



Community Development Department
ZONING HEARING BOARD AGENDA

Thursday, September 17, 2015
7: 30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. **Appeal #2952** - The Applicant, Chris Fischer, property located at 220 Lowrys Lane, Rosemont, PA 19010, appeals the enforcement notice issued by the Township Zoning Officer dated February 18, 2014. Applicant seeks a determination that Code Section 280-115.2 (Student Housing Ordinance) is unconstitutional on its face and as applied to the Applicant. Alternatively, the Applicant contends that he is entitled to a Special Exception under the Student Housing Ordinance, Section 280-115.2. Applicant further contends that it is entitled to a variance from Section 115.2E and any other provision of the Student Housing Ordinance with which the Applicant's property does not currently comply. In addition, Applicant contends that the existing use at the property qualifies as a lawful, nonconforming use. Applicant further seeks any applicable variance or other relief required under the Zoning Code, or contends that the present use is permitted of right.
4. **Appeal #2953** – The Applicants, Diane and Doug Evans, property located at 115 Gallagher Road and zoned C2, seeks to expand the living space in the residence by increasing the gross floor area. The addition will not increase the existing non-conformity of the side-yard setbacks. Applicant seeks a special exception under Section 280-101(A)(2) of the Zoning Code. If required Applicants also seek a variance from Section 280-101(B)(1) and/or 280-52(D) relating to side-yard setback. Applicants seek any other relief consistent with the Plans.
5. **Appeal #2954** – The Applicant, TGR,LLC, property located at 812-822 Glenbrook Avenue & 214 Bryn Mawr Avenue and zoned C1, seeks a Special Exception pursuant to Section 280-101(A)(1) and/or 280-101(A)(2) to provide additional apartments on the site. In the alternative applicant seeks a variance from Section 280-47. Applicant also requests a variance from 280-103(B) and/or a special exception or variance from 280-105(F) in regard to parking. Applicant further seeks any other zoning or alternative relief require pursuant to the Plans presented with the application.

The next meeting of the ZHB is scheduled for October 15, 2015 at 7:30 p.m. Applications for the October 15, 2015 meeting must be submitted on or before September 15, 2015.

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>2952</u>
FEE: <u>550</u>
DATE RECEIVED: <u>3/20/14</u>

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to his application. Ten (10) copies of this application and required attachments 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: 220 LOWRYS LANE ROSEMONT PA 19010

Name of applicant: CHRIS FISCHER

Telephone number: 321-431-9865 Email: Chris.Fischer09@gmail.com

Property Owner (if different than above): RADNOR ORPHANS SCHOLARSHIP FOUNDATION

Property address: ZOO EAST 3RD ST APT 221 NYC, NY 10016

Telephone number: 321-868-1002 Email: PFIE@cf1,rr.com

Attorney's name:

JIM GREENFIELD

Address: 669 MILL ROAD VILCANOVA PA

Telephone number: 610-517-⁸⁸²¹~~8821~~ Email: 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)

SEE ADDENDUM 1

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

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

NONE

ATTACHMENTS: Ten (10) copies of each 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* 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~~ YES
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 discontinued, or being dismissed, at the discretion of the Board*) YES



SIGNATURE OF APPLICANT

AN ADDITIONAL FEE F \$150 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

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www.radnor.com

TOWNSHIP USE ONLY

APPEAL # 2953

FEE: 550

DATE RECEIVED: 8/18/15

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to his application. Ten (10) copies of this application and required attachments 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: 115 Gallagher Road, Wayne, PA

Name and address of applicant: Diane and Doug Evans

115 Gallagher Road, Wayne, PA 19087

Telephone number: 610-357-8578 Email: dptennis21@aol.com

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 19807

Telephone number: 610-688-2626 Email: NCaniglia@aol.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 C-2 and is legally non-conforming as to use and side yard setbacks. The property has always been used as a single-family residence.

Applicant seeks to expand the living space in the residence by increasing the gross floor area. The addition will not increase the existing non-conformity of the side-yard setbacks. Applicant seeks a special exception under Section 280-101(A)(2) of the Zoning Code since they will not be increasing the area devoted to the non-conforming use by more than 50%. If required Applicant also seeks a variance from 280-101(B)(1) and/or 280-52(D) relating to side-yard setback. Applicant seeks any other relief consistent with the Plans.

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

Appeal No. 2935 dated March 31, 2015 granted a variance for a garage.

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

Applicant recently purchased the Premises. It is non-conforming as to use and side yard setbacks. Applicant will continue to use the Property as a residence for themselves. The current gross floor area is 2,033 S.F. Applicant will increase gross floor area by less than 50% to 2,800 S.F. Applicant will not increase the current non-conformity as to side-yard setbacks.

ATTACHMENTS: Ten (10) copies of each 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

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 discontinued, or being dismissed, at the discretion of the Board*)


SIGNATURE OF APPLICANT

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301 IVEN AVENUE
WAYNE, PA 19087
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FAX: 610-971-0450
www.radnor.com
www.radnor.com

TOWNSHIP USE ONLY
APPEAL # <u>2954</u>
FEE: <u>550</u>
DATE RECEIVED: <u>8/18/15</u>

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to his application. Ten (10) copies of this application and required attachments 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: 812-822 Glenbrook Ave. & 214 Bryn Mawr Ave., Bryn Mawr, PA

Name of applicant: TGR, LLC

Telephone number: 215-341-7518 Email: trubin1206@gmail.com

Property Owner (if different than above): Main Line Health Systems

Property 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:** NCaniglia@aol.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)*

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)*

See attached

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 Special Exception pursuant to Section 280-101(A)(1) and/or 280-101(A)(2) to provide additional apartments on the site. In the alternative applicant seeks a variance from Section 280-47. Currently the Site contains 10 apartments and 17,639 Square Feet of commercial space. Applicant seeks to reduce the commercial space to 1,783 S.F. and add 6 more apartments. The commercial building in the rear is being razed to provide additional parking. No additions to any buildings are proposed. Applicant is reducing the existing non-conformity in regards to number of parking spaces and is providing the required number of parking spaces, but in the alternative requests a variance from 280-103(B) and/or a special exception or variance from 280-105(F). Applicant further seeks any other zoning or alternative relief required pursuant to the Plans presented with this 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 2942 – Applicant was denied a use variance for 214 Bryn Mawr Avenue and was denied relief for 812-822 Glenbrook Avenue due to the density of the apartment development. Appeal Number 2942 requested 21 apartments and provided for 26 parking spaces for the apartments (4 additional spaces were proposed for retail use). The current application proposes 14 apartments and provides 28 parking spaces for the apartments (9 spaces are provided for retail use).

Brief narrative of proposed improvements:

The Premises is zoned C-1. The current uses are a mix of commercial and non-conforming residential uses as described in the Plans. Currently the Site contains 10 apartments and 17,639 Square Feet of commercial space. Applicant seeks to reduce the commercial space to 1,783 S.F. and add 6 more apartments. Applicant seeks to convert Premises A from 4 apartments and 2 commercial spaces to 6 apartments; Premises B from 4 apartments and 2 commercial spaces to 6 apartments; and, Premises C from 2 apartments and 1 commercial space to 2 apartments and 1 commercial space. The existing commercial building on Premises D will be razed and the Premises used for parking and landscaped area. In addition to providing parking as above, there exist two public parking lots adjacent to the property. Compared to the previous Plan, the number of apartments proposed on the site is reduced from 21 to 14 and the parking spaces increased from 26 to 28 for the apartment use.

List of Witnesses and Summary of Testimony:

Representatives of Applicant and current owner as to current use.

Representatives of Applicant as to proposed use.

Applicant reserves the right to present other witnesses at the hearing.

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

See attached

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 - 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
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