

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Zoning Hearing Board meeting to be held on Thursday, September 17, 2020 at 7:00p.m. will be held via Zoom and streamed live on the Radnor Township YouTube Channel at <https://www.youtube.com/channel/UCvh6jeMQTvo3ojCTh8wZkbA>. If you would like to participate in the meeting, please send an email to [publiccomment@radnor.org](mailto:publiccomment@radnor.org). This email address will only be monitored during the meeting. E-mails sent to this address during the meeting will be made a part of the record or otherwise addressed during the meeting.

### **APPEAL #3060**

The Applicant, West Wayne Avenue Ventures, LLC, property located at 108 W Wayne Avenue and zoned WBOD Wayne Business Overlay District. Applicant proposes to add a 2<sup>nd</sup> floor to the existing one-story building (which will eliminate the existing minimum height nonconformity), and make related improvements on the property at 108 W. Wayne Avenue (D.C. Folio No. 36-06-03949-00) located in the South Wayne Municipal Lot/Post Office special use area within the Wayne Business Overlay District. Applicant requests: (i) a special exception under Code § 280-101.A.(1) and/or (2) to change the use of the first floor of the building from a mail sorting facility (which Applicant contends is a nonconforming industrial use) to office use; (ii) alternatively a variance from Code § 280-53.17.C.(3) (which limits office use to above the first floor) to allow office use on the first floor of the building; (iii) to the extent required, variances from Code § 280-53.12.B.(2) to: (a) allow fewer parking spaces on the property than would otherwise be required for office uses of the building (Applicant contends that no additional parking spaces are required because the degree of the existing parking nonconformity will not be increased); and (b) to allow additional parking spaces to be provided between the building and South Wayne Avenue (Applicant contends that the South Wayne Avenue side of the building should not be considered the front of the building for purposes of Code § 280-53.12.B.(2)); and (iv) any other relief deemed necessary.

### **APPEAL #3067**

The Applicant, Eric and Laura Janson, property located at 126 E Beechtree Lane and zoned R2 Residential. The Applicant is seeking relief from Sections 280-16 and Section 280-17 of the Code pertaining to accessory structure height, side yard and rear yard setbacks. Applicant is proposing to re-construct a garage 1 foot from the side property line and to maintain the pre-existing non-conforming rear yard setback of 2.14 feet.

### **APPEAL #3071**

The Applicant, Julie and Timothy Brown, property located at 516 Arbordale Road and zoned R3 residential. The Applicant is seeking relief from Section 280-27.C of the Code to allow the placement of a shed to be closer than the required 10 feet to the side and rear property lines.

### **APPEAL #3074**

The Applicant, Shawn and Bernadette Bridy, property located at 152 Biddulph Road and zoned R3 Residential. The Applicant seeks a variance from Section 280-25(C) and 280-101(B) to expand their existing non-conforming garage into the front yard setback.

### **APPEAL #3075**

The Applicant, Wayne Center, LP, property located at 216 E Lancaster Avenue and zoned WBOD Wayne Business Overlay District. The Applicant seeks a special exception pursuant to Section 280-101A.(1) to change a non-conforming use (office for real estate company) to another non-conforming use (office for medical use).

### **APPEAL #3077**

The Applicant, Markeir Properties LLC, property located at the intersection of Sproul Road (Route 320) and Highfield Road and zoned R2 Residential. The Applicant proposes to construct a home on the property with the front of the home located on Highfield Road. The side of the home will be located on Sproul Road. Applicant requests a variance from Section 280-20C of the Code for permission to construct the home within the front yard setback along Sproul Road. The front yard encroachment will be no more than that if the existing adjacent home on Sproul Road at the corner of Sproul Road and Deep Dene Road (106 Deep Dene Road).

Please publish: August 30, 3030  
September 6, 2020

**George W. Broseman**  
Direct Dial: (610) 941-2459  
Direct Fax: (610) 684-2005  
Email: [gbroseman@kaplaw.com](mailto:gbroseman@kaplaw.com)  
[www.kaplaw.com](http://www.kaplaw.com)

July 15, 2020

**VIA EMAIL [KKOCHANSKI@RADNOR.ORG]**

Kevin Kochanski, Zoning Officer  
Township of Radnor  
301 Iven Avenue  
Wayne, PA 19087

**RE: Request for Continuance & Modified Zoning Hearing Board Application  
108 W. Wayne Avenue – Proposed Office Use of Industrial Building  
Your Ref: Appeal #3060; Our Ref.: 16042.001**

Dear Mr. Kochanski:

As you know I represent West Wayne Ventures, LLC (“**WWV**”), the owner of the property at 108 W. Wayne Avenue in Radnor Township (“**Property**”) in connection with the above-referenced Zoning Hearing Board application.

**I. BACKGROUND**

The Property is improved with a 8,750 s.f. (+/-)(gross) one-story, vacant industrial building (“**Building**”) last used as a mail sorting facility by the United States Postal Service. According to information received by the Applicant, the prior industrial use of the Building by the postal service involved approximately 55 employees working in the facility.

The Property is now located in the South Wayne Municipal Lot/Post Office special use area (“**SUA**”) within the Wayne Business Overlay District (“**WBOD**”). The existing Building on the Property was built circa 1961, well before the adoption of the WBOD and the current SUA zoning classification of the Property. Under Code §280-103.B.(12) an industrial building built today would require one parking space for every two employees, plus one space for each 200 s.f. of floor area. This generates a Code parking requirement of 62 parking spaces for the Building. The Building has a set of loading docks that face towards South Wayne Avenue, and a relatively large paved area serves as access to the loading docks. There is room for approximately six striped parking spaces along the southern Property line. With only six spaces, the Property is, like many, if not most of the other properties in the WBOD, nonconforming to the Code parking requirements.

Kevin Kochanski, Zoning Officer  
July 15, 2020  
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WWV proposes to completely renovate the existing Building, which renovations include removing the old loading docks, adding a second floor to the Building, increasing the number of parking spaces on the Property, and increasing the amount of green area on the Property (collectively “**Project**”). Both floors of the Building would be used for office purposes and the gross floor area would be approximately 18,900 s.f., with a net area of approximately 15,120 s.f. (+/-) or less.<sup>1</sup> With the removal of the loading docks, there is no longer a need to keep large portions of the paved area of the Property available for loading dock access. As a result, the amount of parking spaces on the Property is proposed to be increased from 6 spaces to 14 spaces.

## **II. ZHB HEARING – CONTINUANCE TO ALLOW RE-ADVERTISING FOR HEARING**

On March 13, 2020 I filed an application to the Zoning Hearing Board related to the Project and a hearing had been scheduled for July 16, 2020. Since that time we have had some discussions about the nature of the prior use of the Building and the relief requested. Also, after filing the application we realized that it contained a typographical error in the reference to the Code sections involved, and I had worked with you to provide a legal notice for the hearing which referenced the correct Code sections. You have advised me, however, that the corrected legal notice that we had worked on was not used for the advertisement of the hearing, and therefore the legal notice did not a reference to the correct ordinance citations. Accordingly, I am writing to request that the July 16, 2020 hearing be continued to a future date to allow time for a new legal notice to be provided. In order to accommodate this request I hereby grant to the Radnor Township Zoning Hearing Board an extension of time through September 18, 2020 in which to commence the hearing on this application.

## **III. RELIEF REQUESTED**

I am also, by this letter modifying the application to reflect the correct references to the Code provisions at issue, and to add some other measures of relief based on the discussions we have had about the prior use of the Property, and the degree of the parking nonconformity. Specifically, this letter modifies the pending Zoning Hearing Board application by seeking the following measures of relief:

1. **Special Exception to change Nonconforming Use.** To the extent applicable, a special exception under Code §§280-101.A.(1) and/or (2) to change the use of the first floor of the Building from a nonconforming industrial use to an office use, and to add a second floor. Applicant contends that the prior use of the

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<sup>1</sup> Under the Code definition of “floor area” 80% of the “horizontal floor area” measured from the exterior wall faces constitutes the floor area of a building. The actual floor area will be less than 15,120 s.f. because there are vertical penetrations proposed such as elevator shafts and stairwells which do not constitute “horizontal floor area”.

Kevin Kochanski, Zoning Officer

July 15, 2020

Page 3

Building as a mail sorting facility would qualify as a nonconforming industrial use in the SUA, and that the first floor can be converted to office use by special exception.

Office use of the second floor is permitted by Code §280-53.17.C.(3). Adding the second floor will eliminate the existing nonconformity of the Building to the minimum height requirement of 30 feet in the SUA as set forth in Code §280-53.17.D.(4);

2. **Variance to Allow First Floor to be used for Office Use(s).** In the alternative, and to the extent required, a variance from Code §280-53.17.C.(3) to allow the first floor of the Building to be used for office purposes;
3. **Parking.**

To the extent required, variances from Code §280-53.12.B.(2) (made applicable in the SUA by Code §280-53.17.E.(1)) as to the location for the parking spaces to be provided, and from the number of parking spaces required for office use(s).

- a. **Location of Parking.** As to the location of the parking spaces, Code §280-53.12 provides that where off-street parking is provided it shall be located in the rear, side or underneath the building. Applicant contends that the front of the Building for purposes of Code §280-53.12 should be considered the façade that faces West Wayne Avenue as per the official address of the Building, and therefore the location for the proposed parking would be on the functional side or rear of the Building in compliance with Code §280-53.12.B. Furthermore, to the extent that the South Wayne Avenue frontage of the Property is not considered as a side or rear of the Building for these purposes, there is already parking in this area, so relief is sought, to the extent required, to provide more parking spaces to the Property. Ironically, if no additional parking spaces were proposed relief under this section would not be at issue. Thus, to the extent relief is required, it is required in order to increase the number of parking spaces on the Property.
- b. **Number of Parking Spaces.** As to the required number of parking spaces, the Property is, as noted above, nonconforming to the current Code parking requirements. The Applicant should have the right to continue the parking nonconformity, and a variance should be required only to the extent that the Code requires more parking for the proposed office use than the prior use of the Property. Applicant contends that the proposed office use will not increase the degree of the parking nonconformity for the Property, and therefore no relief is needed as to

the number of parking spaces required. This is in keeping with several prior decisions of the Zoning Hearing Board involving the conversion of the use of and renovation to numerous other buildings in the WBOD. *See, Appeal No. 2859 (2011)(parking nonconformity could continue upon conversion of Suburban Publishing building at 124 N. Wayne Avenue to a mix of retail, restaurant and offices uses); Appeal No. 2889 (2013)( parking nonconformity could continue upon conversion of previously approved retail space in lower level of 124 N. Wayne Avenue to donut and ice cream shop); Appeal No. 2726 (2006)(parking nonconformity could continue upon conversion of use of building at 131 N. Wayne Avenue from retail shop to bakery & restaurant, and parking variance granted to allow increase in the degree of the parking nonconformity); Appeal No. 2428 (2000)(parking nonconformity could continue upon conversion of use of building at 118 N. Wayne Avenue from a bank to a restaurant, and parking variance granted to allow increase in the degree of the parking nonconformity); Appeal No. 2435 (2000)(parking nonconformity could continue upon conversion of use of building at 106-108 N. Wayne Avenue from a toy store to a restaurant, and parking variance granted to allow increase in the degree of the parking nonconformity).*

Without excluding proposed vertical penetrations (e.g. *elevator shafts and stairwells which Applicant reserves the right to do*) from the proposed floor area, the proposed office use of 15,120 s.f. (+/-) would require 61 parking spaces, while the prior industrial use of the Building required 62 parking spaces. With addition of approximately 8 more parking spaces, the degree of the existing parking nonconformity will be reduced from a 56 space nonconformity to a 48 space nonconformity. Thus, no parking relief should be required as was the case with the conversion of the use and renovation of the Suburban Publishing building in *Appeal No. 2859* and *Appeal No. 2889*.

In the alternative, and to the extent required, the Applicant seeks a variance to allow the proposed office use without the full complement of parking spaces that would be required for the proposed office use of the Building. Such a variance finds support in the conversion and renovation of numerous other buildings in the WBOD that had little or no parking. It is also noted that under Code §280-53. Ironically, if the Property had no parking at all, no parking would be required, as Code §280-53.12.B provides that the WBOD parking requirements are triggered only when parking is provided.; and

4. **Other Relief.** Any other relief deemed necessary for the Project.

Kevin Kochanski, Zoning Officer

July 15, 2020

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If you have any questions or require any further information, please contact me. Thank you for your attention to this matter.

Sincerely,

***George W. Broseman***

George W. Broseman

GWB

cc via email: Constantine Economides, Esquire  
West Wayne Ventures, LLC  
Site Engineering Concepts, LLC  
F. Tavani and Associates, Inc.

# 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

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>3067</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](http://www.radnor.com) for a copy of our current fees.

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TYPE OR PRINT

Property Address: 126 E Beechtree Lane Wayne, PA 19087

Name and address of Applicant: Eric and Laura Janson

126 E Beechtree Lane Wayne, PA 19087

Telephone Number: 610-687-9225 Email: laurajanson@gmail.com

Property Owner (if different than above): \_\_\_\_\_

Owner address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney's name: David J. Falcone, Esq

Address: 1200 Liberty Ridge, Suite 200 Wayne, PA 19087-5569

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)***

See attached

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



**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:**

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**

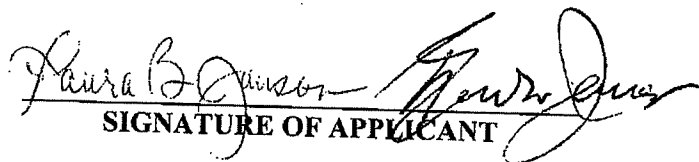
2. **List of witnesses and summary of their testimony attached.**
3. **Photographs of the property at issue and all adjoining properties.**
4. **Copies of any written professional reports, including traffic studies, land planning studies,**

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 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

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>3071</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](http://www.radnor.com) for a copy of our current fees.

\*\*\*\*\*

*TYPE OR PRINT*

Property Address: 516 Arbordale Road, Wayne PA 19087

Name and address of Applicant: Julie and Timothy Brown  
516 Arbordale Road, Wayne PA 19087

Telephone Number: 484-368-4972 Email: tim.m.brown@outlook.com

Property Owner (if different than above): \_\_\_\_\_

Owner address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney's name: N/A

Address: N/A

Telephone number: N/A Email: N/A

**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)***

We would like to request the board grant relief from the requirement of a 10ft side setback and consider that the shed along the existing line, established by the driveway (fifty years ago), is consistent with current zoning because it an extension of an "pre-existing non-conformity". None of the properties in our neighborhood can possibly meet the setback in the code. Without obstructing their entire back yard. The line established by the driveway is the setback line. Placing the shed on that line does seem consistent with zoning, therefore, no relief should be needed because placing the shed on the same line as the driveway is allowable. The request is narrow, and relief is small (deminimus) such that hopefully we don<sup>TMt</sup> need an engineered plan to resolve the issue and we don<sup>TMt</sup> need much time from the Zoning Hearing Board to evaluate it. If you see in the attached photos that there is only about 12ft - 13ft between the house and the shed, if the shed was set 10ft of the property line it would be in the middle of the opening between the house and property line.

**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)**

Back in May 2020 we spoke with our neighbor Jeff and Melissa Adams (512 Arbordale Road) who we share a 2ft strip of grass separating our driveways along with a fence line along our backyards. We informed them of my desire to place a 10'x16' prefabricated shed in the color of our house paint so to help store our family's bikes and numerous oversized items from the weather since our house does not have a garage to store those items in. Jeff and Melissa had no issues with our plans nor with the placement of the shed as it was replacing an old and dilapidated fence that previously existed at end of our driveway. If the shed was placed at the 10 ft mark it would be in the middle of the back yard and would be an eyesore as well not functional for our family.

**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**

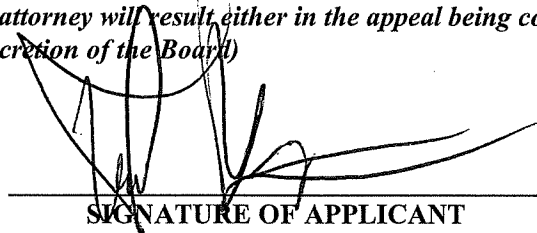
2. **List of witnesses and summary of their testimony attached.**
3. **Photographs of the property at issue and all adjoining properties.**
4. **Copies of any written professional reports, including traffic studies, land planning studies,**

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 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**

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>3074</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](http://www.radnor.com) for a copy of our current fees.

\*\*\*\*\*

*TYPE OR PRINT*

Property Address: 152 Biddulph Road, Wayne, Pa 19087

Name and address of Applicant: Shawn Bridy and Bernadette Bridy, h/w  
152 Biddulph Road, Wayne, PA 19087

Telephone Number: 484-557-3937 Email: sbridy@gmail.com

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

Owner address: See above

Telephone number: See above Email: See above

Attorney's name: Fuscaldo Law Group LLC, by Alfred R. Fuscaldo, Esq.

Address: P.O. Box 147, Valley Forge, PA 19481

Telephone number: 484-302-5481 Email: al@fuscaldolaw.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 Exhibit "A".

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

None, to the knowledge of the Applicant.



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

See attached Exhibit "A".

**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. [See attached Exhibit "A"]
3. Photographs of the property at issue and all adjoining properties. [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*). [None]

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*). [Attached]

#### 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 subdivision involved.]
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*). [None]
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*)

*Alfred R. Fuscaldo*

SIGNATURE OF APPLICANT

By Alfred R. Fuscaldo, attorney for the 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.**

## EXHIBIT "A"

The Applicant is the legal owner of 152 Biddulph Road, Wayne, PA 19087 ("Property"). The Property is located in the R-3 Residential Zoning District and is 1.87 acres in size. The Property is improved with a single-family residential dwelling and a garage. The garage is attached to the dwelling by covered, unenclosed breezeway.

The Property is an irregularly shaped, steeply sloped, flag lot which has a stream running along its rear property line adjacent to Gulph Creek Road. The Property slopes steeply towards Gulph Creek Road, is heavily treed (including a heritage tree adjacent to the garage) and is set back deeply from Biddulph Road, connected to Biddulph Road by a long shared driveway. The designated front yard of the Property adjoins the rear yard of the adjacent property, which adjacent property fronts on Biddulph Road. As a result, neither the dwelling nor garage on the Property is visible from Biddulph Road.

The dwelling and garage combine to form an "L" shaped structure, with the dwelling oriented to face the rear property line of the adjacent property and the garage facing the western side yard. The driveway enters the Property at that western side yard.

The existing garage is located 19.5 feet from the Property's designated front lot line. The garage is incapable of being used as protection for a vehicle. The garage is comprised of an old stone foundation supporting a wood garage building. The floor of the garage cannot support the weight of a vehicle. The Applicant desires to expand and improve the garage so that it can be used as a functional two-car garage. The Applicant proposes widen the garage such that it would be located 10 feet from the Property's front lot line, resulting in a 190.39 sf. increase in the size of the garage. Due to the location of the heritage tree and the slope of the Property, the Applicant is unable to make any improvements to the garage in the direction of the dwelling. The steeply sloping side yard of the Property make expansion of the garage toward the eastern property line impractical. The existing and proposed improvements on the Property are shown on that plan attached as Exhibit "B".

The R-3 Zoning District requires a 35 foot front yard setback. The garage is a preexisting legal non-conformity, being located within 19.5 feet of the designated front lot line. As a result, the Applicant respectfully requests a dimensional variance from Section 280-25(C) (front yard setback requirements) and Section 280-101(B) (increasing a legal non-conformity) of the Radnor Township Zoning Code to permit the expanded garage to be located within 10 feet of the front property line.

As the attached photos of the Property reveal, because of (i) the location of the Property in relation to Biddulph Road, the surrounding properties and the structures on those properties, (ii) the orientation of the dwelling and garage on the Property in relation to the surrounding properties and the structures on those properties, and (iii) the driveway entering the Property through the side yard, the Property's designated front yard "reads" as a side yard. The R-3 District permits attached garages (such as the current garage) to be located within 15 feet of the side lot line (280-25(D)(1)).

The R-3 District also permits detached garages (such as if the Applicant removed the breezeway) to be located within 10 feet of the side lot line (280-27(C)).

The Applicant's requests for relief satisfy the requirements for the grant of dimensional variance under the Radnor Township Zoning Code, as well as the Pennsylvania Municipalities Planning Code.

The Applicant will present two witnesses, the Applicant and the Applicant's architect, Ann Ledger. The witnesses will testify regarding the existing and proposed conditions of the Property, the need for the requested relief, and the Applicant's hardship.

The Applicant respectfully requests that the Radnor Township Zoning Hearing Board ("Board") grant the requested variance relief, as well as any other relief that the Board deems necessary and appropriate.

# 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

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>3075</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](http://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 medical use) as further described in the Addendum attached hereto.

**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 is a copy of a 1999 decision of the Zoning Hearing Board pertinent to the property (Appeal No. 2368).

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

Existing +/- 9,390 S.F. masonry 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

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>3077</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](http://www.radnor.com) for a copy of our current fees.

\*\*\*\*\*

*TYPE OR PRINT*

Property Address: 0 Deep Dene Road (corner of Sproul Road & Highfield Road)

Name and address of Applicant: Markeir Properties LLC  
c/o James McPhillips, 3093 Stirling Road, Broomall, PA 19008

Telephone Number: 610-864-7528 Email: mcphillipsj@aol.com

Property Owner (if different than above): \_\_\_\_\_

Owner address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_



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 a corner lot located at the intersection of Sproul Road (Route 320) and Highfield Road. Applicant proposes to construct a home on the Property with the front of the home located on Highfield Road. The side of the home will be located on Sproul Road. Applicant requests a variance from §280-20C of the Zoning Code for permission to construct the home within the front yard setback along Sproul Road. The front-yard encroachment will be no more than that of the existing adjacent home on Sproul Road at the corner of Sproul Road and Deep Dene Road (106 Deep Dene Road).

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

None to Applicant's knowledge.

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

The Property is Zoned R-2 Residential. The Property is a vacant corner-lot located at the corner of Sproul Road (Route 320) and Highfield Road. Applicant also owns the property (106 Deep Dene Road) immediately adjacent to the subject Property on the corner of Sproul Road and Deep Dene Road. Applicant intends to construct a home on the vacant lot. The new home will front on Highfield Road and the side of the home will front on Sproul Road. Similarly, the side of the existing home at 106 Deep Dene Road fronts on Sproul Road. Applicant seeks relief from the front yard setback along Sproul Road to construct a house on the subject Property. The existing adjacent home (106 Deep Dene) is 33.5 feet the Sproul Road right-of-way (Exhibit A-4). The impingement in the front yard setback for the new home on the vacant lot will be no more than the existing non-conformity at 106 Deep Dene Road.

Witnesses: Applicant will testify regarding the current use and proposed 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.**

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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 letter from the owner clearly authorizing tenant or buyer to file the appeal*).

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SIGNATURE OF APPLICANT

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