



Community Development Department

ZONING HEARING BOARD AGENDA

Thursday, December 17, 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. Recognition of former Zoning Hearing Board Members

4. APPEAL #3063

The Applicant, Corey and Katherine Lonberger, property located at 513 Midland Circle, request an extension of time for obtaining a permit under Section 280-144 of the Zoning Code for an additional six (6) months to August 3, 2021.

5. APPEAL #3046

The Applicant, Glenbrook Avenue Investors, LLC, property located at 812-814 Glenbrook Avenue, request an extension of time for obtaining a permit under Section 280-144 of the Zoning Code for an additional six (6) months to June 30, 2021.

6. APPEAL #3082

The Applicant, RHR Enterprises, LLC, property located at 362 W Lancaster Avenue and split zoned C2 Commercial and R5 Residential. The Applicant is requesting a variance from Sections 280-53A & B and 280-49A, B & D to allow for the use of walk-up service windows in conjunction with its proposed Rita's quick service restaurant, where the Ordinance requires a use to be enclosed within a building and further prohibits items from being offered for sale beyond the front line of the building.

The next meeting of the ZHB is scheduled for January 21, 2021. Applications for the January 21, 2021 meeting must be submitted on or before December 22, 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>3082</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: 362 W. Lancaster Avenue, Wayne, PA 19087

Name and address of Applicant: RHR Enterprises, LLC
274 Coltswood Lane, West Chester, PA 19380

Telephone Number: 610-457-3716 Email: brup274@hotmail.com

Property Owner (if different than above): Joseph T. Lukas

Owner address: 858 Asbury Ave, Ocean City, NJ 08226

Telephone number: 609-516-6117 Email: joelucas2@gmail.com



Attorney's name: Bryce H. McGuigan, Esq.

Address: 680 Middletown Blvd., Langhorne, PA 19047

Telephone number: 215-750-0110 Email: bmcguigan@begleycarlin.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 Applicant is requesting a variance from Sections 280-53A & B and 280-49A, B, & D to allow for the use of walk-up service windows in conjunction with its proposed Rita's quick service restaurant, where the Ordinance requires a use to be enclosed within a building and further prohibits items from being offered for sale beyond the front line of the building.

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

None known to Applicant.

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

Applicant intends to operate a Rita's Restaurant on the Property, The proposed restaurant use is a permitted use within the C2- Commercial District, and it complies with all dimensional requirements of the Ordinance. The proposed Rita's will not have indoor seating or otherwise provide public access to the interior of the space. Rather, it will serve guests through the use of walk-up service windows that will be located in the front of the building. The proposed use is in keeping with similar Rita's Restaurants located within the Delaware County area and will allow Applicant to make reasonable use of the leased premises. The project as proposed will not be detrimental to the public welfare or the surrounding business community.

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

Counsel for Applicant

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