



Community Development Department
ZONING HEARING BOARD AGENDA

Thursday, December 19, 2019
7: 00 P.M.

1. Call to Order

2. Pledge of Allegiance

3. APPEAL #3051

The Applicant, Villanova University, property located at 800 E Lancaster Avenue and zoned PI Planned Institutional. In 1995 Applicant was granted a variance from the height requirement of the Zoning Code pursuant to Appeal Number 2224 for the construction of its Center for Engineering Education and Research (CEER) building. Applicant seeks a modification of the conditions imposed by Appeal Number 2224 to permit an addition to the building which will not exceed the height approved by the former Appeal. In the alternative, Applicant seeks a variance from Section 280.69.C of the Zoning Code regarding Height Regulations, or such other relief consistent with the exhibits and testimony presented at the hearing.

4. APPEAL #3052

The Applicant, Stephen D'Amicantonio, property located at 359 Sugartown Road and zoned R4 Residential. The Applicant seeks a variance from Section 280-109.A which limits the height of a fence in the front yard setback in the R4 Zoning District to 4 feet. Applicant seeks to install a fence 6 feet high. In the alternative, Applicants requests any other relief in accordance with the Plans and Exhibits submitted.

5. APPEAL #3053

The Applicant, 132 West Wayne Avenue Associates, LP, property located at 132 W Wayne Avenue and zoned R5 residential. The Applicant proposes to convert the existing building from a non-conforming commercial office use to a permitted 4-unit apartment use. The proposed residential use is non-conforming as to the lot width (Section 280-35.B(1)) and side yard setback (Section 280-35.B(3)(b)) requirements of the Zoning Code for multiple family residential use. Applicant seeks a variance from Section 280-35.B(1) and Section 280-35.B(3)(b), a special exception, or relief pursuant to Section 280-101(B) and/or Section 280-101(C) since the building and lot is an existing legal non-conformity. In the alternative, Applicant requests any other relief in accordance with the Plans and Exhibits submitted.

The next meeting of the ZHB is scheduled for January 16, 2020. Applications for the January 16, 2020 meeting must be submitted on or before December 17, 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>3051</u>
FEE: <u>905⁰⁰</u>
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: 800 E. Lancaster Avenue

Name and address of Applicant: Villanova University

800 E. Lancaster Avenue, Villanova, PA 19085

Telephone Number: 610-519-8646 Email: joseph.ungaro@villanova.edu

Property Owner (if different than above): same as 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)*

In 1995 Applicant was granted a variance from the height requirement of the Zoning Code pursuant to Appeal Number 2224 for the construction of its Center for Engineering Education and Research (CEER) building. Applicant seeks a modification of the conditions imposed by Appeal Number 2224 to permit an addition to the building which will not exceed the height approved by the former Appeal. In the alternative, Applicant seeks a variance from Section 280.69.C of the Zoning Code regarding Height Regulations, or such other relief consistent with the exhibits and testimony presented at the hearing.

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

Radnor Township Zoning Hearing Board Appeal No. 2224, 7/20/1995.

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

In 1995 the Applicant was granted variances from the height and front yard setback requirements of the Zoning Code to construct the CEER building. Applicant seeks to construct an addition to the building which addition will exceed the 38 foot height requirement of §280-69.C of the Zoning Code, but will not exceed the existing 51 foot height granted by the prior zoning relief. The addition complies with all other requirements of the Zoning Code including the front yard setback. Parking to meet Zoning Code requirements will be provided elsewhere on campus in compliance with the Code.

Witnesses:

Robert Morro

Joseph Ungaro

Christopher Kovolski

The Witnesses will testify as to existing and proposed conditions and the reasons for the request. 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

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TOWNSHIP USE ONLY
APPEAL # <u>3052</u>
FEE: <u>550⁰⁰</u>
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: 359 Sugartown Road, Wayne, PA

Name and address of Applicant: Stephen D'Amicantonio
359 Sugartown Road, Wayne, PA 19087

Telephone Number: 610-368-8522 Email: stephendamic@gmail.com

Property Owner (if different than above): Robert D'Amicantonio

Owner address: 103 Lantoga Road, Wayne, PA 19087

Telephone number: 610-688-0963 Email: BDamicshoes@verizon.net

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 Property is zoned R-4 Residential. Applicant seeks a variance from Section 280-109.A which limits the height of a fence in the front yard setback in the R-4 Zoning District to 4 feet. Applicant seeks to install a fence 6 feet high. In the alternative, Applicant requests any other relief in accordance with the Plans and Exhibits submitted.

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-4 Residential. The Property is a corner lot located at the intersection of Sugartown Road and Longwood Drive. Unlike all other zoning districts the height of fences in the front yard setback in the R-4 and R-5 zoning districts is 4 feet. The other districts permit 6-foot high fences. Applicant wishes to construct a six-foot high fence which is within the front yard setback on Longwood Drive. The fence complies with the setback requirement for Sugartown Road.

Witnesses:

Applicant – Will describe the Property and need for fence.

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.

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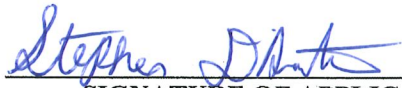
2. List of witnesses and summary of their testimony attached.
3. Photographs of the property at issue and all adjoining properties.
4. Copies of any written professional reports, including traffic studies, land planning studies,

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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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: 132 West Wayne Avenue, Wayne, PA

Name and address of Applicant: 132 West Wayne Avenue Associates, L.P.
c/o Julian Sur, 675 Lancaster Avenue, Berwyn, PA 19312

Telephone Number: 610-647-4833 Email: jsurcpa@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@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)*

The Property is zoned R-5 Residential. Applicant proposes to convert the existing building from a non-conforming commercial office use to a permitted 4-unit apartment use. The proposed residential use is non-conforming as to the lot width (§280-35.B(1)) and side yard setback (§280-35.B(3)(b)) requirements of the Zoning Code for multiple family residential use. Applicant seeks a variance from §280-35.B(1) and §280-35.B(3)(b), a special exception, or relief pursuant to §280-101(B) and/or §280-101 (C) since the building and lot is an existing legal non-conformity. In the alternative, Applicant requests any other relief in accordance with the Plans and Exhibits submitted.

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Appeal Number 2367 dated February 2, 1999 changing from non-conforming architect office use to non-conforming graphic design office under Section 280-101(A)(1) of the Zoning Code.

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

The Property is zoned R-5. The current use is a non-conforming office use. The R-5 Zoning District formerly permitted professional office use. Applicant proposes to convert the existing building to a 4-unit apartment building which use is permitted in the R-5 Zoning District. The R-5 Zoning District requires a lot width of 100 feet for multiple dwellings (§280-35.B(1)) and side yard setback of 30 feet (§280-35.B(3)(b)). The Property is 80 feet wide and its setbacks are 11 feet and 28.6 feet.

Witnesses:

Applicant – Will describe the Property.

Robert Marker, Architect – Will describe the project.

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

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