



Community Development Department
ZONING HEARING BOARD AGENDA

**Thursday, May 19, 2016
7: 30 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. **Appeal #2965** - The Applicant, Thomas Jefferson University, property located at 789 E. Lancaster Avenue and zoned C1 and R2, seeks a variance relief from Section 280-122(C)(2) for the installation of one (1) wall sign great than 50 square feet and higher than 15 feet above grade; and any other variances, special exceptions or special use permits that are necessary for the approval and installation of the proposed sign.
4. **Appeal #2967**- The Applicants, Brian E. and Elizabeth Lee, property located at 11 Forest Road and Zoned R2, seek relief from the side yard setback requirements of Zoning Code Section 280-20(D) in order to construct an addition.
5. **Appeal #2968** - The Applicant, Villanova University, property located at 800 E. Lancaster Avenue and zoned PI, seeks a variance from Section 280-68.1.D(3)(g) of the Zoning Code regarding "Dark Sky" full-cutoff requirements.

The next meeting of the ZHB is scheduled for June 16, 2016 at 7:30 p.m. Applications for the June 16, 2016 meeting must be submitted on or before May 17, 2016.

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>2965</u>
FEE: <u>900</u>
DATE RECEIVED: <u>3/18/16</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: 789 E. Lancaster Ave., Villanova, Pa 19085

Name and address of Applicant: Ernesto Betancourt, R.A., Senior Project Manager
Thomas Jefferson University, 130 S. 9th Street, Philadelphia, PA 19107

Telephone Number: 215-503-4375 Email: swhalen@klehr.com

Property Owner (if different than above): Enrico Partners, LP

Owner address: Two Villanova Ctr., 795 E. Lancaster Ave., Ste. 200, Villanova, PA 19085

Telephone number: 610-520-1765 Email: swhalen@klehr.com

Attorney's name: Ron Patterson, Esq./Sean Whalen, Esq.

Address: Klehr Harrison Harvey Branzburg LLP, 1835 Market St., Ste. 1400, Phila., PA 19103

Telephone number: 215-569-4092 Email: swhalen@klehr.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 requests variance relief for the installation of one (1) wall sign at the property, which is located in the Commercial Office zoning district, in accordance with the attached plans, from Section 280-122(C)(2) limiting total wall sign area to less than 50 SF and requiring all signs to be less than 15' above grade. Literal enforcement of the zoning code will impose an unnecessary hardship on Applicant, and yet the proposed sign will cause or create no detrimental impact to the public health, safety, welfare or traffic. Applicant hereby reserves the right to supplement and/or amend this application and the grounds for relief, and requests any other variances, special exceptions or special use permits that are necessary for approval and installation of the proposed sign.

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

Copies of prior decisions are attached hereto.

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

Property is improved with a 3-story masonry building, with a total of 90,000 SF for retail, restaurant and office spaces.

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

NO

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*

NO

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*).

N/A

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

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FAX: 610-971-0450

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TOWNSHIP USE ONLY
APPEAL # <u>2967</u>
FEE: <u>550</u>
DATE RECEIVED: <u>4-8-16</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: 11 Forest Road, Wayne, PA 19087

Name and address of Applicant: Brian E. and Elizabeth Lee (equitable owners)
2 Oakford Road, Wayne, PA 19087

Telephone Number: 610-322-7601 (BL) Email: blee@navigatecorp.com, lizb14@yahoo.com

Property Owner (if different than above): David B. and Margaret G. Lauhoff

Owner address: 11 Forest Road, Wayne, PA 19087

Telephone number: _____ Email: _____

Attorney's name: _____ James J. Greenfield

Address: _____ 669 Mill Road, Villanova, PA 19085

Telephone number: _____ 610-527-0555 _____ greenfieldlaw@comcast.net

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)

Applicants seek relief from the side yard setback requirements of Zoning Code § 280-20(D) so that they can construct a one-car, 15 X 20 garage addition on the east side of their home. Because of an angled east side lot line, the property is pie-shaped, much narrower in the front than in the rear. It also slopes downward from the dwelling toward the rear of the property.

Currently the property is nonconforming with regard to both the west side yard setback (about 17 feet) and the aggregate side yards (about 42 feet). The proposed addition will reduce the aggregate side yards to about 29.4 feet and create a new nonconformity on the east side yard (about 12.4 feet). The area of the proposed incursion into the eastern side yard is only about 80 square feet. Applicants are entitled to relief for these reasons:

1. Applicants are entitled to a variance because the unusual configuration of the property, with its angled east side yard line, poses a hardship that applicants did not create. Although applicants could construct a detached one-car garage (as shown on the plan) as an accessory structure which would not exacerbate existing side yard nonconformities, the detached garage would require substantially more grading because of slopes toward the rear of the property. Also, the detached garage actually would be closer to the east side yard line than the proposed addition and therefore would create a greater imposition upon the property owners to the east at 9 Forest Avenue. Applicants have shown the preferred addition plan to the neighbors to the east, who have indicated their approval of that plan. Or:
2. Applicants may build the proposed addition as a matter of right.

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

Applicants believe there are no previous Zoning Board decisions relating to the subject property. Applicants are conducting research to determine whether there are relevant decisions regarding this property and neighboring properties, and applicants will supplement this application if they find such decisions.

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

Applicants propose a 15 X 20 addition on the east side of the dwelling.

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*
No
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*).
No
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*)

Yes



SIGNATURE OF APPLICANT

Attorney for
Applicants

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ZONING HEARING BOARD APPLICATION

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TOWNSHIP USE ONLY	
APPEAL #	<u>2968</u>
FEE:	<u>900</u>
DATE RECEIVED:	<u>4/19/16</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: 800 Lancaster Avenue

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

Telephone Number: 610-519-6920 Email: marilou.smith@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 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 a variance from Section 280-68.1D.(3)(g) of the Zoning Code regarding "Dark-Sky" full-cutoff requirements. Applicant proposes fixtures which remain consistent with the balance of campus. The proposed fixture maintains a downlight (at or below horizontal) percentage of 99.0% or greater versus the 100% downlight requirement of the Dark Sky fixture. The traditionally shaped Sternberg Main Street fixture proposed by Applicant cannot meet this Dark Sky requirement. Applicant further contends that the relief is de minimis.

Witness List: See Attached

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

None

VILLANOVA UNIVERSITY

List of Witnesses and Summary of Testimony

John H. Cluver, AIA, LEED AP
Voith & Mactavish Architects, LLP
Project Architect

Testimony related to overall project design and campus aesthetic.

John O'Donohoe, LEED AP BD+C
O'Donohoe & Rose Lighting LLC
Lighting Designer

Testimony related to comparative lighting distribution.

Marilou Smith, LEED AP
Villanova University
Sr. Project Manager

Testimony related to current campus light fixtures.

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

The Zoning Code requires Dark Sky compliant cutoff fixtures for the Planned Institutional CICD zoning district. Dark Sky provides for a 100% downlight. Applicant proposes the Stenberg Main Street fixture versus the Lumec Metroscape in the approved Land Development submission (See A8 for photos). The Main Street fixture has downlight of 99.0% or higher (see A7 for comparison).

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