



Marc D. Jonas, Esquire

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DATE OF MAILING: May 19, 2022
SENT BY EMAIL & FIRST CLASS MAIL

Alyson J. Fritzges, Esq.
Riley Riper Hollin & Colagreco
717 Constitution Drive, Suite 201
Exton, PA 19341
alysonf@rrhc.com

**Re: AMENDED NOTICE OF DECISION
Upper Merion Township Zoning Hearing Board
Application No. 2022-06
Applicant: 555 Henderson, LP
Property: 555 S. Henderson Road
tax parcel no. 58-00-10159-00-7**

Dear Alyson:

This letter provides notice of the decision of the Upper Merion Township Zoning Hearing Board following the conclusion of the hearing on Wednesday, May 18, 2022.

The Zoning Hearing Board voted to grant a special exception from section 165-192 of the Upper Merion Township Zoning Ordinance of 1942, as Amended, to permit a portion of the parking spaces for Thrillz KOP, LLC to be located on a different lot than the use. The Zoning Hearing Board voted to grant variances, amending the decisions granting variances on March 6, 2014 (Application No. 2013-34), December 7, 2017 (Application No. 2017-27), and June 17, 2021 (Application No. 2021-12) to permit a change in tenancy of the 33,483 sq. ft. leasehold space of the property from Get Air, LLC to Thrillz KOP, LLC, and an increase in occupancy from 267 to 411.

This approval is subject to the following conditions:

1. the applicant shall provide 137 parking spaces; and
2. the applicant shall conform strictly to the testimony and other evidence presented at the hearing.

Except to the extent modified by this notice of decision, the conditions previously imposed in the notice of decision dated March 6, 2014 for Application No. 2013-34, the

May 19, 2022

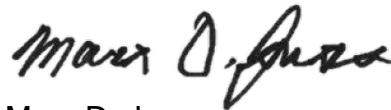
notice of decision dated December 7, 2017 for Application No. 2017-27, and the notice of decision dated June 17, 2021 (Application No. 2021-12) which accompany this letter, shall continue to govern the future use and occupancy of the property.

Because this application was granted and not contested, the Zoning Hearing Board will not issue a decision with findings of fact, conclusions of law, and reasons.

The approval is subject to a 30-day appeal period beginning from the date of entry (mailing) of the notice of decision.

The applicant is directed to section 165-257 "Expiration of Special Exceptions or Variances" and applicable statutory provisions governing the expiration of variances.

Very truly yours,



Marc D. Jonas

Enclosures:

1. notice of decision letter for Application No. 2013-34, dated March 6, 2014
2. notice of decision letter for Application No. 2017-27, dated December 7, 2017
3. notice of decision letter for Application No. 2021-12, dated June 17, 2021

cc: Mark Zadroga, Director, Chief Building/Zoning Officer (*via email*)
Gregory W. Philips, Esq., Supervisor (*via email*)
John Walko, Esq., Township Solicitor (*via email*)

LAW OFFICES

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PLEASE REPLY TO: BLUE BELL OFFICE

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CHARLES H. DORSETT, JR.
ERIC M. TOBIN

*ALSO ADMITTED IN NEW JERSEY

March 6, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sean P. Kilkenny, Esquire
Friedman Schuman, P.C.
Jenkintown Plaza
101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046

Re: Upper Merion Township Zoning Hearing Board
Application No. 2013-34
555 Henderson L.P.
Property: 555 South Henderson Road

Dear Sean:

This letter provides notice of the decision of the Upper Merion Township Zoning Hearing Board at the conclusion of the hearing on March 5, 2014.

The Zoning Hearing Board granted a variance from section 165-191.B(3)(h) of the Upper Merion Township Zoning Ordinance to decrease the number of required parking spaces from 735 to 134 in connection with the use of the 78,110 square foot building by (1) Floors USA for the wholesale/retail sale of flooring materials (38,562 square feet); (2) Bright Light for a lighting and fixture showroom (8496 square feet); and (3) Get Air, LLC for a trampoline park (32,052 square feet).

Sean P. Kilkenny, Esquire
March 6, 2014
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The relief is granted subject to the following conditions:

1. The parking variance is granted only for use of the 79,110 square foot building by Floors USA for the wholesale/retail sale of flooring materials (38,562 square feet); Bright Light for a lighting and fixture showroom (8496 square feet); and Get Air, LLC for a trampoline park (32,052 square feet).
2. Any change in the use of any portion of the property will require a new variance.
3. Any change in tenant for any portion of the property will require a new variance.
4. The variance is conditioned on the use of the subject property in a manner consistent with the representations made by applicant in its application, exhibits, and at the hearing.
5. The maximum occupancy of the Get Air, LLC portion of the building shall be 267 persons.

Since this application was granted and not contested, the Zoning Hearing Board will not issue an opinion with findings of fact and conclusions of law.

This decision is subject to a 30-day appeal period beginning on the date of entry (mailing) of this notice of decision.

The applicants are directed to section 165-257 "Expiration of Special Exceptions or Variances" and applicable statutory provisions governing the expiration of special exceptions and variances.

Very truly yours,

Marc D. Phillips

MDJ:mep
cc: Mark Zadroga, Zoning Officer
Gregory W. Phillips, Esquire



Eastburn and Gray, PC
Attorneys at Law

Zachary A. Sivertsen
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DATE OF MAILING: December 7, 2017
SENT BY FIRST CLASS MAIL AND EMAIL

VIA EMAIL sean@skillkennylaw.com

Sean Kilkenney, Esquire
The Law Offices of Sean Kilkenney
17 East Airy Street
Norristown, PA 19401

**Re: Upper Merion Township Zoning Hearing Board
Application No. 2017-27
Applicant: 555 Henderson LP
Property: 555 South Henderson Road**

Dear Mr. Kilkenney:

This letter provides notice of the decision of the Upper Merion Township Zoning Hearing Board at the conclusion of the hearing on December 6, 2017.

The Zoning Hearing Board granted variances from section 165-144 *Use regulations* to permit a laser-tag recreational facility in the LI Limited Industrial District, and from section 165-191.B(3)(h) *Minimum requirements* to reduce the number of off-street parking spaces from 888 to 134. The relief is granted subject to the following conditions:

1. The parking variance is granted only for the following uses of the 79,110 square foot LI building:
 - a. Floors USA for the wholesale/retail sale of flooring materials (38,562 square feet),
 - b. Defcon 1 for a laser tag recreational facility (8,496 square feet), and

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December 7, 2017

- c. Get Air, LLC for a trampoline park (32,052 square feet).
2. Any change in the use of any portion of the property will require additional zoning relief.
3. Any change in the tenant for any portion of the property will require additional zoning relief.
4. The property shall be used in a manner consistent with the representations made by applicant in its application, exhibits, and testimony at the hearing.

Since this application was granted and there were no contesting parties, the Zoning Hearing Board will not issue an opinion with findings of fact, conclusions of law, and reasons.

This approval is subject to a 30-day appeal period beginning on the date of entry (mailing) of this notice of decision.

Very truly yours,



Zachary A. Sivertsen

ZAS/mw

cc: Mark Zadroga, Zoning Officer
Carole Kenney, Supervisor
Marc D. Jonas, Esquire