



Community Development Department

ZONING HEARING BOARD AGENDA

Thursday, October 21, 2021

7: 00 P.M.

1. Call to Order

2. Pledge of Allegiance

3. APPEAL #3077

The Applicant, Markier Properties LLC, property located at Sproul Road and Highfield Road, request an extension of time for obtaining a permit under Section 280-144 of the Code for an additional six (6) months to May 2, 2022.

4. APPEAL #3107

The Applicant, Sarah Mann, property located at 459 Sproul Road and zoned R1 Residential. The Property is surrounded by commercial and other non-residential uses, as well as Interstate 476. Pursuant to a variance from the Zoning Hearing Board received in 2008 the Property is currently used as a Montessori School. The Applicant proposes to use the building as chiropractic offices. The Applicant requests a variance from Section 280-14 of the Code to convert the use of the Property to chiropractic offices, or a special exception under Section 280-101(A)(1) for a conversion from one non-conforming use to another non-conforming use. Applicant also requests such other relief consistent with the Exhibits and testimony presented at the Zoning Hearing. **Continued from the September 23, 2021 meeting.**

5. APPEAL #3108

The Applicant, Wayne Center LP, property located at 216 E Lancaster Avenue and zoned WBOD Wayne Business Overlay District. The Application requests a special exception pursuant to Section 280-101A.(1) to change a nonconforming use (office for real estate company) to another nonconforming use (office for a different real estate company). Although this is not really a change in use, Section 280-101A contains a very unusual provision which states "Any change in nonresidential occupancy shall be deemed to be a change of use for purposes of Section 280-101A(1)."

6. APPEAL #3110

The Applicant, KMO-361 Realty Associates, LLC, property located at 550 E Lancaster Avenue and zoned PB Planned Business. The Applicant requests a variance from Section 280-123.B to permit installation of two (2) wall signs higher than fifteen (15) feet above existing grade.

7. APPEAL #3113

The Applicant, Radnor Rockwell, LLC, property located at 1001 Eagle Road (Folio # 36-02-00978-00) and zoned PI Planned Institutional District. The Applicant seeks a special exception under Code section 280-68.B to re-develop and use a portion of the subject property as a home for the aged/life-care residence.

The next meeting of the ZHB is scheduled for November 18, 2021. Applications for the November 18, 2021 meeting must be submitted on or before October 19, 2021.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR

301 IVEN AVENUE

WAYNE, PA 19087

610-688-5600

FAX: 610-971-0450

www.radnor.com

www.radnor.com

TOWNSHIP USE ONLY	
APPEAL #	<u>3107</u>
FEE:	_____
DATE RECEIVED:	_____

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to the application. Ten (10) copies of this application and required attachments along with an electronic submittal in pdf format (CD or thumb drive) must be filed with the Community Development Department not less than thirty (30) calendar days prior to the hearing. *Incomplete applications will not be accepted for processing.*

REQUIRED FEE DUE AT FILING: Please refer to the Consolidated Fee Schedule, as amended on our website at www.radnor.com for a copy of our current fees.

TYPE OR PRINT

Property Address: 459 Sproul Road

Name and address of Applicant: Sarah Mann

118 Radnor Avenue, Villanova, PA 19087

Telephone Number: 215-847-0842 Email: sarahmann@centercitymortgage.com

Property Owner (if different than above): Pamela Haigh

Owner address: _____

Telephone number: 267-251-6332 Email: PHaigh2417@verizon.net



Attorney's name: Nicholas J. Caniglia, Esquire

Address: 125 Strafford Avenue, Suite 110, Wayne, PA 19087

Telephone number: 610-688-2626

Email: Nick@piercecanigliataylor.com

Relief requested and/or basis for appearing before the Zoning Hearing Board including *specific citation to any and all sections of the Zoning Code relevant to the appeal. (attach additional pages if necessary)*

The Property is zoned R-1 but is surrounded by commercial and other non-residential uses, as well as Interstate 476. Pursuant to a variance from the Zoning Hearing Board received in 2008 the Property is currently used as a Montessori school. Applicant has entered into an Agreement of Sale for the Property and proposes to use the building as chiropractic offices. There are no proposed additions to the structure and no proposed additional impervious coverage. Applicant requests a variance from §280-14 of the Zoning Code to convert the use of the Property to chiropractic offices, or a special exception under §280-101(A)(1) for a conversion from one non-conforming use to another non-conforming use. Applicant also requests such other relief consistent with the Exhibits and testimony presented at the Zoning Hearing.

Description of previous decisions by the Zoning Hearing Board pertinent to the property, or attach copies of decisions: *(attach additional pages if necessary)*

Appeal Number 2776 dated June 26, 2008 attached as Exhibit A-6.

Brief narrative of improvements: (attach additional pages if necessary)

The Property is zoned R-1. It is immediately adjacent to Conestoga Swim Club and the Blue Route (See, Exhibit A-5). In 2008 the Zoning Board granted a variance (Exhibit A-6) to the current owner to operate a Montessori School, which has occupied the site since that time. Applicant has entered into an Agreement of Sale to purchase the Property contingent on zoning approval for the conversion of the premises to chiropractic offices. The Property is in the flood plain. No additions are proposed to the building and the Applicant proposes no changes to the current impervious coverage.

Witnesses:

Applicant will describe the property and the proposed addition.

Current Owner of the Property will describe the current use of the property.

Applicant reserves the right to call other witnesses at the time of the hearing.

ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following must be provided:

1. Engineered plan or survey of the property drawn to scale, prepared by a registered architect, engineer or surveyor licensed in Pennsylvania, containing the following information:
 - a) lot lines and lot dimensions described in metes and bounds (in feet);
 - b) total lot area;
 - c) location of easements and rights of way, including ultimate rights of way;
 - d) location of all setback lines for existing and proposed structures;
 - e) location of steep slopes, floodplains, riparian buffers, wetlands, and other pertinent features;
 - f) location of existing and proposed improvements;
 - g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and any degree of compliance or noncompliance; and
 - h) all other features or matters pertinent to the application.

PLANS SHALL NOT EXCEED 24" X 36". AND MUST BE NEATLY FOLDED TO NO GREATER DIMENSION THAN 8 1/2" X 11" AT FILING

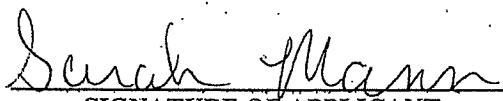
2. List of witnesses and summary of their testimony attached.
3. Photographs of the property at issue and all adjoining properties.
4. Copies of any written professional reports, including traffic studies, land planning studies,

appraisals, floodplain analyses, economic forecasts or other written reports, which the applicant wishes to present at the hearing (*note: the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination*).

5. Copy of deed, lease, agreement of sale, or other authorization to file the appeal. (*note: leases or agreements of sale either must expressly permit the tenant or buyer to file an appeal, or must be accompanied by a by a letter from the owner clearly authorizing tenant or buyer to file the appeal*).

ADDITIONAL REQUIREMENTS

1. Will this application involve the subdivision of land? Applications that involve the subdivision of land are referred to the Planning Commission for review and recommendation. *Applicants will be notified of the date and time of the Planning Commission meeting*
2. Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board? (*note – 10 copies of any brief or memorandum of law to be submitted by the applicant must be received by the Community Development Department no later than 14 days before the hearing*).
3. Will the applicant (or duly authorized officer of the applicant, if applicant is not a natural person) be present at the hearing. If not, then power of attorney, notarized and in recordable form, authorizing the person who will testify on behalf of the applicant, and to bind the applicant in any proceedings of the Board must be presented at or before commencement of the hearing. Attorneys, agents, or other representatives of the applicant may not appear and testify on behalf of the applicant without power of attorney. Forms of power of attorney are available in the Community Development Department. (*note: failure to provide power of attorney will result either in the appeal being continued, or being dismissed, at the discretion of the Board*)


SIGNATURE OF APPLICANT

AN ADDITIONAL FEE OF \$200 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR

301 IVEN AVENUE

WAYNE, PA 19087

610-688-5600

FAX: 610-971-0450

www.radnor.com

www.radnor.com

TOWNSHIP USE ONLY
APPEAL # <u>3108</u>
FEE: _____
DATE RECEIVED: _____

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to the application. Ten (10) copies of this application and required attachments along with an electronic submittal in pdf format (CD or thumb drive) must be filed with the Community Development Department not less than thirty (30) calendar days prior to the hearing. *Incomplete applications will not be accepted for processing.*

REQUIRED FEE DUE AT FILING: Please refer to the Consolidated Fee Schedule, as amended on our website at www.radnor.com for a copy of our current fees.

TYPE OR PRINT

Property Address: 216 E. Lancaster Avenue, Wayne, PA 19087

Name and address of Applicant: Wayne Center, L.P.
925 W. Lancaster Avenue, Suite 200, Bryn Mawr, PA 19010

Telephone Number: (610) 900-6101 Email: Paul@BAprop.com

Property Owner (if different than above): _____

Owner address: _____

Telephone number: _____ Email: _____



Attorney's name: Donald T. Petrosa, Esquire

Address: 109 Chesley Drive, Media, PA 19063

Telephone number: (610) 892-1858 **Email:** dp@petrikin.com

Relief requested and/or basis for appearing before the Zoning Hearing Board including *specific citation to any and all sections of the Zoning Code relevant to the appeal. (attach additional pages if necessary)*

Applicant requests a special exception pursuant to Section 280-101A.(1) to change a nonconforming use (office for real estate company) to another nonconforming use (office for a different real estate company). Although this is not really a change in use, Section 280-101A contains a very unusual provision which states that "Any change in nonresidential occupancy shall be deemed to be a change of use for purposes of Section 280-101A(1)."

See attached Addendum

Description of previous decisions by the Zoning Hearing Board pertinent to the property, or attach copies of decisions: (*attach additional pages if necessary*)

Attached hereto are copies of a 1999 decision of the Zoning Hearing Board (Appeal No. 2368) and a 2020 decision of the Board (Appeal No. 3075), both of which involve the subject property.

See attached Addendum

Brief narrative of improvements: (attach additional pages if necessary)

Existing +/- 9,390 S.F. building, 38 car parking lot, landscaping, sidewalk, etc.

ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following must be provided:

1. **Engineered plan or survey of the property drawn to scale, prepared by a registered architect, engineer or surveyor licensed in Pennsylvania, containing the following information:**
 - a) lot lines and lot dimensions described in metes and bounds (in feet);
 - b) total lot area;
 - c) location of easements and rights of way, including ultimate rights of way;
 - d) location of all setback lines for existing and proposed structures;
 - e) location of steep slopes, floodplains, riparian buffers, wetlands, and other pertinent features;
 - f) location of existing and proposed improvements;
 - g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and any degree of compliance or noncompliance; and
 - h) all other features or matters pertinent to the application.

PLANS SHALL NOT EXCEED 24" X 36" , AND MUST BE NEATLY FOLDED TO NO GREATER DIMENSION THAN 8 ½" X 11" AT FILING

See attached Survey Plan by Control Point Associates, Inc.

2. **List of witnesses and summary of their testimony attached.**
See attached
3. **Photographs of the property at issue and all adjoining properties.**
See attached
4. **Copies of any written professional reports, including traffic studies, land planning studies,**

appraisals, floodplain analyses, economic forecasts or other written reports, which the applicant wishes to present at the hearing (note: the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination).

N/A

- 5. Copy of deed, lease, agreement of sale, or other authorization to file the appeal. (note: leases or agreements of sale either must expressly permit the tenant or buyer to file an appeal, or must be accompanied by a letter from the owner clearly authorizing tenant or buyer to file the appeal).

See attached Deed

ADDITIONAL REQUIREMENTS

- 1. Will this application involve the subdivision of land? Applications that involve the subdivision of land are referred to the Planning Commission for review and recommendation. Applicants will be notified of the date and time of the Planning Commission meeting No

- 2. Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board? (note - 10 copies of any brief or memorandum of law to be submitted by the applicant must be received by the Community Development Department no later than 14 days before the hearing). No

- 3. Will the applicant (or duly authorized officer of the applicant, if applicant is not a natural person) be present at the hearing. If not, then power of attorney, notarized and in recordable form, authorizing the person who will testify on behalf of the applicant, and to bind the applicant in any proceedings of the Board must be presented at or before commencement of the hearing. Attorneys, agents, or other representatives of the applicant may not appear and testify on behalf of the applicant without power of attorney. Forms of power of attorney are available in the Community Development Department. (note: failure to provide power of attorney will result either in the appeal being continued, or being dismissed, at the discretion of the Board) Yes

Wayne Center, L.P., a PA Limited Partnership
By: Wayne TAC, LLC, its sole general partner

By: _____
SIGNATURE OF APPLICANT
Paul M. Aschkenasy, Member

AN ADDITIONAL FEE OF \$200 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.

**ZONING HEARING BOARD APPLICATION
TOWNSHIP OF RADNOR**

301 IVEN AVENUE
WAYNE, PA 19087
610-688-5600
FAX: 610-971-0450
www.radnor.com
www.radnor.com



TOWNSHIP USE ONLY
APPEAL # <u>3110</u>
FEE: _____
DATE RECEIVED: _____

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TYPE OR PRINT

Property Address: 550 E. Lancaster Avenue, St. David's PA

Name and address of Applicant: KMO-361 Realty Associates, LLC
c/o Olshan Properties, 600 Madison Ave., 14th Floor, New York, NY 10022

Telephone Number: 614-289-5828 Email: KMarshall@olshanproperties.com

Property Owner (if different than above): KMO-361 Realty Associates, LLC

Owner address: Zach Bornstein, Olshan Properties, 600 Madison Ave., 14th Floor, New York, NY 10022

Telephone number: 614-289-5800 Email: zbornstein@olshanproperties.com

Attorney's name: Craig R. Lewis, Esq. and George W. Broseman, Esq.

Address: Kaplin Stewart, 910 Harvest Drive, Suite 200 Blue Bell, PA 19422

Telephone number: 610-941-2584 Email: rlewis@kaplaw.com

Relief requested and/or basis for appearing before the Zoning Hearing Board including *specific citation to any and all sections of the Zoning Code relevant to the appeal. (attach additional pages if necessary)*

Variance from Section 280-123 - See attached Narrative for detailed explanation.

Description of previous decisions by the Zoning Hearing Board pertinent to the property, or attach copies of decisions: *(attach additional pages if necessary)*

See Attached Narrative.

Brief narrative of improvements: *(attach additional pages if necessary)*
See Attached.

ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following must be provided:

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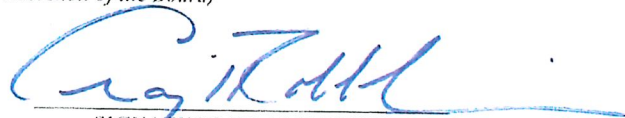
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SIGNATURE OF APPLICANT

ATTORNEY FOR APPLICANT

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ZONING HEARING BOARD APPLICATION

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WAYNE, PA 19087

610-688-5600

FAX: 610-971-0450

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TOWNSHIP USE ONLY
APPEAL # <u>3113</u>
FEE: _____
DATE RECEIVED: _____

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REQUIRED FEE DUE AT FILING: Please refer to the Consolidated Fee Schedule, as amended on our website at www.radnor.com for a copy of our current fees.

TYPE OR PRINT

Property Address: 1001 Eagle Road, Wayne, PA 19087

Name and address of Applicant: Rockwell Radnor, LLC (c/o Mr. Greg Lingo)
124 East State Street, Media, PA 19063

Telephone Number: (302) 367-6648 Email: greg@rockwelldevelopmentgroup.com

Property Owner (if different than above): Valley Forge Military Academy Foundation (c/o Mr. John English)

Owner address: 1001 Eagle Road, Wayne, PA 19087

Telephone number: (610) 989-1200 Email: _____

Attorney's name: George W. Broseman, Esq.

Address: Kaplin Stewart - 910 Harvest Drive, P.O. Box 3037, Blue Bell, PA 19422

Telephone number: (610) 260-6000 Email: gbroseman@kaplaw.com

Relief requested and/or basis for appearing before the Zoning Hearing Board including *specific citation to any and all sections of the Zoning Code relevant to the appeal. (attach additional pages if necessary)*

The PI Planned Institutional District permits institutional uses including an institution or home for the aged, a convalescent home, nursing home or similar health facility, when authorized as a special exception by the Zoning Hearing Board. Accordingly, Applicant seeks a special exception under § 280-68.B. of the Radnor Township Code for approval to redevelop the Property as a home for the aged/life care residence. Please see attached addendum.

Description of previous decisions by the Zoning Hearing Board pertinent to the property, or attach copies of decisions: *(attach additional pages if necessary)*

Applicant is not aware of any previous decisions pertaining to the Property.

Brief narrative of improvements: (attach additional pages if necessary)

Applicant proposes to redevelop the Property as a home for the aged / life care residence. Please see attached addendum for additional details

ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following must be provided:

1. Engineered plan or survey of the property drawn to scale, prepared by a registered architect, engineer or surveyor licensed in Pennsylvania, containing the following information:
 - a) lot lines and lot dimensions described in metes and bounds (in feet);
 - b) total lot area;
 - c) location of easements and rights of way, including ultimate rights of way;
 - d) location of all setback lines for existing and proposed structures;
 - e) location of steep slopes, floodplains, riparian buffers, wetlands, and other pertinent features;
 - f) location of existing and proposed improvements;
 - g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and any degree of compliance or noncompliance; and
 - h) all other features or matters pertinent to the application.

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2. List of witnesses and summary of their testimony attached. - Please see attached addendum.
3. Photographs of the property at issue and all adjoining properties. - Please see attached addendum.
4. Copies of any written professional reports, including traffic studies, land planning studies,

appraisals, floodplain analyses, economic forecasts or other written reports, which the applicant wishes to present at the hearing (*note: the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination*). - None at present. Will be provided, if applicable.

5. Copy of deed, lease, agreement of sale, or other authorization to file the appeal. (*note: leases or agreements of sale either must expressly permit the tenant or buyer to file an appeal, or must be accompanied by a by a letter from the owner clearly authorizing tenant or buyer to file the appeal*). - Please see Exhibit "A" & Exhibit "B" to attached addendum.

ADDITIONAL REQUIREMENTS

1. Will this application involve the subdivision of land? Applications that involve the subdivision of land are referred to the Planning Commission for review and recommendation. *Applicants will be notified of the date and time of the Planning Commission meeting* This application involves a lot line change and ultimately, a land development.
2. Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board? (*note – 10 copies of any brief or memorandum of law to be submitted by the applicant must be received by the Community Development Department no later than 14 days before the hearing*). To be determined.
3. Will the applicant (or duly authorized officer of the applicant, if applicant is not a natural person) be present at the hearing. If not, then power of attorney, notarized and in recordable form, authorizing the person who will testify on behalf of the applicant, and to bind the applicant in any proceedings of the Board must be presented at or before commencement of the hearing. Attorneys, agents, or other representatives of the applicant may not appear and testify on behalf of the applicant without power of attorney. Forms of power of attorney are available in the Community Development Department. (*note: failure to provide power of attorney will result either in the appeal being continued, or being dismissed, at the discretion of the Board*) Yes.



SIGNATURE OF APPLICANT.

by: George W. Broseman, Esq., Counsel for Applicant

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