

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:

2023-4084

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
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- Application for Validity Challenge
- Administrative Officer in refusing my application for a building permit dated: 09/27/2023
- Special Exception
- X Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name: LL PEPPER, LLC (ATTN: LAWRENCE P. CERESANI)

Address:	4570 E. BRISTOL ROAD, TREVOSE, BENSALEM TOWNSHIP, PA 19053
Phone No.	215-499-7162
E-Mail Address:	LCERESANI@ATT.NET
Owner's Name:	SAME AS APPLICANT
Address:	
Phone No.	
E-Mail Address:	
Attorney Name:	ANDREW STOLL, ESQUIRE
Address:	C/O FOX ROTHSCHILD LLP
	2800 KELLY ROAD, SUITE 200, WARRINGTON PA 18976
Phone No.	215-918-3636
Interest of appellan	t, if not owners (agent, lessee, etc.): N/A APPELLANT IS LEGAL OWNER OF PROPERTY.

1. Application relates to the following:

Check ite	ems if applicable:		
	Use		Lot Area
	Height	X	Yards
	Existing Building		Proposed Building
	Occupancy		
X	Other: (describe) AF	PLICATION	RELATES TO REQUIRED FRONT YARD SETBACK AND THE
	REQUIREMENT THA	T NO ACCE	SSORY BUILDING CAN BE CLOSER THAN 10 FEET TO ANY
	OTHER STRUCTURE	Ξ.	

2. Brief description of Real Estate affected:

Tax Parcel Number:	02-016-263-002
Location:	4570 E. BRISTOL ROAD
Lot Size:	3.08 ACRES
Present Use:	OFFICE/WAREHOUSE/STORAGE
Proposed Use:	NO CHANGE
Present Zoning Classification:	LI
Present Improvement upon Land:	17,750 SF BUILDING, PAVED PARKING AREAS, STORAGE BINS
Deed recorded at Doylestown in D	eed Book INSTRUMENT NO. Page
	2018029745
zoning ordinance.	e, provide statement and/or basis for challenge to the validity of the
·	
	n of the Zoning Administrative Officer then complete the following:
Your statement of alleged error of	Zoning Administrative Office: TO BE PRESENTED AT THE HEARING.
	5

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):

232-533.(3).(a). AND 232-583

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

APPELLANT HEREBY APPEALS THE DETERMINATION OF ZACH BUCKSAR DENYING THE PERMITS REQUESTED FOR THE EXISTING STORAGE BINS ON THE PROPERTY FOR NON-COMPLIANCE WITH THE YARD AND STRUCTURE SEPARATION REQUIREMENTS AND, IN THE ALTERNATIVE, APPELLANT REQUESTS A VARIANCE FROM SECTIONS 232-533.(3).(a). AND 232-583 TO PERMIT THE STORAGE BINS TO REMAIN.

 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.

TO BE PRESENTED AT THE HEARING.

4. Has previous appeal or application for special exception or variance been filed in connection with these premises?

YES	X	NO
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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.

ROBERT W. GUNDLACH JR., ESQUIREAppellant's or Owner's SignatureA SIGNED COPY OF THIS APPLICAT	if	Date 10-27-2023
Sworn to and subscribed before me this <u>27⁴⁴</u> day of October Notary Public October My commission expires: <u>August</u>	200 2023 lashi	
My commission expires: <u>Hogosk</u>	<u>18, 2025</u> 6	Commonwealth of Pennsylvania - Notary Seal DIANE M SOLOSKI - Notary Public Bucks County My Commission Expires August 18, 2025 Commission Number 1157072





BENSALEM TOWNSHIP

Building and Planning Department Office 215-633-3644 - Fax 215-633-3753 Kenneth V. Farrall Director of Building and Planning 2400 Byberry Road - Bensalem, PA 19020

9/27/2023	Project:	ADD STONE TO LEVEL AREA FOR STORAGE CONTAINERS STORAGE CONTAINERS ON PROPERTY
LAWRENCE P. CERESANI	Project Address:	4570 BRISTOL RD TREVOSE, PA 19053
459 BRIDGETOWN PIKE	Tax Parcel:	02016263-002
LANGHORNE, PA 19053	Permit Number: Permit Status:	2023-3494 APPLICATION DENIED

Electronic Review Status

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to Chapter 232 ZONING. The attached sheets lists the reason for rejection and this information is required to complete the permit application for the above referenced project. This letter shall also serve as a formal rejection of your building permit application pursuant to 2009 UCC Section 403.62a(b).

You are required to resubmit plans with revisions and will need to send a new **complete** set of plans. Return it to the Building & Planning Department. You are to include a summary list of all changes that were made to the plans including those required by the Township. For each change made to the plans, note the sheet number, drawing title, and a brief description of the change made. Please label the disc with the project address, date and the revision number to distinguish it from any earlier submissions.

It is possible that upon receipt of the revised plans, additional items for compliance may be required. 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 the Zoning Hearing Board can be obtained from the Building and Planning Department located in the Municipal Building at 2400 Byberry Road, Bensalem.

Respectfully,

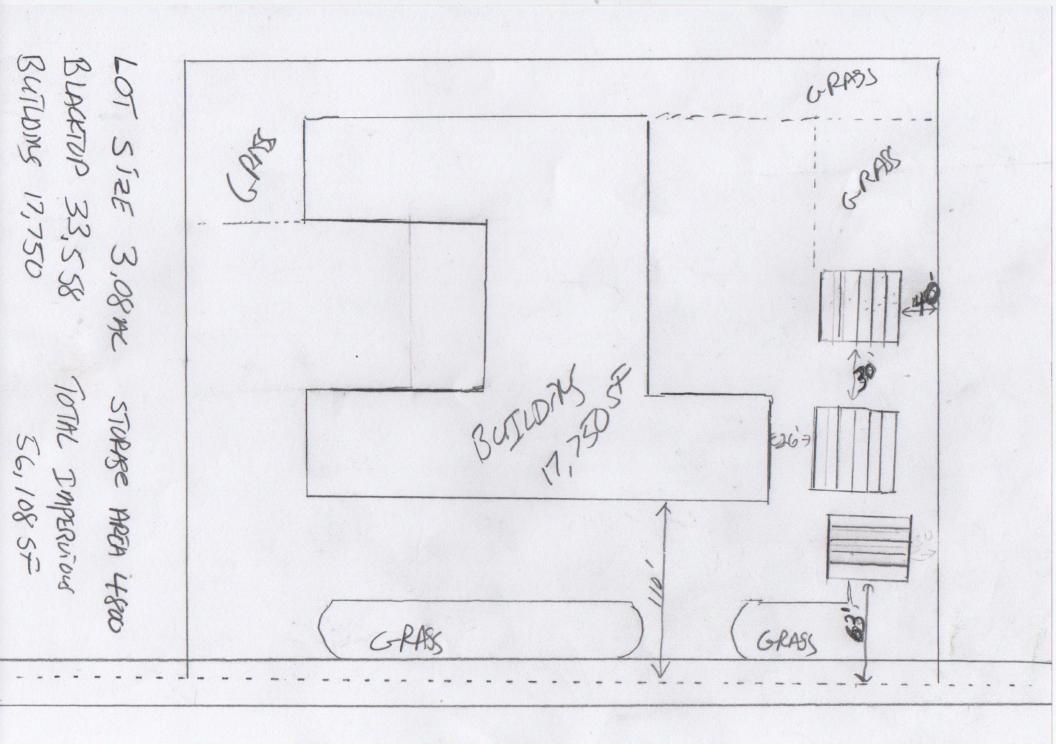
CC: LAWRENCE P. CERESANI 459 BRIDGETOWN PIKE LANGHORNE, PA 19053

LCERESANI@ATT.NET

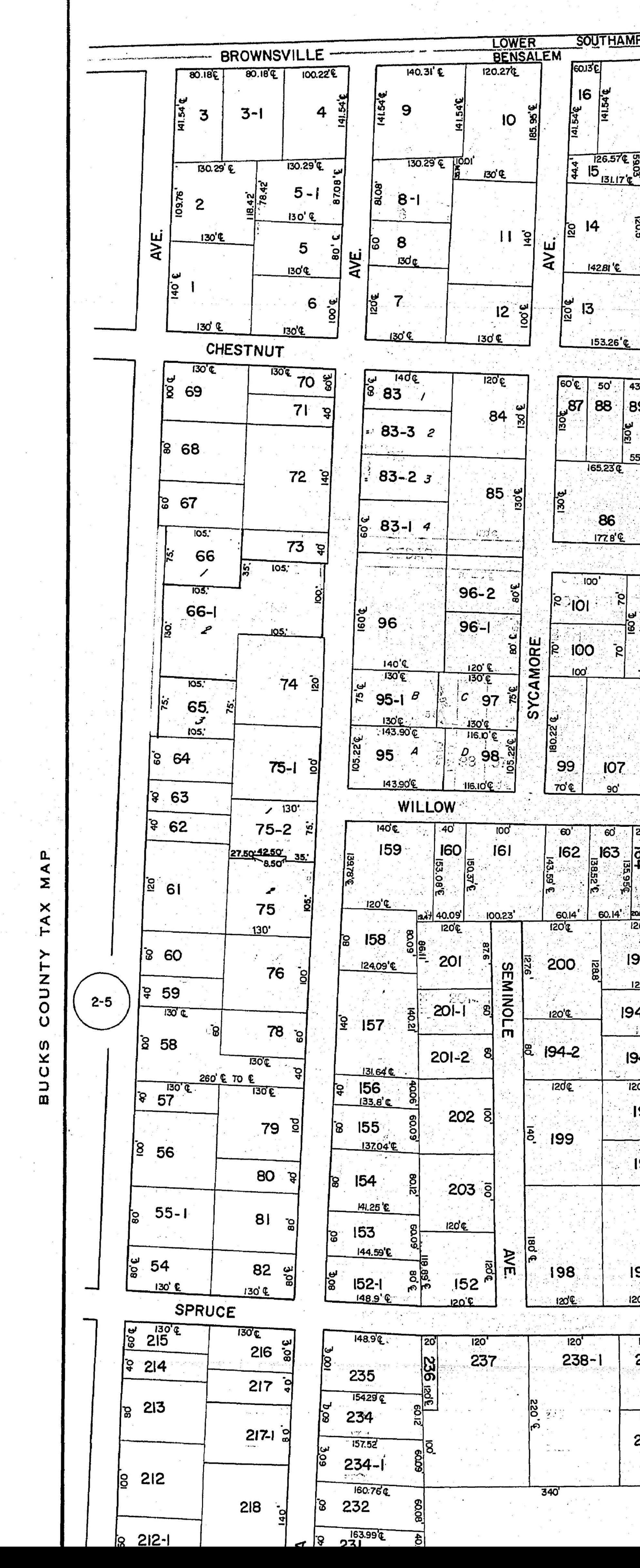
E-mail Address

Zach Bucksar Township Engineer ZB/Iva

Enclosures



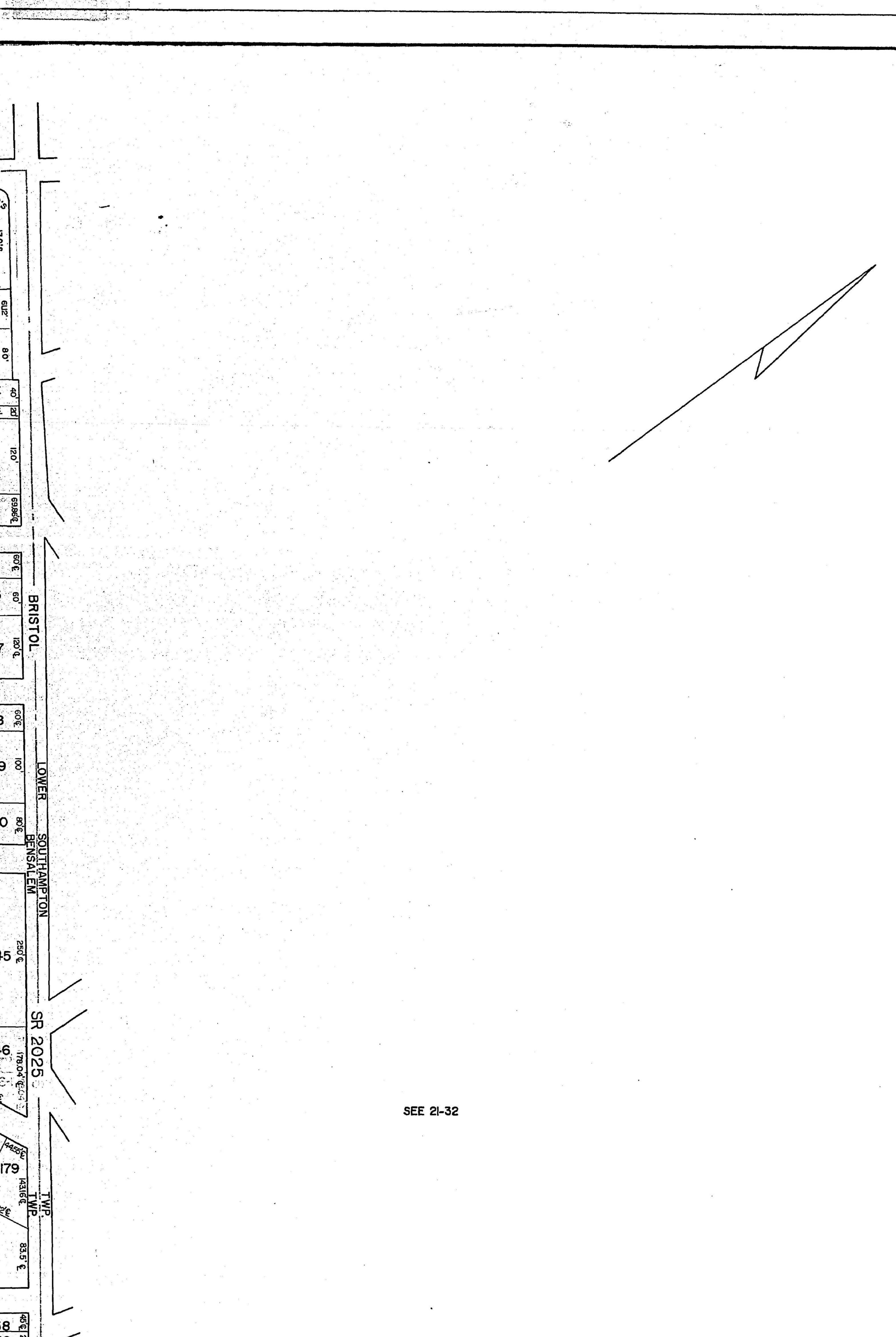
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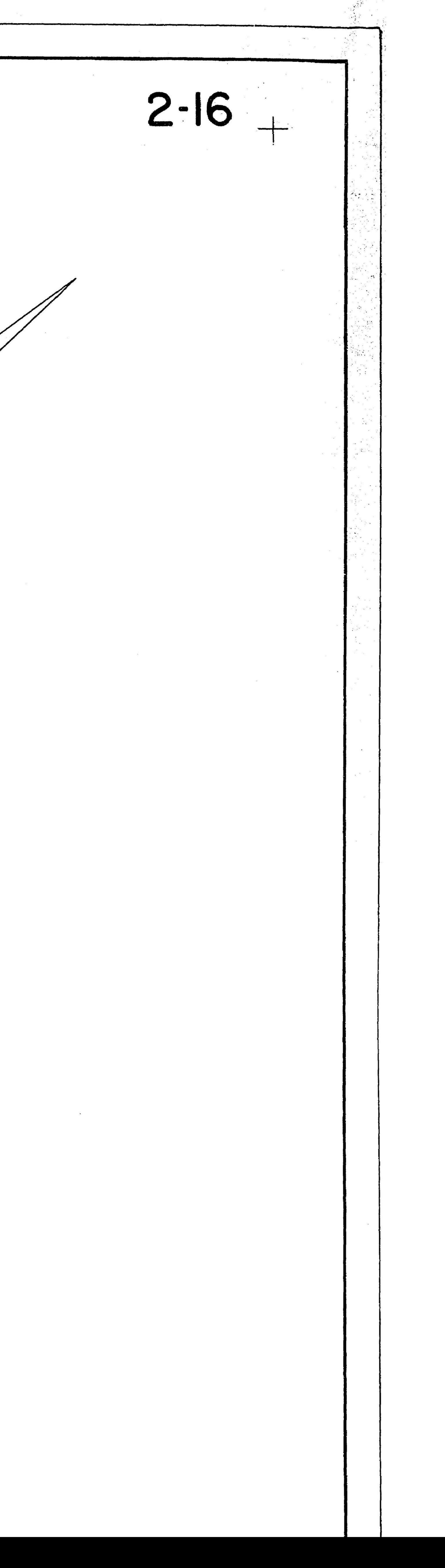
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BUCKS COUNTY RECORDER OF DEEDS

55 East Court Street Doylestown, Pennsylvania 18901 (215) 348-6209

Instrument Number - 2018029745 Recorded On 6/6/2018 At 11:24:49 AM * Instrument Type - DEED Invoice Number - 943345 User - SMC * Grantor - MCCAFFREY, JAMES K * Grantee - L L PEPPER L L C * Customer - MBA ABSTRACT INC * FEES STATE TRANSFER TAX \$8,250.00 RECORDING FEES \$85.75 \$4,125.00 BENSALEM SCHOOL DISTRICT REALTY TAX BENSALEM TOWNSHIP \$4,125.00 \$16,585.75 TOTAL PAID

* Total Pages - 6

Bucks County UPI Certification On June 6, 2018 By TF

This is a certification page

DO NOT DETACH

This page is now part of this legal document.

RETURN DOCUMENT TO: MBA ABSTRACT INC

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office of Bucks County, Pennsylvania.



thin M. Robinson

Robin M. Robinson Recorder of Deeds

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.



Prepared by and Return to:

MBA Abstract Inc. 2337 Philmont Ave., Suite 103 Huntingdon Valley, PA 19006 215-947-1717

File No. MBA-9067

UPI # 02-016-263-002

 CERTIFIED PROPERTY
 IDENTIFICATION NUMBERS

 02-016-263--002
 BENSALEM TWP

 CERTIFIED 06/06/2018
 BY TF

This Indenture, made the 21st day of May, 2018,

Between

JAMES K. MCCAFFREY

(hereinafter called the Grantor), of the one part, and

LL PEPPER, LLC

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

Witnesseth, that the said Grantor for and in consideration of the sum of **Eight Hundred Twenty-Five Thousand And 00/100 Dollars (\$825,000.00)** lawful money of the United States of America, unto him 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 and confirm unto the said Grantee

PREMISES A

ALL THAT CERTAIN lot or tract of ground, situate in the Township f Bensalem, County of Bucks and Commonwealth of Pennsylvania, bounded and described as follows: to wit:

BEGINNING at a point in the center line of Bristol Road, thirty-three feet wide, at a corner of land of the German Hungarian Country Club, thence extending along the center line of the Bristol Road and along the Township line dividing the Township of Lower Southampton from the Township of Bensalem South fifty-three degrees thirty-four minutes thirty seconds East three hundred five feet to a corner of remaining land of George Allen Cameron; thence extending by said land and along the center line of a fifty foot wide right of way leading Southwestwardly from Bristol Road to the premises conveyed to the Trustees for the Regina Mundi Council Home Association, Cestui Que Trust by Deed dated April 3, 1956, recorded in Deed Book 1300, Page 71, South thirty-six degrees eight minutes thirty seconds West two hundred feet to a point in line of the aforesaid land now or late of the Regina Mundi Council Home Association; thence extending along said land North fifty-three degrees thirty-four minutes thirty seconds West three hundred five to a point in line of the aforesaid land of the German Hungarian County Club; thence extending along said land North thirty-six degrees eight minutes thirty seconds the aforesaid land of the German Hungarian County Club; thence extending along said land North thirty-six degrees eight minutes thirty seconds best two hundred point and place of beginning.

TOGETHER with the common use, right, liberty and privilege of the aforesaid fifty foot wide right of way for the benefit of these premises and the premises abutting thereon and entitled to the use thereof, and under and subject to the proportionate part of the expense of keeping said right of way in good order and repair.

And also under and subject to the free and common use of said Trustee in the said fifty foot wide right of way.

PREMISES B

ALL THAT CERTAIN lot or piece of ground, situate in the Township of Bensalem, County of Bucks, Commonwealth of Pennsylvania, described according to a Survey of a Plan thereof made the 4th of January A.D. 1962 by Russell S. Lyman, Registered Professional Engineer, Huntingdon Valley, Pennsylvania, as follows, to wit:

BEGINNING at a point in the center of a 50 foot right of way at a distance of 200 feet South 36 degrees 08 minutes 30 seconds West from a point in the center line of Bristol Road (33 feet wide); thence from the first mentioned point and place of beginning and extending along the property line of Knights of Columbus the 2 following courses and distances; (1) South 36 degrees 08 minutes 30 seconds West 240.00 feet to a n iron pipe; (2) North 53 degrees 34 minutes 30 seconds West 305.00 feet to an iron pipe in the line of land now or late of German Hungarian Country Club; thence North 36 degrees 08 minutes 30 seconds East 240.00 feet to a concrete post; thence along the land now or late of McCaffrey South 53 degrees 34 minutes 30 seconds East 305.00 feet to the point and place of beginning.

TOGETHER with the free and uninterrupted use of 50 feet wide right of way leading into Bristol Road as set forth in Deed recorded in Deed Book 1300 Page 71.

TOGETHER, the aforedescribed Premises "A" and "B", adjoining and comprising approximately 3.08 acres having 305 feet fronting on Bristol Road.

BEING the same premises which James McCaffrey and Lillian D. McCaffrey, by Deed dated July 17, 1995, and recorded July 28, 1995, in the Office of the Recorder of Deeds in and for the County of Bucks, Pennsylvania, in Deed Book 1095, Page 739, granted and conveyed unto James K. McCaffrey, Trustee under separate revocable Trustee Agreements and Respectively made entered into with each of said Grantors and bearing even date herewith, in fee.

AND WHEREAS, said James McCaffrey, as Settlor, made a first amendment to said revocable Trust Agreement on December 21, 1995 altering disposition of certain other entrusted property but not affecting the aforedescribed Premises "A" and "B" herein.

AND WHEREAS, said James McCaffrey, as Settlor, made the aforestated Amended and Restated Trust Agreement of December 19, 2005 with James K. McCaffrey, Trustee, wherein the Settlor's 50% ownership interest in the aforedescribed Premises "A" and "B" would be disposed by the Trustee upon the Settlor's death to Settlor's son, James K. McCaffrey, outright, in fee.

AND WHEREAS, said James McCaffrey departed this life on March 24, 2010.

BEING A PART OF the same premises which JAMES K. McCAFFREY, Trustee under an Amended and Restated Trust Agreement made revocable and entered with James McCaffrey, as Settlor thereunder, and bearing date of December 19, 2005, by Deed dated $\underbrace{05/11/18}_{0.00}$, and recorded $\underbrace{05/123/18}_{0.000}$, in the Office of the Recorder of Deeds in and for the County of $\underbrace{1340218}_{0.0000}$, Pennsylvania, in Instrument No. $\underbrace{2013021059}_{0.0000000}$, granted and conveyed unto James K. McCaffrey.

BEING A PART OF the same premises which Lillian D. McCaffrey, by Deed dated 03/09/18, and recorded 05/23/18, in the Office of the Recorder of Deeds in and for the County of 13/12, Pennsylvania, in Instrument No. 20/3027060, granted and conveyed unto James K. McCaffrey.

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 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 him, the said grantor, as well at law as in equity, of, in and to the same.

Uo have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, 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.

And the said Grantor, for himself and his heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that he, the said Grantor, and his heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against him, the said Grantor, and his heirs, and against all and every other person and persons whosoever lawfully claiming or to claim the same or any part thereof, shall and will

Warrant and Forever Defend.

In Witness Whereof, the party of the first part has hereunto set his hand and seal. Dated the day and year first above written.

Sealed and Delivered in the Presence of Us:

{SEAL} James K. Mc

Commonwealth of Pennsylvania Ss County of Montgomery

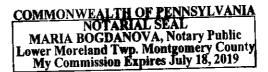
On this, the 21st day of May, 2018, before me, the undersigned Notary Public, personally appeared **James K. McCaffrey**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

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

Notary Public My commission expires

The precise residence and the complete post office address of the above-named Grantee is:

459 BRidgetown NK PA 19053 LanghonN behalf of the Grantee On



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Stone Manor Corporate Ctr. 2800 Kelly Road Suite 200 Warrington, PA 18976 Tel (215) 345-7500 Fax (215) 345-7507 www.foxrothschild.com

ROBERT W. GUNDLACH, JR. Direct No: 215.918.3636 Email: RGundlach@FoxRothschild.com

October 25, 2023

VIA HAND DELIVERY

Loretta Alston Bensalem Township Planning & Zoning 2400 Byberry Road Bensalem, PA 19020

Re: 4570 E. Bristol Road, Bensalem Township, Bucks County

Dear Ms. Alston:

Please be advised that this office has been engaged to represent LL Pepper, LLC ("LL Pepper"), the legal owner of the above-referenced property. On September 10, 2023, LL Pepper applied for a Zoning Permit and an Alteration of Land Permit in order to add stone to certain areas of the parking lot to create level areas for several existing storage containers on the property. On September 27, 2023, the Township issued a letter rejecting the permit applications on the basis that the storage containers are purportedly located in the front yard setback, and the storage containers are located less than 10 feet from each other.

In this regard, I have enclosed the following:

- 1. One (1) original and 12 copies of a completed Bensalem Township Zoning Hearing Board Application.
- 2. Thirteen (13) copies of a Plot Plan of the property depicting the existing building, storage containers, and paved areas.
- 3. Thirteen (13) copies of the letter rejecting the applications, dated September 27, 2023.
- 4. Thirteen (13) copies of the Bucks County Tax Map 02-016 depicting the property.
- 5. Thirteen (13) copies of the current Deed for the property.

A Pennsylvania Limited Liability Partnership



October 25, 2023 Page 2

- 6. Thirteen copies of photographs of the existing storage containers on the property.
- 7. One CD containing pdf copies of items 1-6 above.
- 8. One check in the amount of \$1,500.00 as the fee to file this application.

Before scheduling a hearing on this application, we would also like to request a staff meeting to discuss the property, the storage containers and the proposed stone work with Township representatives and, hopefully, come up with an amicable solution that works for LL Pepper and the Township. Therefore, this letter will also confirm that LL Pepper hereby waives the timeframe within which the Township is required to schedule the first hearing on the enclosed application under the Municipalities Planning Code. Please advise of some dates and times in the next couple of weeks when the Township is available for the staff meeting. Thanks.

Sincerely,

Andrew R. Stoll

JLR:jlr Enclosures

cc: Robert W. Gundlach, Jr. (via email, w/encl.) Jessica L. Rice, Paralegal (via email, w/encl.) Lawrence P. Ceresani, LL Pepper, LLC (via email, w/encl.)