



Community Development Department
ZONING HEARING BOARD AGENDA

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

1. Call to Order
2. Pledge of Allegiance
3. **APPEAL #2979**
The Applicant, Scott Emerson, property located at 409, 411 and 413 East Lancaster Avenue request an extension of time for obtaining a permit under Section 280-144 of the Zoning Code for an additional six (6) month extension to October 25, 2019.
4. **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. **Continued from the February 21, 2019 meeting.**
5. **APPEAL #3033**
The Applicant, Baron Gemmer, property located at 400 S Wayne Avenue and zoned R2 Residential. Applicant seeks to appeal the Zoning Officer's determination emailed January 17, 2019 regarding the application of ZO Section 280-112 [Steep Slopes] to the approval/issuance of the grading permit and building permit for the property as cited in the email. Applicant contends that ZO 280-112.F does apply to the proposed development for the property, and therefore seeks revocation of those permits. Applicant also seeks to appeal for reconsideration of jurisdiction from the Zoning Hearing Board's February 4, 2019 written decision of applicant's Appeal #3027.
6. **APPEAL #3034**
The Applicants, Christopher and Jennifer Albany, property located at 304 Windsor Avenue and zoned R4 Residential. Applicant's property is adjacent to commercial development on its southern rear and eastern side property lines. Applicant seeks to construct a fence eight (8') feet in height on the eastern side property line to match the eight (8') fence being installed by the commercial development along the rear property line. Applicant seeks a variance from Section 280-109.A of the Zoning Code to permit a fence which exceeds six (6') feet in height along the eastern side property line and which exceeds four (4') feet in height in that portion of the property line which extends into the front yard setback, or such other relief from the Zoning Code consistent with the Exhibits presented.
7. **APPEAL #3035**
The Applicants, Laurie and Timothy Gallagher, property located at 21 Longwood Drive and zoned R4 residential. Applicant seeks variances from Section 280-30E of the Code to construct a one story addition to the rear of their home and Section 280-30D(1) of the Code to enclose an existing side porch. The rear addition will extend 3' into the required rear yard setback leaving a setback from the rear property line of 27'. The existing side porch complies with the 12' side yard setback but violates the aggregate side yard requirement of 30'. In the alternative, Applicant contends that enclosing the existing porch is permitted since it does not extend an existing non-conformity, and as to both requests such other relief form the Zoning Code consistent with the Exhibits presented.

(over)

8. **APPEAL #3036**

The Applicants, Michael and Courtney Schiraldi, property located at 104 Eaton Drive and zoned R3-DM residential. The Applicants seek relief from Section 280-97.B(1) of the Zoning Code to construct a deck in the front yard setback or other such relief from the Zoning Code consistent with the Exhibits presented.

9. **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. **Continued from the December 20, 2018 meeting.**

The next meeting of the ZHB is scheduled for April 25, 2019. Applications for the April 25, 2019 meeting must be submitted on or before March 26, 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>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.

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 1/4" 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.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR

301 IVEN AVENUE

WAYNE, PA 19087

610-688-5600

FAX: 610-971-0450

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APPEAL # <u>3033</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: 400 South Wayne Avenue / Wayne, PA 19087

Name and address of Applicant: Baron Gemmer
335 South Wayne Avenue / Wayne, PA 19087

Telephone Number: 610-687-4478 Email: baron@gemmer.org

Property Owner (if different than above): Permit Issued to: Rockwell Glynn LP

Owner address: 126 East State Street / Media, PA 19063

Telephone number: _____ Email: _____

Attorney's name: n/a - pro se

Address: _____

Telephone number: _____ Email: _____

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 appeal the Zoning Officer's determination emailed January 17, 2019 regarding the application of ZO Section 280-112 [Steep Slopes] to the approval/issuance of the grading permit and building permit for the property as cited in the email. Applicant contends that ZO 280-112.F does apply to the proposed development for the property, and therefore seeks revocation of those permits.

Applicant also seeks to appeal for reconsideration of jurisdiction from the Zoning Hearing Board's February 4, 2019 written decision of applicant's Appeal 3027 regarding the same grading permit (GP 18-084) issued by the Township Engineer. Applicant contends that the Zoning Hearing Board does have jurisdiction for appeals of that permit based upon the intents specified under ZO 280-112.A meeting the conditions set forth for Zoning Hearing Board Jurisdiction under MPC Section 909.1 (a) (8). Applicant requests that the Board grant the jurisdiction and hear the appeals of that permit related to 280-112 D, E, and F.

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

Appeal 3027 - Dismissed without prejudice for want of jurisdiction (attached)

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

The plans provided by the permit applicant include the demolition of an existing single-family dwelling, the construction of a new single-family dwelling, and the associated utility, grading, and landscaping work.

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. **NONE**
3. Photographs of the property at issue and all adjoining properties. **N/A - Code Interpretation**
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*). **NONE**

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*). **N/A - Appeal by neighbor**

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

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TOWNSHIP USE ONLY
APPEAL # <u>3034</u>
FEE: <u>550</u>
DATE RECEIVED: _____

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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: 304 Windsor Avenue, Wayne, PA 19087

Name and address of Applicant: Christopher W. Albany and Jennifer M. Albany
304 Windsor Avenue, Wayne, PA 19087

Telephone Number: 215-859-1966 Email: chrisalbany@comcast.net

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@pierceanigliataylor.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's property is adjacent to commercial development on its southern rear and eastern side property lines. Applicant seeks to construct a fence eight (8') feet in height on the eastern side property line to match the 8' fence being installed by the commercial development along the rear property line. Applicant seeks a variance from §280-109.A of the Zoning Code to permit a fence which exceeds six (6') in height along the eastern side property line and which exceeds four (4') in height in that portion of the side property line which extends into the front yard setback, 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)*

Appeal Number 3012 dated March 2, 2018 (Exhibit A-5) – Relief was granted to First Resource Bank, the commercial development along Applicant's rear property line, to construct an eight (8') foot high fence between that property and the property of Applicant.

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

The Property is Zoned R-4 Residential and is improved by a single-family dwelling in which Applicant and his family reside. The Property is bordered on the south and east by banks, offices, and retail establishments. The premises bordering the Property to the south, owned by First Resource Bank, was granted a variance to construct an eight (8') foot high fence along Applicant's rear-property line. Applicant wishes to extend the same fence of the same height and type along its eastern side-property line adjacent to a commercial development consisting of a bank, offices, and retail stores. A portion of the fence along this side property line extends into the front yard. In the R-4 and R-5 zoning districts no fence within the front yard setback shall exceed four (4') feet. In all other zoning districts fences six (6') in height are permitted in the front yard setback.

Witnesses:

Chris Albany – Owner of the Property will describe the Property and the proposal.
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 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

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.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR

301 IVEN AVENUE

WAYNE, PA 19087

610-688-5600

FAX: 610-971-0450

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www.radnor.com



TOWNSHIP USE ONLY
APPEAL # <u>3035</u>
FEE: _____
DATE RECEIVED: _____

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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: 21 Longwood Drive, Wayne, PA

Name and address of Applicant: Laurie E. and Timothy F. Gallagher
21 Longwood Drive, Wayne, PA 19087

Telephone Number: 267-664-0331 Email: laurie.ellen.gallagher@gmail.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@piercecانigliataylor.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 variances from §280-30E of the Zoning Code to construct a one-story addition to the rear of their home and §280-30D(1) of the Zoning Code to enclose an existing side porch. The rear addition will extend 3' into the required rear yard setback leaving a setback from the rear property line of 27'. The existing side porch complies with the 12' side yard setback but violates the aggregate side-yard requirement of 30'. In the alternative, Applicant contends that enclosing the existing porch is permitted since it does not extend an existing non-conformity, and as to both 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)*

None to knowledge of Applicant.

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

The Property is Zoned R-4 Residential and is improved by a single-family dwelling in which Applicant reside. The total gross floor area of the existing home is 1,624 square feet. An unenclosed porch exists twelve (12') from the existing side property line. This porch was previously enclosed (See, Exhibit A-5). Applicant seeks to construct a one-story addition to the rear of their home, 14.5' by 28'. The rear addition will extend 3' into the required rear yard setback and 27' from the rear property line. §280-30E of the Zoning Code requires a 30' rear yard setback. Applicant also seeks to enclose the existing side porch. §280-30(D)(1) of the Zoning Code requires a 12' side yard and two side yards with an aggregate width of 30'. The existing side porch is 12' from the property line. There will be no increase of the existing aggregate of 24'.

Witnesses:

Laurie and Timothy Gallagher – Owner of the Property will describe the Property and the proposal.

Architect will describe the proposed addition.

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:
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TOWNSHIP USE ONLY
APPEAL # 3036
FEE: 550
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TYPE OR PRINT

Property Address: 104 Eaton Drive, Wayne, PA 19087

Name and address of Applicant: Michael and Courtney Schiraldi
104 Eaton Drive, Wayne, PA, 19087

Telephone Number: 203-645-5765 Email: mschiraldi11@gmail.com

Property Owner (if different than above): Same as Applicant

Owner address: Same as Applicant

Telephone number: Same as Applicant Email: Same as Applicant

Attorney's name: Michael Schiraldi, Esquire

Address: 104 Eaton Drive, Wayne, PA, 19087

Telephone number: 203-645-5765 Email: mschiraldi11@gmail.c

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)*

We are requesting relief from the 35 foot front yard setback rule so that we can build a deck on our property.

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

No previous decisions.

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

Remove brick patio for footers. Dig 3 foot footers to code. Provide and install new deck 286 square feet with 6 foot x 6 foot posts, 2 foot x 8 foot beam, 2 foot by 6 foot joists and AZEK Autumn Chestnut deck boards. Provide and install AZEK Trademark Railings. New Deck will have three steps on the right of the deck leading from the back of the deck to the backyard. Provide and install new gate on steps. Move HVAC unit onto the deck. Install white vinyl material to base of deck instead of using lattice. Clean up and haul away all debris. The deck would be 22 feet long, 12 feet 10 inches wide and two feet high.

Please see the provided contractor's plan for a detailed description of the deck improvement project.

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

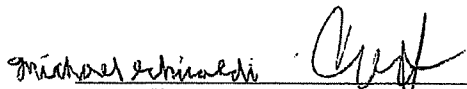
2. **List of witnesses and summary of their testimony attached.**
3. **Photographs of the property at issue and all adjoining properties.**
4. **Copies of any written professional reports, including traffic studies, land planning studies,**

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.

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>3029</u>
FEE: <u>900⁰⁰</u>
DATE RECEIVED: <u>11-20-18</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: 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@piercecانigliataylor.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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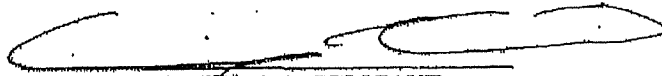
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