



Community Development Department

ZONING HEARING BOARD AGENDA

Thursday, November 18, 2021

7: 00 P.M.

1. Call to Order
2. Pledge of Allegiance

3. APPEAL #3114

The Applicant, Provco DT Wayne, LLC, property located at 108 E Lancaster Avenue and zoned WBOD Wayne Business Overlay District. Applicant is seeking a special exception pursuant to Section 280-101(A)(1) to permit the existing non-conforming general office use to be changed to an orthodontist's office (also defined in the Township's Zoning Code as a general office). Applicant is also seeking such other relief as is deemed necessary or appropriate by the Zoning Hearing Board.

4. APPEAL #3115

The Applicant, Sleepy Valley Holdings, LLC (Equitable Owner), property located at 313 Conestoga Road and zoned R3 residential. Applicant seeks a variance from Section 280-25.D which requires an aggregate side yard of 35 feet neither being less than 15 feet in width.

5. APPEAL #3116

The Applicant, Lawrence and Kimberly Kimmell, property located at 328 W Laurier Place and zoned R1 residential. Applicant seeks a variance from Section 280-92.A(1) to allow a proposed building to be located partially within the required setback area in the same general location as an existing tennis court structure also partially located within the setback area; and to the extent required, variances from Section 280-112.D & E (steep slope regulations) to disturb slopes in excess of 20% in connection with proposed improvements.

The next meeting of the ZHB is scheduled for December 16, 2021. Applications for the December 16, 2021 meeting must be submitted on or before November 16, 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>3114</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: 108 E. Lancaster Avenue, Wayne, PA 19087

Name and address of Applicant: Provco DT Wayne, LLC
795 E. Lancaster Avenue, Suite 200, Villanova, PA 19085

Telephone Number: 610-520-0384 Email: rshirley@provcogroup.com

Property Owner (if different than above): Same as Applicant

Owner address: _____

Telephone number: _____ Email: _____



Attorney's name: David J. Falcone, Esq., Saul Ewing Arnstein & Lehr

Address: 1200 Liberty Ridge Drive, Suite 200, Wayne, PA 19087

Telephone number: (610) 251-5752 Email: david.falcone@saul.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 is seeking a variance from Section 280-53.7 to permit the first floor space of the building to be used for office purposes as well as such other relief as the Board may deem necessary.

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

N/A

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

See attached Narrative.

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

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

By: David J. Falcone, Esquire, Attorney for 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
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FAX: 610-971-0450
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www.radnor.com

TOWNSHIP USE ONLY
APPEAL # <u>3115</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: 313 Conestoga Road, Wayne, PA 19087

Name and address of Applicant: Sleepy Valley Holdings, LLC c/o Vincent Sposato (Equitable Owner)
35 Sleepy Hollow Drive, Newtown Square, PA 19073

Telephone Number: 610-496-6938 Email: vsposato@comcast.net

Property Owner (if different than above): Montgomery County Delaware Valley Association LP
c/o Jeff Pendergast

Owner address: 600 Old Elm Street, Conshohocken, PA 19428

Telephone number: 610-842-6958 Email: jeff.pendergast@compass.com



Attorney's name: Fred Fromhold, Esquire -- Fromhold Jaffe Adams & Jun

Address: 795 E Lancaster Avenue, Suite 260, Villanova, PA 19085

Telephone number: 610-527-9100 Email: ffromhold@fjajlaw.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 seeks a variance from Code § 280-25 D which requires an aggregate side yard of 35 ft., neither being less than 15 ft. in width. 313 Conestoga Road has a lot width of 52.2 ft. and is lawfully nonconforming to the minimum lot width requirement of the R-3 Residence District of 70 ft. Due to the narrowness of the lot, a reasonable single family dwelling cannot be constructed while still providing the required aggregate side yard. Accordingly, applicant seeks a variance to provide a 10.3 ft. side yard on the northwest property line and a 12.3 ft. side yard on the southeast property line, for an aggregate side yard of 22.6 ft

In Appeal No. 2712, the current owner was granted relief from the side yard requirement of Code § 280-25 D to construct a dwelling and garage on the property. However, a building permit for the proposed dwelling and garage were not obtained and the Zoning Hearing Board's approval has expired. In the instant case, applicant seeks essentially the same relief as that granted in Appeal No. 2712.

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

See above. The Decision of the Zoning Hearing Board in Appeal No. 2712 is attached.

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

Applicant proposes to construct a two-story single family dwelling and related improvements.

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

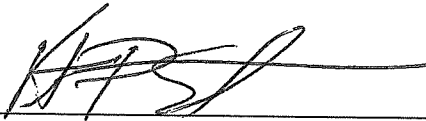
2. **List of witnesses and summary of their testimony attached.**
3. **Photographs of the property at issue and all adjoining properties.**
4. **Copies of any written professional reports, including traffic studies, land planning studies,**

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

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APPEAL # <u>3116</u>
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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: 328 W. Laurier Place, Bryn Mawr, PA 19010

Name and address of Applicant: Lawrance and Kimberly Kimmel
308 W. Laurier Place, Bryn Mawr, PA 19010

Telephone Number: (302) 753-3286 Email: lkimmel@kimmelcarter.com

Property Owner (if different than above): Same as above

Owner address: Same as above

Telephone number: Same as above Email: Same as above



Attorney's name: George W. Broseman, Esquire

Address: Union Meeting Corporate Center, 910 Harvest Drive, P.O. Box 3037, Blue Bell, PA 19422

Telephone number: 610-941-2459 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)*

See attached addendum that is incorporated into and made a part of this application. In addition, the Applicants, Lawrance and Kimberly Kimmel, in connection with the property they own that is located at 328 West Laurier Place and zoned R-1 Residence District and Density Modification. The Applicants seek: (i) a variance from Code § 280-92.A(1) (density modification development building setback) to allow a proposed building to be located partially within the required setback area in the same general location as an existing tennis court structure also partially located within the setback area; and (ii) to the extent required, variances from Code § 280-112.D & E (steep slope regulations) to disturb slopes in excess of 20% in connection with proposed improvements. The Applicants contend that the slopes in question are manmade.

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 prior Zoning Hearing Board decisions pertaining to the Property. The Zoning Hearing Board did determine in Appeal No. 3104 (2021) that the Laurier subdivision is subject to Density Modification zoning.

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

See attached addendum that is incorporated into and made a part of this application. In addition, in preparation for their move to the Property, the Applicants propose various improvements, including enclosing the existing tennis court in a multipurpose building to be attached to the existing dwelling. This building will provide space for recreational activities such as tennis and basketball, storage, and also serve as a pool house space. The building will continue, but not increase the degree of the existing nonconformity to the Density Modification building setback established by the existing tennis court. As part of the planned improvements, the existing pool which is not well-sited in relation to the existing home, and the existing pool house that is located wholly within the required Density Modification building setback area will be eliminated. A new pool is proposed adjacent to the rear of the existing house and alongside of the multipurpose building. The proposed improvements would disturb certain slopes in excess of 20%, that Applicants believe are manmade.

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By: George W. Broseman, Esquire/Attorney for Applicant



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