



Community Development Department
ZONING HEARING BOARD AGENDA

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

1. Call to Order
2. Pledge of Allegiance
3. **Appeal #2958** – (Continued) The Applicant, Peck Sohn, property located at 118 West BeechTree Lane and zoned R4, seeks a variance from Code Section 280-30.C to encroach into the front yard setback area.
4. **Appeal #2960** - (Continued) The Applicants, Brian Daggett and Franz Rabauer, property located on Julip Run, also known as 15 South Valley Forge Road, folio number 36030164512 and zoned AC-DM, seek relief from Section 280-112.D of the Zoning Code, and any other relief deemed necessary, to construct a three car garage. Alternatively, Applicant seeks a determination that Section 280-112 does not apply to manmade steep slopes.
5. **Appeal #2961** - The Applicants, Gary and Christine F. McClain and Mark and Iris Needleman, property located at 503 Conestoga Road, and zoned R3, seek relief under section 280-112, primarily subsection D(8) of the Zoning Code to allow applicants to cut into an embankment and construct a retaining wall. Applicant contends that the retaining wall is permitted as of right under Section 280-112 D(8), by Special Exception under section 280-112.N or by variance under section 280-101.B of the Code.

The next meeting of the ZHB is scheduled for January 21, 2016 at 7:30 p.m. Applications for the January 21, 2016 meeting must be submitted on or before December 22, 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>2961</u>
FEE: <u>550</u>
DATE RECEIVED: <u>11/17/15</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: 503 CONESTOGA ROAD, WAYNE, PA 19087

Name and address of applicant: GARY E. AND CHRISTINE F. MC CLAIN, and MARK and IRIS NEEDLEMAN

794 HARRISON ROAD, VILLANOVA, PA 19085

Telephone number: 609-381-6500 Email: theplantplace@hotmail.com

Property Owner (if different than above): _____

Owner address: _____

Telephone number: _____ Email: _____

Attorney's name: EDWARD N. FLAIL, JR.

Address: 10 HARROW CIRCLE, WAYNE, PA 19087

Telephone number: 610-964-1600 Email: enflail@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)*

APPLICANT SEEKS RELIEF UNDER SECTION 280-112, PRIMARILY SUBSECTION D(8), OF THE ZONING CODE OF THE TOWNSHIP OF RADNOR (THE CODE) TO ALLOW APPLICANT TO CUT INTO A EMBANKMENT AND CONSTRUCT A
RETAINING WALL TO REDIRECT THE FLOW OF SURFACE WATER ON APPLICANT'S LOT TO RELIEVE THE FLOODING OF THE BASEMENT OF APPLICANT'S SINGLE FAMILY HOUSE AT THE ABOVE PREMISES. APPLICANT CONTENDS THAT
THE RETAINING WALL IS PERMITTED AS OF RIGHT UNDER SECTION 280-112 D(8), BY SPECIAL EXCEPTION UNDER SECTION 280-112 N OR BY VARIANCE UNDER SECTION 280-101 B OF THE 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.

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

IMPROVEMENTS CONSIST OF A SINGLE FAMILY RESIDENCE AND ATTACHED 2 CAR GARAGE BUILT IN THE 1950S. IT APPEARS AS SHOWN IN THE ATTACHED PHOTOGRAPHS.

APPLICANT SUBDIVIDED A LOT FROM THE PREMISES AND BUILT A NEW HOUSE AT 505 CONESTOGA ROAD, WAYNE, PA 19087, A FEW YEARS AGO. SUBSEQUENT TO THE CONSTRUCTION OF

APPLICANT WAS ADVISED BY THE TENANT OF THE SUBJECT PREMISES THAT SURFACE WATER WAS FILTERING INTO THE BASEMENT OF THE SUBJECT PREMISES CAUSING

DAMPNESS ON THE BASEMENT WALLS AND THE POOLING OF WATER ON THE BASEMENT FLOOR. APPLICANT INVESTIGATED AND DETERMINED THAT THE SOURCE OF THE WATER INFILTRATION

WAS COMING FROM 505 CONESTOGA ROAD. AS A RESULT OF WHICH APPLICANT CONTACTED THEIR ENGINEER WHO DESIGNED THE PLAN ATTACHED TO THIS APPLICATION, THE IMPLEMENTATION

WHICH WILL SOLVE THE PROBLEM WITHOUT ANY ADVERSE EFFECT OF ANY KIND TO APPLICANT'S PROPERTY, NEIGHBORING PROPERTIES, THE TOWNSHIP OR THE HEALTH SAFETY

AND WELFARE OF THE GENERAL PUBLIC AND WILL, IN FACT, BE AN IMPROVEMENT TO THE CONDITIONS WHICH NOW EXIST.

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

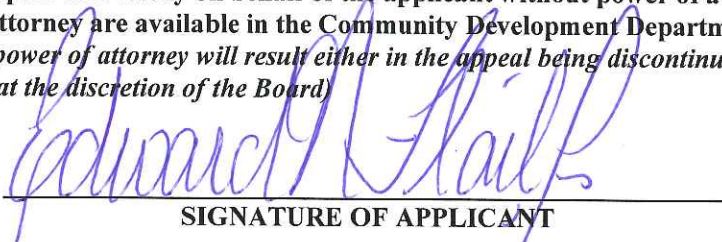
2. **List of witnesses and summary of their testimony attached.**
3. **Photographs of the property at issue and all adjoining properties.**
4. **Copies of any written professional reports, including traffic studies, land planning studies,**

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*
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

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.