



Community Development Department

ZONING HEARING BOARD AGENDA

Thursday, October 15, 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 #3047

The Applicant David Hoffman, property located at 767-769 Newtown Road, request an extension of the time for obtaining a permit under Section 280-144 of the Zoning Code for an additional six (6) months to May 4, 2021.

4. 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 2nd 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. **Continued from the September 17, 2020 meeting.**

5. APPEAL #3078

The Applicant, Joseph B Marrone, Jr., property located at 407 S Ithan Avenue and zoned R1 Residential. Applicant seeks zoning relief in the form of a de-minimis variance, or a dimensional variance, as to Section 280-15F of the Ordinance, the maximum impervious surfaces permitted in the R1 Zoning District. The relief sought is to allow 22.9% impervious coverage surfaces where Section 280-15F. permits the maximum impervious surfaces of 22%.

6. APPEAL #3079

The Applicant, American Heritage Federal Credit Union, property located at 536 W Lancaster Avenue and zoned C2 Commercial. Applicant requests a variance from Section 280-51.M. to permit a walk up ATM as an accessory use and Section 280-53 to permit access to the walk up ATM from the exterior of the building with appropriate and compliant signage.

The next meeting of the ZHB is scheduled for November 19, 2020. Applications for the November 19, 2020 meeting must be submitted on or before October September 15, 2020

George W. Broseman
Direct Dial: (610) 941-2459
Direct Fax: (610) 684-2005
Email: gbroseman@kaplaw.com
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.¹ 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

¹ 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”.

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

TOWNSHIP USE ONLY
APPEAL # <u>3078</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: 407 South Ithan Avenue, Bryn Mawr, PA 19010

Name and address of Applicant: Joseph B. Marrone, Jr.

407 South Ithan Avenue, Bryn Mawr, PA 19010

Telephone Number: 610-506-6111 Email: joe@millerbros.us

Property Owner (if different than above): _____

Owner address: _____

Telephone number: _____ Email: _____

Attorney's name: John H. Kiefel, Esquire

Address: 721 East Lancaster Avenue, Downingtown, PA 19335

Telephone number: 610-873-4140 Email: jkiefel@verizon.net

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 Applicant's Concise Statement of Zoning Relief Sought attached as 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)*

Applicant is presently unaware of the existence of any previous decisions of the Zoning Hearing Board.

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

See Concise Statement of Zoning Relief Sought attached a 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

See Exhibit A-1 attached hereto.

2. List of witnesses and summary of their testimony attached.
See Exhibit A-2 attached hereto.
3. Photographs of the property at issue and all adjoining properties.
See Exhibit A-3 attached hereto.
4. Copies of any written professional reports, including traffic studies, land planning studies,
None at this time.

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*). See attached Exhibit A-4

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*). Yes.
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

Joseph B. Marrone, Jr.
Joseph B. Marrone, Jr. (Sep 10, 2020 09:10 EDT)

SIGNATURE OF APPLICANT

Joseph B. Marrone, Jr.

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 OF RADNOR TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA**

IN RE: APPLICATION OF JOSEPH B. MARRONE, JR.

APPLICANT'S CONCISE STATEMENT OF ZONING RELIEF SOUGHT

A. Relief Requested and/or Basis for Appearing Before the Zoning Hearing Board

1. Applicant is Joseph B. Marrone, Jr. (Hereinafter "Marrone"). Marrone is also referred to herein as the "Applicant."
2. John H. Kiefel, Esquire, 721 East Lancaster Avenue, Downingtown, Pennsylvania 19335, is legal counsel for Applicant.
3. Applicant is the Owner of the property known as Tax Parcel 36-07-04707-00. A true and correct copy of the property Deed is attached as Exhibit "A-4."
4. The subject property is an existing single-family residence, located at 407 South Ithan Avenue, Bryn Mawr, Radnor Township, Pennsylvania 19010, which hereinafter referred to as the "Property." A copy of the Site Plan for the Property is attached as Exhibit "A-1."
5. The Property is situated in an R-1 Residential Zoning District, as defined in the Zoning Ordinance, as amended, of Radnor Township. The Radnor Township Zoning Ordinance, as amended, is hereinafter referred to as the "Ordinance."
6. The Property has an unusual physical size, shape, design and dimension, which forms a unique "fish-hook" lot, with a large "hook" portion of the lot. The lot pre-dates the Ordinance.
7. A single-family detached dwelling was built on the Property in 1885, which pre-



dates the Ordinance.

8. A single-family detached dwelling currently is a permitted use in the R-1 Zoning District, pursuant to the Ordinance at §280-14 A.

9. An asphalt tennis court was installed on the Property in 1945, which pre-dates the Ordinance.

10. A tennis court is currently a permitted accessory use and accessory building/structure in the R-1 Zoning District, pursuant to the Ordinance at §280-14 D.(1), and §280-4 B.

11. A detached garage was installed on the Property in 1945, which pre-dates the Ordinance.

12. A garage is currently a permitted accessory use and accessory building/structure in the R-1 Zoning District, pursuant to the Ordinance at §280-14 D.(1), and §280-4 B.

13. An in-ground concrete swimming pool was installed on the Property in 1975, which does not pre-date the effective date of the original Ordinance on February 25, 1974.

14. A swimming pool is currently a permitted accessory use and accessory building/structure in the R-1 Zoning District, pursuant to the Ordinance at §280-14 D.(1), and §280-4 B.

15. Withing this Application, the Applicant proposes the following alterations to the Property:

a. The existing Stone Parking Lot will be demolished, removed and the area restored to pervious coverage;

b. The existing Asphalt Driveway will be demolished, removed and the area restored to pervious coverage;

c. The existing Stone Patios will be demolished, removed and the area restored to pervious coverage; and

d. An addition (2,034.7 square feet) to the existing single-family detached dwelling will be constructed.

16. The proposed addition to the existing single-family detached dwelling, which is a permitted use in the R-1 Zoning District, is expressly condoned by the Ordinance at §280-17 A, as an accessory structure attached to a principal building.

17. Pursuant to the Ordinance, at §280-15 F., the maximum impervious surfaces permitted in the R-1 Zoning District is twenty-two (22%) percent.

18. The present twenty-two (22%) percent maximum impervious surface regulation became effective by way of an amendment to the Ordinance on July 17, 2000.

19. The Ordinance, at §280-4 B defines “impervious surfaces” as follows:

IMPERVIOUS SURFACES — Surfaces that do not absorb rainwater. All buildings, parking areas, driveways, interior roads, sidewalks and areas of concrete and nonporous asphalt or other areas of a lot as determined by the Township Engineer. This definition shall not include any portion of a lot located within the street.

20. The existing impervious surfaces at the Property are as follows:

- | | |
|-------------|-----------------------|
| a. Building | 2,853.6 square feet; |
| b. Driveway | 11,016.4 square feet; |
| c. Garage | 957.9 square feet; |

d. Pool House	365.0 square feet;
e. Swimming Pool	1,589.6 square feet;
f. Tennis Court	7,298.8 square feet;
g. Patio	1,203.3 square feet;
h. Brick Walk	681.6 square feet;
i. Misc Walls & Pads	<u>327.4 square feet;</u>

TOTAL EXISTING IMPERVIOUS 26,293.6 square feet (25.4%)

21. The Ordinance, at §280-4 B defines “nonconforming building” as follows:

NONCONFORMING BUILDING — A building **or parts thereof lawfully existing at the time this chapter or subsequent amendments** hereto became effective, **which does not conform to the dimensional** and setback **requirements** of the district in which it is located.

(Emphasis supplied).

22. The existing impervious coverage constitutes “parts thereof lawfully existing which [do] not conform to the dimensional ... requirements,” and therefore the Ordinance’s definition, §280-4 B, of a “nonconforming building” is applicable to the Property. See e.g. Society Created to Reduce Urban Blight (SCRUB) v. Zoning Board of Adjustment for the City of Philadelphia, 787 A.2d 1123 (Pa. Cmwlth. 2001).

23. The proposed impervious surfaces at the Property are as follows:

a. Building	4,888.3 square feet;
b. Driveway	7,527.1 square feet;
c. Garage	957.9 square feet;
d. Pool House	365.0 square feet;
e. Swimming Pool	1,589.6 square feet;
f. Tennis Court	7,298.8 square feet;

g. Patio	1,203.3 square feet;
h. Brick Walk	681.6 square feet;
i. Misc Walls & Pads	<u>327.4 square feet;</u>
TOTAL PROPOSED IMPERVIOUS 23,635.4 square feet (22.9%)	

24. The Ordinance, at §280-4 B defines “structure” as follows:

STRUCTURE — Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items. **This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.**

(Emphasis supplied).

25. All the items considered in the calculation of total impervious coverage, at the Property, all fall within the Ordinance’s definition of “structure.”

26. The Ordinance, at §280-101, “Nonconforming uses, structures and lots,” states in relevant part:

§280-101, “Nonconforming uses, structures and lots.

The following regulations **shall apply** to existing lawful buildings, lots and uses **which do not conform** to the provisions of this chapter or to the provisions of any subsequent amendment hereto:

... B. Nonconforming buildings. The continuation, alteration or extension of a nonconforming building shall be in compliance with the following requirements:

(1) A nonconforming building being used or proposed to be used for a conforming purpose may continue and may be altered or enlarged **if the alteration or enlargement does not increase the nonconformity of the building or structure with respect to**

the setback, land coverage and density requirements of this chapter or any subsequent amendment in effect at the time such alteration or enlargement is proposed to be made.

(Emphasis supplied).

27. The Applicant's proposed development complies with the requirements the Ordinance, at §280-101 B.(1), as the amount of total impervious coverage is being reduced despite the alteration and enlargement of the non-conforming building. The reduction of impervious coverage is being accomplished through the reduction of certain other structures present at the Property.

28. The Applicant's total proposed impervious coverage of twenty-two (22.9%) percent is only a nine-tenths of one percent (.9%) over the Ordinance's regulation, at §280-15 F., where the maximum impervious surfaces permitted in the R-1 Zoning District is twenty-two (22%) percent.

29. The Applicant's total proposed impervious coverage of twenty-two (22.9%) percent, which is only a nine-tenths of one percent (.9%) over the Ordinance's regulation, at §280-15 F., constitutes a de-minimis variance, which may be granted in the discretion of this Honorable Zoning Hearing Board. See e.g. Evans v. Zoning Hearing Board of the Borough of Spring City, 732 A.2d 686, 692 n. 5 (Pa. Cmwlth. 1999).

30. In the alternative to a de-minimis variance, the Applicant's total proposed impervious coverage of twenty-two (22.9%) percent, which is only a nine-tenths of one percent (.9%) over the Ordinance's regulation, at §280-15 F., is a dimensional variance that may be granted by this Honorable Zoning Hearing Board, pursuant to the "relaxed" standard of unnecessary hardship set forth in the case of Hertzberg v. Zoning Board of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998).

B. Brief Narrative of Improvements

The Applicant proposes the following improvements to the Property:

1. The existing Stone Parking Lot will be demolished, removed and the area restored to pervious coverage;
2. The existing Asphalt Driveway will be demolished, removed and the area restored to pervious coverage;
3. The existing Stone Patios will be demolished, removed and the area restored to pervious coverage; and
4. An addition (2,034.7 square feet) to the existing single-family detached dwelling will be constructed.

C. Attachments

1. The Applicant's surveyed Site Plan is attached hereto as Exhibit "A-1." The requested number of copies of the Site Plan, and thumb drive, are included with the Application.
2. List of Witnesses and Summary of Their Testimony is attached hereto as Exhibit "A-2."
3. Photographs of the property at issue and all adjoining properties are attached hereto as Exhibit "A-3."
4. At this time, Applicant does not have any written professional reports.
5. A copy of Applicant's Deed is attached hereto as Exhibit "A-4."

D. Additional Requirements

1. Will this application involve the subdivision of land?

Applicant's Answer: No

2. Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board?

Applicant's Answer: Yes

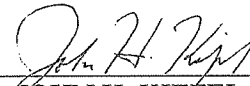
3. Will the applicant be present at the hearing?

Applicant's Answer: Yes

LAW OFFICE OF JOHN H. KIEFEL

Date: 9/9/2020

BY:



JOHN H. KIEFEL

721 East Lancaster Avenue
Downingtown, PA 19335

ID# 53185

(610) 873-4140

Attorney for Applicant,
Joseph B, Marrone, Jr.

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>3079</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: 536 West Lancaster Avenue, Wayne, PA 19087

Name and address of Applicant: American Heritage Federal Credit Union
2060 Red Lion Road, Philadelphia, PA 19115

Telephone Number: 215.606.0178 Email: rhasson@ahfcu.org

Property Owner (if different than above): Wayne Corner, LLC

Owner address: 110 Brittany Way, Blue Bell, PA 19422

Telephone number: _____ Email: vincentsanfilippo@comcast.net

Attorney's name: Nate Fox, Esq.

Address: Obermayer Rebmann Maxwell & Hippel LLP, 10 S. Clinton Street, Suite 300

Telephone number: 215-606-0178 Email: nate.fox@obermayer.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)*

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)*

None.

Brief narrative of improvements: *(attach additional pages if necessary)*
Please see attached addendum.

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.

Radnor Township Zoning Hearing Board
Application of American Heritage Federal Credit Union

ADDENDUM TO APPLICATION TO ZONING HEARING BOARD

Applicant is American Heritage Federal Credit Union which is the tenant pursuant to a fully executed Lease Agreement of the property located at 536 West Lancaster Avenue, Wayne, PA 19087 (the "Property").

The Property is located in the C-2 General Commercial Zoning District of Radnor Township and is improved with a vacant 1,800 SF single story commercial building that was previously used as a dry cleaning business. Applicant intends to perform minor interior and exterior renovations and use the property as a bank/financial institution use, which is a use that is permitted by right in the C-2 district. No major construction is proposed and the footprint of the building will remain the same.

In connection with Applicant's intended use as a bank/financial institution, Applicant requests the following variance from the Radnor Township Zoning Ordinance:

1. Section 280-51.M. to permit a walk-up ATM as an accessory use
2. Section 280-53 to permit access to the walk-up ATM from the exterior of the building with appropriate and compliant signage.

Please see attached renderings provided by City Sign Service, Inc.

While nothing in the Zoning Ordinance specifically forbids and/or provides for the proposed walk-up ATM, the Applicant was advised that a zoning variance would be required. The proposed signage and sign area is compliant with the Zoning Ordinance pursuant to section 280-120.N. of the Zoning Ordinance.

Applicant will present testimony and evidence to the Zoning Hearing Board that Applicant's proposed use is permitted by right in the C-2 Zoning District and the physical location of the property on the corner of West Lancaster Avenue and Old Sugartown Road with sidewalk bordering the property provides efficient and safe access to the walk-up ATM. If granted, the variance will not alter the essential character of the neighborhood, nor have an adverse impact on public health, safety and welfare. The requested variance is the minimum that will afford the reasonable use of the property and would not substantially or permanently impair the appropriate use or development of adjacent properties.

The proposed walk-up ATM is consistent with neighboring banking properties in the C-2 Zoning District. Tompkins Vist Bank located at 600 West Lancaster Avenue, Bank of America located at 520 West Lancaster Avenue, and Ardent Credit Union located at 516 West Lancaster Avenue all have exterior ATMs with walk-up access available to their customers.

Furthermore, of the three banks mentioned above, two have walk-up *and* drive-through ATM access (Bank of America and Ardent Credit Union), and one is solely walk-up (Thompkins

Vist Bank). Due to the physical constraints of the property, and in an effort to lessen the overall impact of the site, Applicant does not propose drive through ATM service, which would otherwise be permitted without zoning relief for its inclusion, and thus facilitating and offering walk-up ATM service. Because of this, it creates a hardship upon the property and as such, Applicant is proposing a single walk-up ATM, just as Tompkins Vist Bank offers, which would otherwise be available to Applicant if the Applicant were to include drive-through service.