



Community Development Department  
**ZONING HEARING BOARD AGENDA**

**Thursday, November 21, 2019  
7: 00 P.M.**

1. Call to Order

2. Pledge of Allegiance

3. **APPEAL #3050**

The Applicant, EIP Partnership LLC, property located at 147 Conestoga Road and zoned R5 Residential. The Applicant is equitable owner of a lot dimensioned 106' x 150' on which exists a semi-detached (one side of a twin home) single family dwelling. Applicant seeks a variance from Section 280-35A(1) of the Zoning Code in regards to Lot Area and Lot Width in order to create a lot for the existing home with the same lot area and lot width as the adjoined semi-detached dwelling. Applicant also seeks a variance from Section 280-35(A)1 to create a lot, the same dimensions, as the adjacent lot, and a variance for a newly created corner lot from Section 280-35A(3) for a front yard setback for one of the front yards on which the twin home abuts. In the alternative, Applicant seeks such other relief required in accordance with the Plans and testimony presented to the Zoning Board.

**The next meeting of the ZHB is scheduled for December 19, 2019. Applications for the December 19, 2019 meeting must be submitted on or before November 19, 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

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>3050</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](http://www.radnor.com) for a copy of our current fees.

\*\*\*\*\*

TYPE OR PRINT

Property Address: 147 Conestoga Road, Wayne, PA

Name and address of Applicant: EIP Partnership LLC  
c/o Collin Whelan, 211 Poplar Avenue, Wayne, PA 19087

Telephone Number: 610-290-6530 Email: collinwhelan@yahoo.com

Property Owner (if different than above): Marybeth Avioli

Owner address: 147 Conestoga Road, Wayne, PA 19087

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)***

The Applicant is equitable owner of a lot dimensioned 106' x 150' on which exists a semi-detached (one side of a twin home) single family dwelling. Applicant seeks a variance from §280-35A(1) of the Zoning Code in regards to Lot Area and Lot Width in order to create a lot for the existing home with the same lot area and lot width as the adjoined semi-detached dwelling. Applicant also seeks a variance from §280-35A(1) to create a lot, the same dimensions, as the adjacent lot, and a variance for a newly created corner lot from §280-35A(3) for a front yard setback for one of the front yards on which the twin home abuts. In the alternative, Applicant seeks such other relief required in accordance with the Plans and testimony presented to the Zoning Board.

**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 Property is zoned R-5 Residential. The Property is a corner lot located at the intersection of Conestoga Road and Doyle Road in Wayne. The Property depth is 106' along Conestoga Road and 150' along Doyle Road for a total lot area of 15,900 Square Feet. On the north side of the Property fronting on Conestoga Road is an existing single-family semi-detached dwelling (a single twin home). The adjacent twin, under separate ownership, exists on a lot 30' wide by 150' deep, and is therefore non-conforming as to the Minimum Lot Width (§280-35A(1)) requirement of 40' and the Minimum Lot Area (§280-35A(1)) requirement of 5,445 Square Feet. Applicant proposes a subdivision whereby it creates a lot for the existing twin and two new twin homes. The existing twin and one of the new twin homes would also be 30' x 150'. The other twin is a corner lot for which Applicant seeks a variance from the front yard setback along Doyle Road. The proposal is consistent with the existing homes on Conestoga and Doyle Roads which are non-conforming with Lot Area, Lot Width, and front yard setbacks.

Witnesses:

Applicant – Will describe the Property and the proposal.

Project Engineer – Will describe site.

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 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*
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.