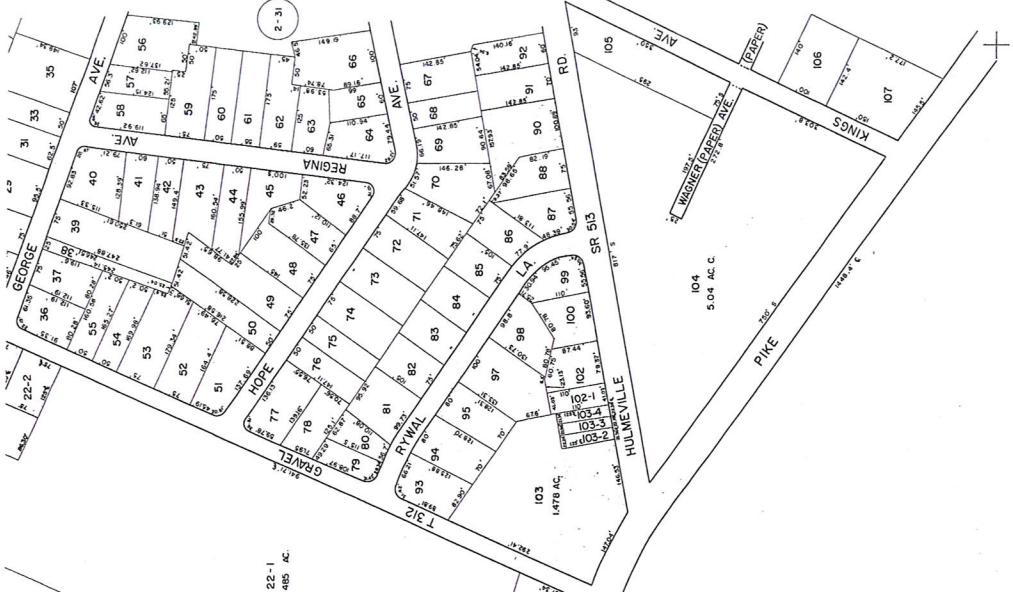
22-1
9.485 AC

11
9.91 AC

103
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104
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112
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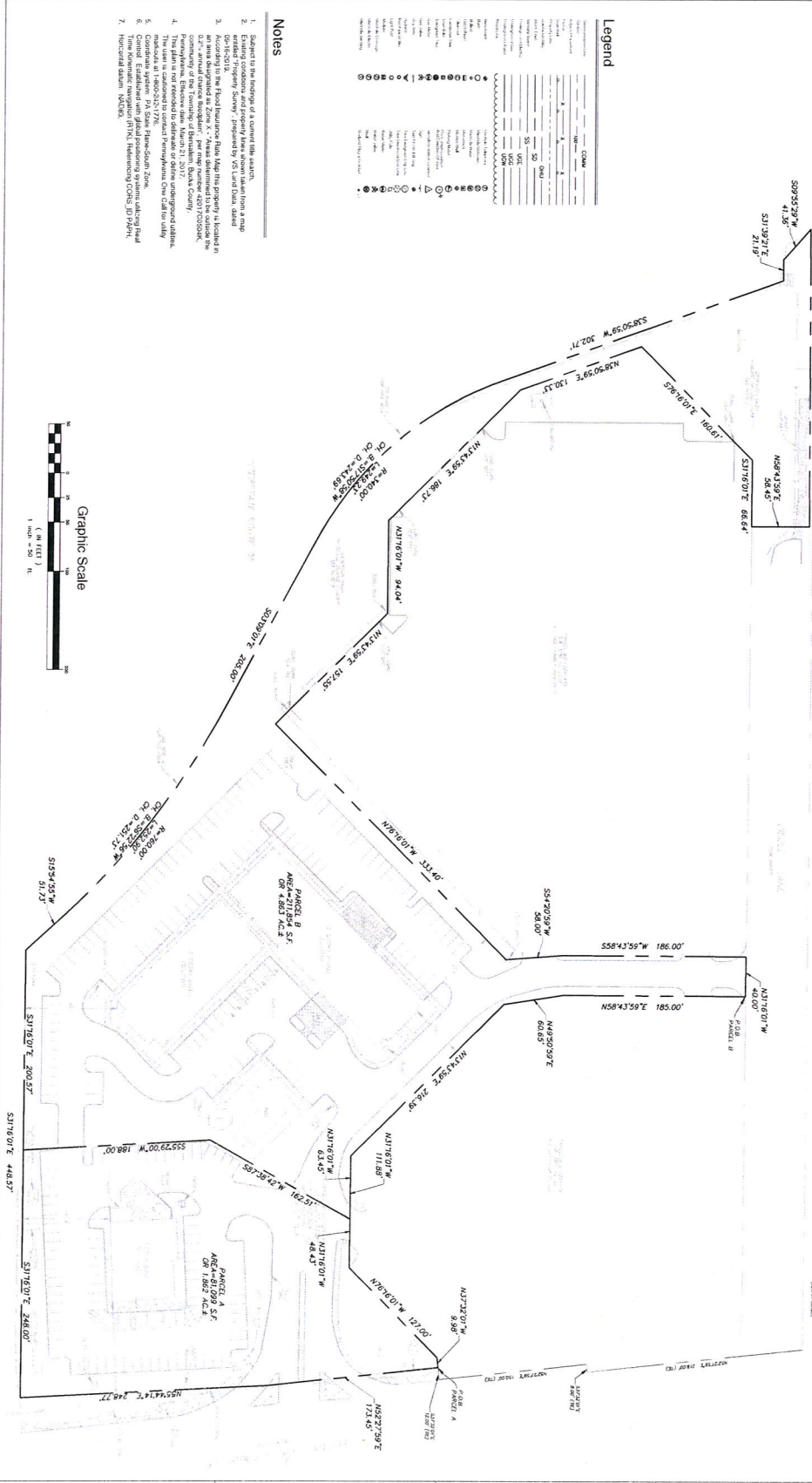




Site Photo



Location Map



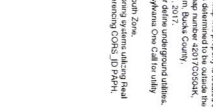
Legend

- 1. Existing conditions and property lines shown taken from a map.
- 2. According to the Flood Insurance Rate Map, the property is located in a 0.2% annual chance floodplain. For more information, contact the Federal Emergency Management Agency (FEMA) at 4801705000.
- 3. The plan is not intended to delineate or define individual addresses.
- 4. Contour lines are shown at 2-foot intervals.
- 5. Contour lines are shown at 2-foot intervals.
- 6. Time: November 15, 2024.
- 7. Horizontal datum: NAD83.

Notes

1. Subject to the findings of a current site search.
2. Existing conditions and property lines shown taken from a map.
3. According to the Flood Insurance Rate Map, the property is located in a 0.2% annual chance floodplain. For more information, contact the Federal Emergency Management Agency (FEMA) at 4801705000.
4. The plan is not intended to delineate or define individual addresses.
5. Contour lines are shown at 2-foot intervals.
6. Time: November 15, 2024.
7. Horizontal datum: NAD83.

Graphic Scale



North Arrow



Scale

AS SHOWN

Drawn By

J.H.

Checked By

J.H.

Date

11/15/24

Title

MINOR SUBDIVISION PLAN

Sheet No.

S - 1

Project No.

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Drawn By

J.H.

Checked By

J.H.

Date

11/15/24

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Sheet No.

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Sheet No.

S - 1

Project No.

1500

R + R ↗

GOLDEN TITLE AGENCY
1818 Old Cuthbert Road
Cherry Hill, NJ 08034

Prepared by:
Robin P. Lincoln, Esquire
117 Forrest Avenue, Suite 210
Narberth, PA 19072

Property: 1329 Bristol Pike, Bensalem, PA

Tax Parcel # 02-030-108

DEED

GLT#-463P

THIS INDENTURE made the 14th day of June, 2019

BETWEEN 1329 BRISTOL PIKE ASSOCIATES, a Pennsylvania limited partnership (hereinafter called the Grantor), of the one part, **and**

AV HOTELS, LLC, a Pennsylvania limited liability company (hereinafter called the Grantee), of the other part,

WITNESSETH, That the said Grantor for and in consideration of the sum of THIRTEEN MILLION DOLLARS (\$13,000,000.00) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release, confirm and convey unto the said Grantee, its successors and assigns,

ALL THAT CERTAIN lot, piece or parcel of ground, together with the buildings thereon and improvements thereon erected, situate in the Township of Bensalem, County of Bucks and Commonwealth of Pennsylvania, as more particularly described on Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all and singular the said building, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said Grantor, as well at law as in equity, of, in and to the same, Under and Subject to all easements, agreements, restrictions and conditions of record and which an accurate survey of the premises would disclose.

TO HAVE AND TO HOLD the said lot, piece or parcel of ground herein, together with all 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, forever, Under and Subject, as aforesaid.

(4)

Street Address: 1329 Bristol Pike, Bensalem, PA 19020

AND the said Grantor, for itself and its successors and assigns does covenant, promise and agree, to and with the said Grantee, their successors and assigns, by these presents, that it, the said Grantor and its successors, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, and their successors and assigns, against it, the said Grantor and its successor, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them or any of them, shall and will, Under and Subject, as aforesaid, WARRANT and forever DEFEND.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT A

ALL THAT CERTAIN lot or piece of ground situate in the County of Bucks, Commonwealth of Pennsylvania.

BEGINNING at a point in the Southerly right of way line of Bristol Pike (US Route 13); said point being located the following four courses and distances from the intersection of the Westerly right of way line of Biddle Lane with the Southerly right of way line of Bristol Pike; along the right of way of said Bristol Pike; (1) North 56 degrees 37 minutes 00 seconds East a distance of 219.00 feet to a point; (2) south 33 degrees 23 minutes 00 seconds East a distance of 8.00 feet to a point; (3) North 56 degrees 37 minutes 00 seconds East a distance of 150.00 feet to a point; (4) South 33 degrees 23 minutes East a distance of 12.00 feet to the point of beginning; thence; (1) still along said Southerly right of way of Bristol Pike, North 56 degrees 37 minutes 00 seconds East a distance of 173.50 feet a point; thence (2) still along same, North 59 degrees 53 minutes 15 seconds East a distance of 248.77 feet to a point in lands of Interstate Route I-95; thence, along lands of Interstate I-95 the following 8 courses and distances; (3) South 27 degrees 07 minutes 00 seconds East a distance of 446.12 feet to a point; (4) South 20 degrees 03 minutes 56 seconds West a distance of 55.35 feet to a point of curvature; (5) along a curve to the left having a radius of 760.00 feet for an arc distance of 252.90 feet to a point of tangency; (6) South 01 degrees 00 minutes 00 seconds West a distance of 205.00 feet to a point of curvature; (7) along a curve to the right having a radius of 340.00 feet for an arc distance of 249.23 feet to a point of tangency; (8) South 43 degrees 00 minutes 00 seconds West a distance of 302.71 feet to a point; (9) South 27 degrees 30 minutes 20 seconds East a distance of 21.19 feet to a point; (10) South 14 degrees 04 minutes 30 seconds West a distance of 41.36 feet to a point in line of land now or formerly of Russell McCuen; thence; (11) along said lands of Russell McCuen and lands of Michael Hoffman North 27 degrees 30 minutes 00 seconds West a distance of 299.79 feet to a point being intersection of the southerly right of way of said Biddle Lane (to be dedicated); thence (12) along said Southerly right of way of said Biddle Lane, North 62 degrees 53 minutes 00 seconds East a distance of 58.45 feet to a point in lands of parcel 2 of the BEN Associates Business Park, Limited Partnership; thence along lands of said Parcel 2 of BEN Associates Business Park, Limited Partnership, the following nine (9) courses and distances; (13) South 27 degrees 07 minutes 00 seconds East a distance of 66.64 feet to a point; (14) South 72 degrees 07 minutes 00 seconds East a distance of 160.61 feet to a point; (15) North 43 degrees 00 minutes 00 seconds East a distance of 130.33 feet to a point; (16) North 17 degrees 53 minutes 00 seconds East a distance of 186.73 feet to a point; (17) North 27 degrees 07 minutes 00 seconds West a distance of 94.04 feet to a point; (18) North 17 degrees 53 minutes 00 seconds East a distance of 157.55 feet to a point; (19) North 72 degrees 07 minutes 00 seconds West a distance of 333.40 feet to a point; (20) South 58 degrees 30 minutes 00 seconds West a distance of 58.00 feet to a point; (21) South 62 degrees 53 minutes 00 seconds West a distance of 186.00 feet to a point, in the Easterly right of way of Biddle Lane (to be dedicated); thence (22) along said right of way of Biddle Lane, North 27 degrees 07 minutes 00 seconds West a distance of 40.00 feet to a point in lands of Parcel 3 of BEN Associates Business Park, Limited Partnership; thence along said lands of Parcel 3 of BEN Associates Business Park, Limited Partnership the following six courses and distances; (23) North 62 degrees 53 minutes 00 seconds East a distance of 185.00 feet to a point; (24) North 54 degrees 00 minutes 00 seconds East a distance of 60.65 feet to a point; (25) North 17 degrees 53 minutes 00 seconds East a distance of 216.39 feet to a point; (26) North 27 degrees 07 minutes 00 seconds West a distance of 111.88 feet to a point; (27) North 72 degrees 07 minutes 00 seconds West a distance of 127.00 feet to a point; (28) North 33 degrees 23 minutes 00 seconds West a distance of 10.00 feet to a point and place of beginning.

SAID tract of land being subject to and having cross-easement rights for ingress, egress, drainage and utilities with Parcels 2, 3, and 4 of Ben Associates Business Park.

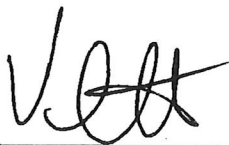
Parcel #: 02-030-108

In Witness Whereof, the party of the first part has hereunto caused these presents to be executed as of the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

ATTEST:

1329 BRISTOL PIKE ASSOCIATES
By: PHLBS, LLC, its sole General Partner
By: GP HOTEL INVESTMENT ASSOCIATES,
its sole Member
By: GP BENSALEM INVESTMENTS, INC., its
sole General Partner



Name:
Title: *Vice President*

By: 

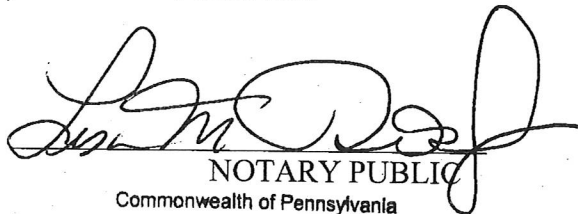
L. Gie Liem
President

COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF *Montgomery* :

On this, the *14th* day of *JUNE*, 2019, before me, a Notary Public, authorized to take acknowledgments and proofs in the County and State aforesaid, personally appeared L. Gie Liem, who acknowledged himself to be the President of GP Bensalem Investments, Inc., (“Corporation”) and that he as such President being authorized to do so, executed the within Deed by signing his name as such officer on behalf of Corporation, as the sole General Partner of GP HOTEL INVESTMENT ASSOCIATES, which is the sole Member of PHLBS, LLC, which is the sole General Partner of 1329 BRISTOL PIKE ASSOCIATES, a Pennsylvania limited partnership.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial seal.

My Commission Expires:


NOTARY PUBLIC
Commonwealth of Pennsylvania

[NOTARIAL SEAL]

Notarial Seal
LISA M ROSENBERG – Notary Public
EAST NORRITON TWP, MONTGOMERY COUNTY
My Commission Expires Jun 17, 2021

DEED

1329 BRISTOL PIKE ASSOCIATES, a Pennsylvania limited partnership


to

AV HOTELS, LLC, a Pennsylvania limited liability company

PREMISES: 1329 Bristol Pike,
 Bensalem, Pennsylvania 19020

The address of the within named Grantee is:

1329 Bristol Pike
Bensalem, PA 19020



On behalf of Grantee