



Community Development Department
ZONING HEARING BOARD AGENDA

Tuesday, September 22, 2020
7: 00 P.M.

The Zoning Hearing Board meeting 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. 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.

1. Call to Order

2. Pledge of Allegiance

3. APPEAL #3072

The Applicant, Radnor Properties-SDC, LP, property located at 150 N Radnor Chester Road and zoned PB Planned Business. The Applicant seeks a variance from Section 280-123.B relating to the sign area, sign height and number of wall signs on a building. In the alternative, Applicant requests such other relief consistent with the exhibits and testimony.

4. APPEAL #3073

The Applicant, BESCO Company c/o Equity Retail Brokers, property located at 368-381 W Lancaster Avenue and zoned PB Planned Business. The Applicant is seeking variance from Section 280-60 (B) to install a 400 sf roof canopy over the loading area behind the new DiBruno Brothers store. In the alternative, Applicant requests an interpretation that the canopy should not be included in the building area; and a variance from Section 280-60 (C) to permit the canopy to be 39.20 feet from the rear property line whereas a 50 feet setback is required. In the alternative, Applicant requests an interpretation that the canopy should not be counted against the required setback.

5. APPEAL #3076

The Applicant, 354 W Lancaster Partners, LLC, property located at 354 W Lancaster Avenue and split zoned C2 Commercial and R5 Residential. The premises currently houses a combination of retail and office use. Applicant proposed to retain a small portion of the retail use and convert the remaining space to 10 apartment units. Applicant requests a special exception from Section 280-101A(1) and/or variance from Section 280-51 of the Zoning Code.

The next meeting of the ZHB is scheduled for October 15, 2020.

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>3072</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: 150 Radnor Chester Road, Radnor, PA

Name and address of Applicant: Radnor Properties-SDC, L.P.
c/o Will Golden, Brandywine Realty Trust, 555 East Lancaster Avenue, Suite 110, Radnor, PA

Telephone Number: 610-832-4957 Email: Will.Golden@bdnreit.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)*

Applicant seeks a variance from §280-123B. relating to the sign area, sign height, and number of Wall Signs on a building in the PB-Planned Business Zoning District. In the alternative, applicant requests such other relief consistent with the exhibits and testimony.

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 2609 dated April 27, 2004 granting relief from the height and sign area requirement for the Radnor Financial Center wall sign.

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

The Property is zoned PB-Planned Business District and is the site of the Radnor Financial Center. There exist three buildings on the Premises. Lincoln Financial Group occupies approximately 245,000 SF of floor area in the development. The proposed sign identifies Lincoln Financial Group as the user. The proposed sign is 81.80 square feet and 39 feet 7 inches above grade at its highest point (Exhibit A-5). The existing Radnor Financial Center sign has been recently reduced to 82.5 S.F (Exhibit A-6). The building is 812.36 feet from the closest street, N. Radnor Chester Road (Exhibit A-4). Except for the Radnor Financial Center sign, no other wall signs exist on any of the buildings of the development. The total Building Frontage on the Site is approximately 424 linear feet for which 1.5 SF of sign area for each linear foot totaling 636 SF is permitted in accordance with §280-123A of the Zoning Code. The Site only contains 342.36 SF of Sign Area which is well below the allowed amount. If approved, the proposed sign will increase the total sign area on the site by 10.85 SF over its previous sign area prior to the recent sign renovation project (Exhibit A-6).

Witnesses: Will Golden – Representative of Owner of property.
Philip Dubroff – Representative of sign company.
Representative of Lincoln Financial

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 ½" X 11" AT FILING

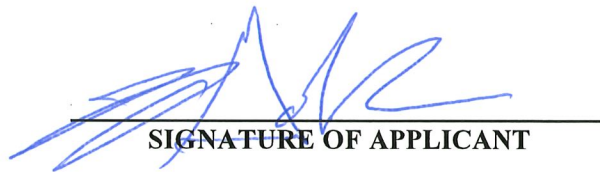
2. List of witnesses and summary of their testimony attached.
3. Photographs of the property at issue and all adjoining properties.
4. Copies of any written professional reports, including traffic studies, land planning studies,

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

WILL GOLDEN
BRANDYVINE REALTY TRUST

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

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WAYNE, PA 19087

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APPEAL # <u>3073</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: Units 1-5, Strafford Shopping Center, 368-381 W. Lancaster Avenue, Wayne, PA 19087, a/k/a 375 W. Lancaster Avenue, Wayne, PA 19087

Name and address of Applicant:
BESCO COMPANY, c/o Equity Retail Brokers, 531 W. Germantown Pike, Suite 103, Plymouth Meeting, PA 19462

Telephone Number: (484) 417-2226 **Email:** kmcevoy@equityretailbrokers.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)

- 1) Variance from Section 280-60(B) Building Area to permit the installation of a 400 sf roof canopy over the loading area behind the new DiBruno Brothers store which is currently under construction increasing the building coverage to 26.53% whereas 20% building area is permitted. In the alternative, Applicant requests an interpretation that the canopy should not be included in building area; and
- 2) Variance from Section 280-60(C) Building Placement to permit the canopy to be 39.20 feet from the rear property line whereas a 50 feet setback is required. In the alternative, Applicant requests an interpretation that the canopy should not be counted against the required setback.

See attached letter dated August 12, 2020 from Linn Architects for additional details.

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

A copy of a prior Decision of the Zoning Hearing Board for another store in the Shopping Center (Unit 12), which is on the Property but is not part of the Premises where DiBruno's will be located is attached hereto (Appeal No. 3009).

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

See attached letter dated August 12, 2020 from Linn Architects.

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 list of witnesses and summary of testimony.
3. **Photographs of the property at issue and all adjoining properties.**

See attached photographs.
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 by a letter from the owner clearly authorizing tenant or buyer to file the appeal*). See attached Deed of Confirmation.

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

BESCO COMPANY

BY: _____


SIGNATURE OF APPLICANT

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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: 354 W. Lancaster Avenue, Wayne, PA

Name and address of Applicant: 354 W. Lancaster Partners LLC
c/o Mario Martinez, 1150 First Avenue, Suite 501, King of Prussia, PA 19406

Telephone Number: 215-375-0982 Email: mmartinez@wisdomcapitalllc.com

Property Owner (if different than above): 100 W. Partners

Owner address: 595 E. Lancaster Avenue, Suite 203, St. Davids, PA 19087

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)*

Premises is split-zoned C-2/R-5. Premises currently houses a combination of retail and office uses and is severely non-conforming in regards to the required number of parking spaces. Applicant proposed to retain a small portion of the retail use and convert the remaining space to 10 apartment units thereby reducing the non-conformity in regards to parking. Applicant requests a special exception §280-101A(1) of the Zoning Code and/or a variance from §280-51 of the Zoning Code, or such other relief consistent with the exhibits and testimony presented to the Zoning Board.

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 1361 dated 9/9/1976 (attached)

Appeal Number 2869 dated 1/26/2012 (attached)

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

Premises is split-zoned C-2/R-5. The building contains 12,062 square feet of gross floor area. There are 16 parking spaces on-site. The current uses are retail and office which require 49 parking spaces (Exhibit A-9). As a result the current uses are non-conforming as to 33 parking spaces. Applicant proposes to retain approximately 2,712 square feet of retail and renovate the interior to 10 apartment units which is a permitted use in the R-5 zoning district. No additions are to be added to the building. The new uses require 34 parking spaces thereby reducing the non-conformity from 33 parking spaces to 18 parking spaces.

Witnesses: Mario Martinez – representative of Applicant who will testify regarding the proposed use
Representative of current Owner who will testify regarding the prior use.
Expert witness on feasibility of office and retail uses in today's market.
Applicant reserves the right to call other witnesses at the time of the hearing.

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