



Community Development Department
ZONING HEARING BOARD AGENDA

**Thursday, September 28, 2017
7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. **APPEAL #2989 (continued from July 20, 2017)**

The Applicants, Kent and Julie Massey, property located at 805 South Ithan Avenue and Zoned R1, seek relief from Section 208-76.A.1-6 of the Zoning Code in regard to intrusion into the floodplain for the construction of a deck and spa.

4. **APPEAL #2993 (continued from July 20, 2017)**

The Applicant, Radnor Properties – SDC, L.P. , property located at 150 Radnor Chester Road and Zoned PB, seeks relief to place a generator at the edge of the existing parking lot adjacent to the railroad tracks. The Property is PB-Planned Business except for a 100 foot ring of land which was rezoned to Residential from PB-Planned Business in the 1980s. The generator will be located on the residential strip. Applicant seeks a variance from Section 280-14 of the Zoning Code to construct the generator on the residential strip, a special exception under Section 208-101(A)(2) of the Code to expand a non-conforming use, or contends that the use is permitted by-right. Additionally, Applicant seeks a variance and/or a de minimus variance from Section 280-15(F) relating to maximum impervious coverage, or contends that the proposal complies with the coverage requirement. Applicant further seeks any other zoning relief required by this application and the exhibits attached.

5. **APPEAL #2994**

The Applicant, Friends of Radnor 284, Inc. c/o Saul Ewing LLP, property located at Wheeler Field (as part of Ardrossan Farm) and Zoned AC, seeks variance relief from Section 280.10B(3) pertaining to front yard setback within the AC Agricultural District and any such relief as may be determined necessary by the Zoning Hearing Board.

6. **APPEAL #2995**

The Applicant, Villanova University, property located at Villanova West Campus @ 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 or 280-70 of the Zoning Code, to install an air-supported seasonal dome on its West Campus, the dome is a temporary structure to be used each year from November 1st to April 1st during the months when the weather does not permit outdoor practices

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>2994</u>
FEE: <u>900</u>
DATE RECEIVED: <u>7-21-17</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 for a copy of our current fees.

TYPE OR PRINT

Property Address: Wheeler Field (as part of Ardrossan Farm)

Name and address of Applicant: Friends of Radnor 284, Inc. c/o Saul Ewing LLP
1200 Liberty Ridge Drive, Suite 200, Wayne, PA 19087, Attn: David J. Falcone, Esquire

Telephone Number: 610-251-5752 Email: dfalcone@saul.com

Property Owner (if different than above): Radnor Township

Owner address: 301 Iven Avenue, Wayne, PA 19087

Telephone number: 610-688-5600 Email: _____

Attorney's name: David J. Falcone, Esquire

Address: 1200 Liberty Ridge Drive, Suite 200 Wayne, PA 19087

Telephone number: 610-251-5752 Email: dfalcone@saul.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 is seeking variance relief from the requirements of Section 280.10.B(3) pertaining to front yard setback within the AC Agricultural Conservation District. Pursuant to the Township's Zoning Ordinance, the required front yard setback is 60 feet. There is an existing building located on the property today that has a setback of 33.08', and is a pre-existing nonconforming condition. The proposed porch would be attached to the existing building and would have a setback of 25.45' at its closest point to Darby-Paoli Road. Applicant is seeking variance relief as a result of the unique configuration of the property as well as the current age and location of the existing building.

Applicant is also seeking such other relief as may be determined necessary by the Zoning Hearing Board during the scheduled hearing.

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

N/A

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

The proposed improvement to the property consists of the construction of a covered porch on the existing building. The location of the proposed porch is more clearly shown on the plan accompanying the application.

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.

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>2995</u>
FEE: <u>900</u>
DATE RECEIVED: <u>8/1/17</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 for a copy of our current fees.

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 1st to April 1st 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 1/4" 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,**

Narrative of improvements:

The Premises is Zoned PI-Planned Institutional. Applicant seeks to install an Athletic Bubble 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 Bubble is a temporary structure erected each year from November 1st to April 1st 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 Bubble 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 Bubble'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 Bubble.

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

Representative of Ayers Saint Gross – Campus Space Master Planning Analyst

Various Coaches - Describing need for indoor facility during inclement weather.

Marcus O'Sullivan

Maria DiBernardi

Mark Ferrante

Tom Carlin

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.