



Community Development Department
ZONING HEARING BOARD AGENDA

Thursday, January 17, 2019
7: 00 P.M.

1. Call to Order
2. Pledge of Allegiance
3. **APPEAL #2904**
The Applicant Anthony and Gloria Mari, property located at 203 Church Street, 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 August 24, 2019.
4. **APPEAL #3030**
The Applicants, Martin and Janet Marshall, property located at 148 E Lancaster Avenue and zoned WBOD (Wayne Business Overlay District) seek a special exception under Code Section 280-101(A)(1) to use the entire building for residential purposes. For at least the last several decades, the building has been used entirely for offices, rendering the first floor use non-conforming. Although both office and residential uses are permitted on the building's second and third floors under Section 280-53.7(B) and 280-53.10, neither of those uses are permitted on the first floor. A special exception therefore is required to convert the existing non-conforming first floor use from office to residential, another non-conforming use.
5. **APPEAL #3029**
The Applicant, Villanova University, property located at 800 E Lancaster Avenue and zoned PI (Planned Institutional). Applicant seeks to modify the conditions imposed by the prior decision of the Zoning Hearing Board in Appeal #1554 dated November 20, 1980 regarding a grant of relief by the Zoning Board from the height requirements for light standards at the Villanova Football Stadium. Applicant requests that the conditions be modified in order to be consistent with Resolution #2006-05 dated February 14, 2006 of the Board of Commissioners. In the alternative, Applicant requests a variance from Section 280-64E of the Zoning Code, contends that the prior grant of variance did not impose conditions except for the height and number of the light standards, or improperly imposed any other conditions. Applicant further requests such other relief from the Zoning Code consistent with the Exhibits presented.

The next meeting of the ZHB is scheduled for February 21, 2019. Applications for the February 21, 2019 meeting must be submitted on or before January 22, 2019.

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>3030</u>
FEE: <u>550⁰⁰</u>
DATE RECEIVED: <u>12-18-18</u>

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: 148 E. Lancaster Ave., Wayne, PA 19087

Name and address of Applicant: Martin and Janet Marshall
649 Lakeview Circle, Newtown Square, PA 19073

Telephone Number: 610-613-4884 Email: janetkmarshall@aol.com

Property Owner (if different than above): _____

Owner address: _____

Telephone number: _____ Email: _____

Attorney's name: James J. Greenfield

Address: 669 Mill Road, Villanova, PA 19085

Telephone number: 610-527-0555 Email: greenfieldlaw@comcast.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)*

Applicants seek a special exception under Code Section 280-101(A)(1) to use the entire building for residential purposes. For at least the last several decades, the building has been used entirely for offices, rendering the first floor use nonconforming. Although both office and residential uses are permitted on the building's second and third floors under Sections 280-53.7(B) and 280-53.10, neither of those uses are permitted on the first floor. A special exception therefore is required to convert the existing nonconforming first-floor use from office to residential, another nonconforming use.

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

No prior decisions of which applicants are aware.

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

Property is improved with a three-story brick structure that is set back from the south side of Lancaster Avenue in the middle of Wayne. Impervious surfaces cover nearly the entire property, which slopes downward from Lancaster Avenue toward School Lane. At the rear of the property, there is a parking area and a storm drainage inlet that was added in 2009-10 in conjunction with the development of the townhouse properties to the south on School Lane. Applicants propose to add a garage at the rear of the structure.

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* 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


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.

WITNESS LIST

Janet Marshall, co-owner of the property, will testify about the owners' plans to convert the property to single-family residential use.

Mark Comyns, an immediate former owner of the property, will testify about the longstanding use of the property exclusively as offices prior to the sale to the Marshalls.

Applicants may present a third witness to testify about the features of the plan for conversion of the property.

Estimate of time for presentation of applicants' case: 20 minutes

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TOWNSHIP USE ONLY
APPEAL # <u>3029</u>
FEE: <u>900⁰⁰</u>
DATE RECEIVED: <u>11-20-18</u>

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REQUIRED FEE DUE AT FILING: Please refer to the Consolidated Fee Schedule, as amended on our website at www.radnor.com for a copy of our current fees.

TYPE OR PRINT

Property Address: Villanova University

Name and address of Applicant: 800 Lancaster Avenue, Villanova, PA 19085

Telephone Number: 610-519-7450 Email: christopher.kovolski@villanova.edu

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 to modify the conditions imposed by the prior decision of the Zoning Hearing Board in Appeal Number 1554 dated November 20, 1980 regarding a grant of relief by the Zoning Board from the height requirements for light standards at the Villanova Football Stadium. Applicant requests that the conditions be modified in order to be consistent with Resolution Number 2006-05 dated February 14, 2006 of the Board of Commissioners. In the alternative, Applicant requests a variance from §280-64E of the Zoning Code, contends that the prior grant of variance did not impose conditions except for the height and number of the light standards, or improperly imposed any other conditions. Applicant further requests such other relief from the Zoning Code consistent with the Exhibits presented.

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 1554 dated November 20, 1980 (attached as Exhibit A-4 hereto)

Resolution #2006-05 dated February 14, 2006 (attached as Exhibit A-6 hereto)

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

The Premises is Zoned PI-Planned Institutional. On November 20, 1980 the Zoning Hearing Board, pursuant to Appeal Number 1554 (See, Exhibit A-4), granted Villanova University relief from the then 50' height requirement of the Zoning Code to construct six one-hundred foot tall light standards at the Villanova University Football Stadium. On February 14, 2006 the Board of Commissioners of Radnor Township passed Resolution Number 2006-05 (Exhibit A-6) requiring that the "stadium lights be turned off when the stadium is not in use and the light level be reduced for intramurals to no more than 50 foot candles at midfield after 9 p.m. and tower lights be turned off at midnight." (See A-6, Paragraph number 26). Villanova University uses the stadium lights for varsity sports practices, intercollegiate sporting events, intramurals, ROTC, summer camps, and special events. In further restriction of the Resolution of the Board of Commissioners, in addition to continuing to comply with the Resolution, Applicant has agreed to turn off the tower lights no later than 10:30 p.m.

Christopher Kovolski – Assistant VP of Government Relations & External Affairs of Villanova University will testify regarding the needs of the University, its current conditions, and existing uses.

Robert Morro – VP for Facilities of Villanova University will testify regarding the current conditions.

Representative of Athletic Department will testify regarding the need for the lights.

Applicant reserves the right to call other witnesses at the time of the hearing.

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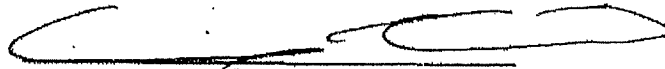
2. List of witnesses and summary of their testimony attached.
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