



Community Development Department  
**ZONING HEARING BOARD AGENDA**

**Thursday April 20, 2017  
7: 00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. **APPEAL #2974** - The Applicants, Michael & Amy Maguire, property located at 404 Grange Road, request an extension of time to obtain permit.
4. **APPEAL #2985** - The Applicant, Villanova University, property located at Villanova West Campus at Spring Mill and County Line Roads and Zoned PI, appeals the determination of the Zoning Officer dated March 9, 2017, or in the alternative, requests a variance from Section 280-69(C) regarding height of the structure or such other relief as may be required from Section 280-69(C) or Section 280-70 of the Zoning Code to install an air-supported temporary seasonal dome on its West Campus.
5. **APPEAL #2983** - The Applicant, DBS Partners. LLC, property located at 418 East Lancaster Avenue and Zoned R-5, seeks a special exception under section 280-101(A)(2) of the Zoning Code to expand the nonconforming use of the building, a variance under Section 280-34 (Use) and/or Section 280-103 (B) (11) and 280-4 (Parking), a modification of previous relief granted by the Zoning Board, and/or such other relief required under the Application.
6. **APPEAL #2986** - The Applicant, Michael and Caren Kelman, property located at 148 Woods Lane and Zoned R-1 DM, seeks a variance from Section 280-15.F and Section 280-94.A to allow for an impervious surface of 30.69%. The applicant also seeks a dimensional variance from Section 280-17.C and Section 280-97.B(4) to allow a setback of 5.52 feet from the rear property line.

*The next meeting of the ZHB is scheduled for May 18, 2017. Applications for the May 18, 2017 meeting must be submitted on or before April 18, 2017.*

**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>2985</u>
FEE:	<u>900</u>
DATE RECEIVED:	<u>3/17/17</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](http://www.radnor.com) for a copy of our current fees.

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*TYPE OR PRINT*

Property Address: Villanova University West Campus @ Spring Mill and County Line Roads

Name and address of Applicant: Villanova University  
800 Lancaster Ave., Villanova, PA 19085

Telephone Number: 610-519-7450 Email: robert.morro@villanova.edu

Property Owner (if different than above): \_\_\_\_\_

Owner address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney's name: Nicholas J. Caniglia, Esquire

Address: 125 Strafford Ave., 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 install an air-supported temporary seasonal dome on its West Campus to be used by the University's various athletic teams. The dome is a temporary structure to be used each year from November 1<sup>st</sup> to April 1<sup>st</sup> during the months when the weather does not permit outdoor practices. There will be no spectator events. It will cover an existing soccer field. Applicant appeals from the determination of the Zoning Officer dated March 9, 2017, or in the alternative, requests a variance from §280-69(C) regarding height of the structure or such other relief as may be required from §280-69 or §280-70 of the Zoning Code.

**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 relevant to this Application.

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

See Attached

**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,**

**Narrative of improvements:**

The Premises is Zoned PI-Planned Institutional. Applicant seeks to install an Seasonal Dome on its West Campus. It will be used by the University's athletic teams during the months when the weather does not permit outdoor practices. It will cover an existing soccer field. There will be no spectator events. The Dome is a temporary structure erected from November 1<sup>st</sup> to April 1<sup>st</sup> of each year. It will be dismantled and stored off campus when not in use. The dimensions will match those of the soccer field, that is, 370 feet long by 220 feet wide. It complies with all setback requirements of the Zoning Code. The Dome is a semi-circle in form with no walls. §280-4 defines Building Height as "The vertical distance from the average grade ... to the mean level of a sloped roof." Its highest point is 65 feet with an average height in accordance with §280-4 of 32.5 feet. §280-69(C) provides that "No building or structure shall exceed three stories or 38 feet in height." The Dome's average height according to the Zoning Code is less than 38 feet and only one story.

**List of Witness:**

Christopher Kovolski – Representative of Villanova University describing the proposal and exhibits.

Robert Morro, P.E. – Professional Engineer describing the Site Plan and height requirements.

Mark Jackson – Athletic Director of Villanova University describing the need for the Dome.

Mick Keelan – Representative of Athletic Department describing the use by the teams.

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

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**  
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**WAYNE, PA 19087**  
**610-688-5600**  
**FAX: 610-971-0450**  
**www.radnor.com**  
**www.radnor.com**

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>2983</u>
FEE: <u>900</u>
DATE RECEIVED: <u>3/21/17</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](http://www.radnor.com) for a copy of our current fees.

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TYPE OR PRINT

Property Address: 418 East Lancaster Avenue, Wayne, PA

Name and address of Applicant: DBS Partners LLC  
90 S. Newtown Street Road, Suite 10, Newtown Square, PA 19073

Telephone Number: 484-995-7228 Email: Delvalsyn@comcast.net

Property Owner (if different than above): \_\_\_\_\_

Owner address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_



Attorney's name: Nicholas J. Caniglia, Esquire

Address: 125 Strafford Ave., 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 convert the office in the basement of their existing office building to parking/mechanical and add a second story to their existing one-story building. The existing building is located in the R-5 Residential District and is nonconforming as to its use and the number of required parking spaces. The Applicant seeks a special exception under Section 280-101(A)(2) of the Zoning Code to expand the nonconforming use of the building, a variance under Section 280-34 (Use) and/or Section 280-103(B)(11) and 280-4 (Parking), a modification of previous relief granted by the Zoning Board, and/or such other relief required under the Application.

**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 883 dated October 1, 1963 permitting use of the property as offices.  
Appeal Number 1091 dated August 4, 1969 to amend prior relief to permit additional offices and parking.



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

Applicant owns the existing 7,680 Gross Square Foot office building on Lancaster Avenue. The surrounding neighborhood is commercial development except for the Township pocket park located adjacent to the west of the Site. Applicant seeks to convert the lower level of their existing office building to two parking spaces and mechanical and storage areas. Applicant proposes to add a second story to the current one-story building. The building is located in the R-5 Residential District. Similar to other properties in the vicinity, in 1963 a variance was granted to use the property for professional offices. At that time office use was not permitted in the R-5 zoning district. In 1965 the Zoning Code was amended to permit professional offices in the R-5 zoning district. Applicant was granted relief in 1969 by way of an amendment to the previous permitted use to increase the office use to the basement of the building and to add parking spaces within the front yard setback.

List of Witness:

Applicant and Architect – Will describe the existing and proposed use.

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

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# 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>2986</u>
FEE:	<u>550</u>
DATE RECEIVED:	<u>3/21/17</u>

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*TYPE OR PRINT*

Property Address: 148 WOODS LANE, RADNOR, PA 19087

Name and address of Applicant: MICHAEL & CAREN KELMAN  
148 WOODS LANE, RADNOR, PA 19087

Telephone Number: 484-580-6950 Email: CARENKELMAN@YAHOO.COM

Property Owner (if different than above): \_\_\_\_\_

Owner address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_

2

Attorney's name: BERNADETTE A. KEARNEY, ESQUIRE/ CHRISTEN G. PIONZIO, ESQUIRE  
HAMBURG, RUBIN, MULLIN, MAXELL & LUPIN, P.C.

Address: 375 MORRIS RD., LANSDALE, PA 19446  
P.O. BOX 1479 BKEARNEY@HRMML.COM

Telephone number: 215-661-0400, Email: CPIONZIO@HRMML.COM

FAX: 215-661-0315

**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 REQUESTING A DIMENSIONAL VARIANCE FROM SECTION 280-15.F. AND SECTION 280-94.A. TO ALLOW AN IMPERVIOUS SURFACE OF 30.69% WHEREAS THE MAXIMUM IMPERVIOUS SURFACE PERMITTED IS 27%. THE PROPERTY IS CURRENTLY AT 29.57% FOR IMPERVIOUS SURFACE AND IS THEREFORE NONCONFORMING. THE REQUESTED RELIEF IS AN ADDITIONAL 1.12% FROM THE EXISTING IMPERVIOUS AND IS DEMINIMIS IN NATURE. THE APPLICANT IS ALSO REQUESTING A DIMENSIONAL VARIANCE FROM SECTION 280-17.C AND SECTION 280-97.B(4) TO ALLOW A SETBACK OF 5.52 FEET FROM THE REAR PROPERTY LINE WHEREAS 10 FEET IS REQUIRED. THE REQUESTED DIMENSIONAL VARIANCES ARE A REASONABLE ADJUSTMENT OF THE ZONING ORDINANCE IN ORDER TO ALLOW THE POOL, A PERMITTED ACCESSORY USE, ON THE PROPERTY. THE REQUESTED DIMENSIONAL RELIEF IS THE MINIMUM TO AFFORD RELIEF AND WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WHERE NEIGHBORS ALSO HAVE POOLS. THE PHYSICAL CONDITION OF THE PROPERTY AND THE LOCATION OF THE HOME ON THE PROPERTY RESULT IN THE APPLICANTS NEEDING RELIEF FROM THE REAR PROPERTY LINE SETBACK. THE APPLICANT IS PROVIDING A RAIN GARDEN TO COLLECT THE ADDITIONAL IMPERVIOUS SURFACE.

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

THE APPLICANT IS NOT AWARE OF ANY PREVIOUS DECISIONS.

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

THE APPLICANTS ARE PROPOSING AN IN-GROUND POOL AND SPA OF 480 SQUARE FEET WITH COPING OF 145 SQUARE FEET IN THE REAR OF THE PROPERTY AS SEEN ON THE ATTACHED PLAN. THE APPLICANT IS PROVIDING A RAIN GARDEN IN THE FRONT OF THE PROPERTY AS SEEN ON THE ATTACHED PLAN TO COLLECT THE ADDITIONAL IMPERVIOUS SURFACE.

**ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following must be provided:**

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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

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