



Community Development Department
ZONING HEARING BOARD AGENDA

Thursday, February 21, 2019
7: 00 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Reorganization
4. **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.
5. **APPEAL #3030**
The Applicants, Waynestone Group LLC (Martin and Janet Marshall), property located at 148 E Lancaster Avenue and zoned WBOD (Wayne Business Overlay District) seek a special exception pursuant to Code Section 280-101(A)(1) in order to convert the pre-existing, nonconforming first floor office use to a nonconforming residential use, which applicant plans for the entire structure. Applicant also seeks a special exception or variance pursuant to Code Section 280-101(A)(2) in order to place a two story garage addition at the rear of the existing building. The second story of the garage will constitute additional living space as part of the residential use and thus will enlarge the area devoted to a nonconforming use.
6. **APPEAL #3031**
The Applicant, Smyth Family Realty, LLC, property located at 327 E Lancaster Avenue and zoned C3 Commercial. Applicant seeks to construct an addition to the rear of its existing building. The Site is legally nonconforming in regards to the number of off-street parking spaces. Applicant shall maintain the existing number of parking spaces, but requests the ability to provide the stacking of a number of the spaces. As a result the Applicant seeks a variance from Section 280-4 and/or 280-103B of the Zoning Code regarding the size of the parking spaces and their accessibility to a driveway. In the alternative, Applicant requests a variance from Section 280-103B(20) of the Zoning Code regarding the required number of on-site parking spaces or such other relief from the Zoning Code consistent with the Exhibits presented.
7. **APPEAL #3032**
The Applicant, KMO-361 Realty Associates, LLC, property located at 550 E Lancaster Avenue and zoned PB Planned Business. The Applicant is seeking relief from Section 280-123.B of the Zoning Code to permit installation of two (2) wall signs higher than fifteen (15) feet above existing grade.

The next meeting of the ZHB is scheduled for March 21, 2019. Applications for the March 21, 2019 meeting must be submitted on or before February 19, 2019.

REVISED

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: _____
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: 148 E. Lancaster Ave., Wayne

Name and address of Applicant: Waynestone Group LLC, 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)*

Applicant seeks a special exception pursuant to Code Section 280-101(A)(1) in order to convert the pre-existing, nonconforming first-floor office use to a nonconforming residential use, which applicant plans for the entire structure.

Applicant also seeks a special exception or variance pursuant to Code Section 280-101(A)(2) in order to place a two-story garage addition at the rear of the existing building. The second story of the garage will constitute additional living space as part of the residential use and thus will enlarge the area devoted to a 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)*

None known.

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 *Attorney 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.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR

301 IVEN AVENUE

WAYNE, PA 19087

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TOWNSHIP USE ONLY
APPEAL # <u>3031</u>
FEE: <u>900</u>
DATE RECEIVED: <u>1-22-19</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: 327 E. Lancaster Avenue, Wayne, PA

Name and address of Applicant: SMYTH FAMILY REALTY LLC
327 E. Lancaster Avenue, Wayne, PA 19087

Telephone Number: 610-520-2000 Email: Smyth111@jrml.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 to construct an addition to the rear of its existing building. The Site is legally nonconforming in regards to the number of off-street parking spaces. Applicant shall maintain the existing number of parking spaces, but requests the ability to provide the stacking of a number of the spaces. As a result the Applicant seeks a variance from §280-4 and/or §280-103B of the Zoning Code regarding the size of the parking spaces and their accessibility to a driveway. In the alternative, Applicant requests a variance from §280-103B(20) of the Zoning Code regarding the required number of on-site parking spaces or 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)*

None to Applicant's knowledge

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

The Premises is Zoned C-3 Service Commercial District. In approximately 2005 the property was developed as the Jaguar/ Land Rover automobile dealership through the Township's Land Development process. The Zoning Code does not specifically provide for the required number of on-site parking spaces for an automobile dealership. It was determined that 61 parking spaces was required as an "other use" pursuant to §280-103B(20), which provided that 1 parking space was required for each 1,000 square feet of lot area. In 2012 §280-103B(20) of the Zoning Code was modified to increase the requirement to 1 space per 300 square feet of lot area. Applicant shall maintain the legally non-conforming number of parking spaces but seeks relief to provide spaces less than 9.5 feet by 20 feet. No parking is provided in front of the building. Applicant also seeks relief to stack the parking spaces in the rear of the building. The stacked parking spaces are used for inventory. There exists adequate on-site parking for customers who visit the site.

Witnesses:

Michael Smyth – Owner of the property and the Dealership will testify regarding the current and proposed use.

AEC Engineering – Will testify regarding the Site improvements.

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

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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);**
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 - 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 1/2" 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

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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*)


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TYPE OR PRINT

Property Address: 550 E. Lancaster Avenue, St. David's PA

Name and address of Applicant: KMO-361 Realty Associates, LLC
c/o Olshan Properties, 600 Madison Ave., 14th Floor, New York, NY 10022

Telephone Number: 614-289-5828 Email: KMarshall@olshanproperties.com

Property Owner (if different than above): KMO-361 Realty Associates, LLC

Owner address: Andrea Olshan, Olshan Properties, 600 Madison Ave., 14th Floor, New York, NY 10022

Telephone number: 212-935-1330 Email: aolshan@olshanproperties.com

Attorney's name: Craig R. Lewis, Esq. and George W. Broseman, Esq.

Address: Kaplin Stewart, 910 Harvest Drive, Suite 200 Blue Bell, PA 19422

Telephone number: 610-941-2584 Email: rlewis@kaplaw.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)*

Variance from Section 280-123 - See attached Narrative for detailed explanation.

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

See Attached Narrative.

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*).

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SIGNATURE OF APPLICANT
ATTORNEY FOR APPLICANT

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George W. Broseman, Esquire Attorneys for Applicant
Craig Robert Lewis, Esquire
Identification Nos. 62649 and 83564
Union Meeting Corporate Center
910 Harvest Drive
Post Office Box 3037
Blue Bell, PA 19422
(610) 941-2459
gbroseman@kaplaw.com
rlewis@kaplaw.com

**BEFORE THE ZONING HEARING BOARD
OF THE TOWNSHIP OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA**

In the Matter of:

KMO-361 Realty Associates, LLC
Owner/Applicant
T.M.P. 36-03-01702-02

Premises:

St. David's Square Shopping Center
550 E. Lancaster Avenue
St. David's, PA

ADDENDUM TO ZONING HEARING BOARD APPLICATION

KMO-361 Realty Associates, LLC, through their attorneys George W. Broseman and Craig Robert Lewis, hereby file this Zoning Hearing Board Application seeking relief from Section 280-123.B of the Radnor Township Code to permit installation of two wall signs higher than fifteen (15) feet above existing grade, at the property located at 550 E. Lancaster Avenue, known as the St. David's Square Shopping Center, and in support thereof state as follows:

1. Name and Address of Applicant. Applicant is KMO-361 Realty Associates, LLC ("KMO") the legal owner of the St. David's Square Shopping Center ("Center"), as evidenced by a deed dated May 7, 1986, which was recorded in the Delaware County Recorder of Deed's Office in Deed Book 338, page 1066. A copy of that deed is attached hereto as Exhibit "A".

2. Description of Property. The real estate affected by this application is located at 550 E. Lancaster Avenue, St. David's, PA and consists of approximately 24 acres (+/-) (gross)

(collectively hereinafter the “**Property**”). The Property is depicted on a plan prepared by Site Engineering Concepts, LLC, entitled “550 E. Lancaster Avenue – KMO-361 Realty Associates, LLC – Zoning Exhibit Sign Variance” dated August 17, 2018, last revised January 21, 2019 (“**Site Plan**”), a copy of which is attached hereto and incorporated herein as Exhibit “B”. As depicted on the Site Plan, the Property is irregularly shaped with frontage along both Lancaster Avenue and Iven Avenue. Vehicular access to the Property is by means of two access points along Lancaster Avenue. According to the Radnor Township Zoning Map, the Property is primarily located in the PB Planned Business Zoning District (“**PB District**”), while an undeveloped portion of the Property is located in the R-1 Residential Zoning District.

3. **Description of St. David’s Square Shopping Center.** The Center is located on a 24 acre (+/-) (gross) tract of land fronting on Lancaster and Iven Avenues. The Property is, but for two narrow strips of ground, located along the northwest and southeast property lines, zoned PB Planned Business District. The narrow strips of ground are zoned R-1 Residence District and serve as a buffer space. The Property is across Lancaster Avenue from other PB Planned Business District lands which include the Radnor Hotel, various retail uses, restaurants, the Radnor Financial Center, a bank with drive-through facilities, office buildings and a fitness facility. Photos of the Property and adjacent properties are attached hereto as Exhibit “C”.

In the 1960’s, the Property was developed with the B. Altman Department Store. Some time *circa* 1989-1990, the B. Altman’s Department Store ceased operations and the Property underwent redevelopment to deal with the loss of B. Altman’s Department Store. Pursuant to a 1991 land development plan approved by Radnor Township (“**1991 Development Plan**”), the former B. Altman’s Department Store two-story building was converted to a multi-use structure which now houses the TJ Maxx, Giant Supermarket, Home Goods, and formerly occupied by

Bed Bath & Beyond (“**Department Store Building**”). The 1991 Development Plan included construction of two additional buildings, a 50,000 s.f. (+/-) building now occupied by Micro Center (“**Micro Center Building**”), and a 9850 s.f. (+/-) building devoted to multiple uses. By Resolution 2012-20 the Radnor Township Board of Commissioners approved KMO’s proposed expansion of the Center to include construction of a freestanding bank with drive-thru.

In total, the Center presently consists of 223,368 gross square feet of space which includes a mix of small retail stores, large retail stores, restaurants, a supermarket, and the above discuss free-standing bank with drive-thru.

In 2018 KMO entered into leases with Home Sense and Old Nay for the portion of the Department Store most recently occupied by Bed Bath & Beyond. The re-tenanting of the Department Store building included improvements to the façade of the building and improved wall signage. The proposed wall signs were necessary to provide effective identification to these new national retailers in light of the physical challenges faced by portions of the Center. To proceed with the proposed signs KMO filed an application with this Board seeking relief from the Radnor Township Code (“**Code**”) to permit one sign in excess of sixty (60) s.f. and two signs to be located higher than 15’ above grade. By written decision dated September 20, 2018, a copy of which is attached as Exhibit “D”, this Board granted the requested relief from the Code.

4. **Micro Center Building Re-tenating.** KMO is continuing its efforts to improve and update the Center. To that end, KMO intends to reallocate the space within the Micro Center Building. Specifically, Mico Center will reduce its occupancy by approximately 50%. The approximately 25,000 s.f. of the Micro Center Building vacated by Micro Center will then be occupied by HomeGoods (relocating from their existing space at the rear of the Center).

As part of this re-tenanting of the Micro Center Building (as with the re-tenanting of the Department Store space) KMO proposes to improve the façade and install wall signs identifying the tenants. The proposed improvements to the Micro Center Building façade and the proposed wall signs are depicted on a plan prepared by MS Consultants, Inc., entitled “Olshan Properties St. David’s Square – Micro Center - Homegoods”, dated January 23, 2019, (“**Rendering**”) attached hereto and incorporated herein as Exhibit “E”.

5. **Code Requirements and Proposed Signs.** Signage in Radnor Township is governed by Article XXI of the Code. Signage for developments within the PB District, such as the Center, are governed by Code §280-123. Code Section 280-123.B provides in pertinent part:

where a shopping center or retail use is permitted or integrated within a planned development, each business shall be permitted one wall sign not to exceed 60 square feet in sign area. In no case shall a wall sign be higher than 15 feet above the existing grade.

As detailed on the Rendering, the number and size of the signs proposed for the Micro Center comply with the requirements of the Code. However, the proposed “Micro Center” wall sign is proposed to be twenty-four (24) feet above existing grade and the “HomeGoods” sign is proposed to be twenty-four feet six inches (24’ 6”) above grade. Therefore, neither the “Micro Center Sign” nor the “HomeGoods Sign” comply with the maximum sign height requirements of Code Section 280-123.B.

6. **Relief Requested.** KMO requests relief in the form of a dimensional variance from §280-123.B of the Code, to permit signs with sign heights of 24 feet and 24.5 feet respectively.

7. **Basis for Relief.** The requested dimensional relief is warranted due to the physical constraints of the Property and the need to adequately identify the tenants of the Micro Center Building space. The relief will allow reasonable use and occupancy of the Micro Center

Building without causing any detrimental impact on any neighboring properties. Accordingly, Applicant, KMO requests that the Zoning Hearing Board grant the requested relief.

8. **List of Witnesses and Summary of Testimony.** KMO anticipates calling two (3) witnesses for direct testimony. The anticipated witnesses are as follows:

Ken Marshall – Head of Retail & Development, Olshan Properties: Mr. Marshall will testify regarding the leasing issues faced by the Center and the positive impacts of the requested relief to the Center.

Rob Lambert – SITE Engineering Concepts, LLC: Mr. Lambert will testify to the specifics of the Center and the physical conditions that impose unique challenges on building visibility and identification.

Respectfully Submitted,



GEORGE W. BROSEMAN, ESQUIRE
CRAIG ROBERT LEWIS, ESQUIRE
Attorneys for Applicant

Date: 1/21/19