

## REVISED LEGAL NOTICE

NOTICE IS HEREBY GIVEN in accordance with Chapter 280-142.F & G that the Zoning Hearing Board of Radnor Township will hold a public hearing at the Township Municipal Building, 301 Iven Avenue, Wayne, PA on **Thursday, June 20, 2013, at 7:30 p.m.** to hear the following Appeals:

### **APPEAL #2892 (Continued from May 16, 2003)**

The Applicant, 115 Strafford Avenue, LLC, property located at 115 Strafford Avenue and split zoned CO and R-4. The Applicant is **amending** its application and seeking the following relief:

1. a variance from Code § 280-92.A(4) to allow Density Modification Development on a tract of less than five (5) acres;
2. a variance from Code § 280-91.G to allow proposed decks, patios and access walkways for the proposed carriage homes to extend into a required buffer area along the south side of the Property where it abuts land devoted to commercial use;
3. a variance from Code § 280-29, a special exception under Code 280-101.A(1), or a modification of prior approvals granted by the Zoning Hearing Board in Appeal No. 2832 to allow the use of the existing building on the property to be changed from a restaurant/bar use to office use;
4. in the alternative to the relief requested in 3 above, a variance from Code § 208-42 to allow residential use in the CO Commercial-Office District;
5. in the alternative to the relief requested in 3 above, a variance from Code § 280-29, a special exception under Code 280-101.A(1), or a modification of prior approvals granted by the Zoning Hearing Board in Appeal No. 2832 and a variance from Code § 280-93 to allow the use of the existing building on the property to be changed from a restaurant/bar use to a residential multiple family dwelling
6. variances from Code § 280-91.G and Code § 280-92.A(4) to allow the existing building to remain in the required buffer/building setback area where it abuts land devoted to commercial use;
7. a determination that parking may remain in the front yard setback area along Strafford Avenue or alternatively a variance from Code § 280-105 to allow parking to remain in the setback;
8. a variance from Code § 280-109 to allow an eight (8) feet high fence in the front yard setback and at other locations on the Property;
9. any other relief necessary to allow the proposed redevelopment of the Property.

### **APPEAL #2893**

The Applicant, Laurie and Brett Thibodeau, property located at 401 Oak Lane and zoned R-2, seeks to demolish an existing non-conforming detached garage and construct a garage attached to their home within the required front yard setback. Applicant seeks a variance from section 280-20(C) of the zoning code and any necessary relief to construct the garage.

**APPEAL #2894**

The Applicant, Lynda K. Hitschler, property located at 211 Radnor Chester Road and zoned R-1, appeals the decision of the Zoning Officer denying Applicant's request to rent as a residence the existing Carriage House. In the alternative the Applicant contends that the requested relief is permitted as of right, or that the Applicant is entitled to a special exception under section 280-101(A)(1), or a variance pursuant to section 280-14. Applicant seeks any necessary relief to occupy the Carriage House as a single-family residence.

Please Publish:        June 2, 2013  
                                  June 9, 2013

George W. Broseman  
Direct Dial: (610) 941-2459  
Direct Fax: (610) 684-2005  
Email: gbroseman@kaplaw.com

May 30, 2013

**VIA EMAIL**

Kevin W. Kochanski, Zoning Officer  
Director of Community Development  
Radnor Township  
301 Iven Avenue  
Wayne, PA 19087

RE: 115 Strafford Avenue – Amended ZHB Application  
Our Reference: 10073.001

Dear Mr. Kochanski:

I represent 115 Strafford Avenue, LLC, (“**Applicant**”) equitable owner of the property at 115 Strafford Avenue (“**Property**”) in Radnor Township. The Property is split-zoned, being located in the CO Commercial Office District and the R-4 Residence District. The Property has a long history of Zoning Hearing Board relief, including use variances for the existing vacant, boarded-up historic building (*such building also being split-zoned*). There have been repeated failed attempts to return the Property to productive use. All the while, the condition of the Property has continued to deteriorate.

On April 15, 2013 we filed an application with the Radnor Township Zoning Hearing Board (“**Application**”) requesting relief to allow the redevelopment of the Property by renovating and preserving the existing vacant, boarded-up building for office use(s) and by constructing, eight (8) new carriage house, townhome units in the rear of the Property (collectively, “**Original Redevelopment Proposal**”).

On May 16, 2013 we appeared before the Zoning Hearing Board and the hearing was continued to June 20, 2013. One of the purposes of the continuance was to allow time for Applicant to attempt to further address issues raised by residents from Windsor Avenue and Farm Road which are located to the east of the Property.

In order to further address issues regarding the redevelopment of the Property, Applicant is proposing to modify the Original Redevelopment Proposal to convert the existing vacant, boarded-up building (*now approved for Bar & Restaurant use*) to four residential dwelling units. In addition, the proposal for eight new carriage home units in the rear of the Property would be reduced to six dwelling units, (collectively, “**Revised Redevelopment Proposal**”).

The Revised Redevelopment Proposal provides significantly more green space on the Property and shifts the proposed residential buildings even farther away from the rear property line.

At the continued Zoning Hearing Board hearing scheduled for June 20, 2013, we plan to amend the Application by replacing the plan for the Original Redevelopment Proposal with a plan for the Revised Redevelopment Proposal. Multiple copies of the current iteration of the plan for the Revised Redevelopment Proposal were previously submitted to Radnor Township. In addition, at the request of the neighbors, we are exploring possible adjustments to the Revised Redevelopment Plan that would shift the new buildings still further away from the rear property line. This effort may require Applicant to maintain a request to allow accessory structures (e.g. patios, decks, walkways, detached garages, retaining walls, etc.) within setbacks along commercial property lines.

At this time we believe that the Revised Redevelopment Plan would reduce the Zoning Hearing Board relief required compared to that associated with the Original Redevelopment Plan. When it presents the Revised Redevelopment Plan to the Zoning Hearing Board at the continued hearing, Applicant anticipates that the following measures of relief associated with the Original Redevelopment Plan can be withdrawn:

1. a variance from Code § 280-91.G to allow accessory structures for the proposed carriage homes to extend into a required buffer area along the south side of the Property where it abuts land devoted to commercial use;
2. a variance from Code § 280-29, a special exception under Code 280-101.A(1), or a modification of prior approvals granted by the Zoning Hearing Board in Appeal No. 2832 to allow the use of the existing, vacant, boarded-up building to be changed from a restaurant/bar use to office use;
3. a determination that parking may remain in the front yard setback area along Strafford Avenue or alternatively a variance from Code § 280-105 to allow parking to remain in the setback; and
4. a variance from Code § 280-109 to allow an eight (8) feet high fence in the front yard setback and at other locations on the Property;

The Revised Redevelopment Plan will require the following additional measure of relief:

- A. relief to allow the existing vacant, boarded-up building now approved for Bar & Restaurant use to be used as a multiple family dwelling building, including (*to the extent necessary*): (i) a variance from Code § 208-42 to allow residential use in the portions of the building located in the CO Commercial-Office District; (ii) a variance from Code § 280-

May 30, 2013

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29, a special exception under Code 280-101.A(1), or a modification of prior approvals granted by the Zoning Hearing Board in Appeal No. 2832 and/or a variance from Code § 280-93.

This measure of relief has been included in the legal advertisement and notice for the continued zoning hearing and applicant will present testimony in support of this request at the continued hearing.


It is noted that Applicant will maintain the requests for a variance from Code § 280-92.A(4) to allow Density Modification Development on a tract of less than five (5) acres; variances from Code §§ 280-91.G & 92.A(4) to allow the existing, vacant, boarded-up building to remain in the required buffer/building setback area where it abuts lands fronting on Route 30 that are devoted to commercial uses; and any other measures of relief necessary to redevelop the Property.

As with the Original Redevelopment Plan the Revised Redevelopment Plan will also require Conditional Use approval (*for Density Modification development*) and Land Development approval from the Radnor Township Board of Commissioners.

Applicant last appeared before the Radnor Township Planning Commission on May 6, 2013. We understand that this matter will be scheduled for another review before the Radnor Township Planning Commission on June 3, 2013.

If you have any questions or require any further information, please contact me immediately. Thank you for your attention to this matter.

Sincerely,

  
George W Broseman

cc via e-mail: 115 Stafford Avenue Associates, LLC  
Charles Dobson, P.E.

**ZONING HEARING BOARD APPLICATION**  
**TOWNSHIP OF RADNOR**  
**301 IVEN AVENUE**  
**WAYNE, PA 19087**  
**610-688-5600**  
**FAX: 610-971-0450**  
www.radnor.com

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>2893</u>
FEE: _____
DATE RECEIVED: _____

\*\*\*\*\*  
**GENERAL INFORMATION:** Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to this application. Ten (10) copies of this application with 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**

**APPLICATION FEE: RESIDENTIAL \$550.00 NONRESIDENTIAL: \$700.00**

\*\*\*\*\*

*PLEASE TYPE OR PRINT*

Property address: 401 Oak Lane, Wayne, PA 19087

Name of applicant: Laurie and Brett Thibodeau

Telephone number: 610-688-9090 Email: BThibodeau@yahoo.com

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

Property address: \_\_\_\_\_

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

Attorney's name: Nicholas J. Caniglia

Address: 125 Strafford Ave., Suite 110, Wayne, PA 19087

Telephone number: 610-688-2626 Email: NCaniglia@aol.com

A-1

**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's residence is located on a corner lot. Applicant seeks to demolish an existing dilapidated non-conforming detached garage and construct a garage attached to their home within the required front yard setback. Applicant seeks a variance from section 280-20(C) of the Zoning Code. Applicant seeks any necessary relief to construct the garage in accordance with the plans submitted herein.

**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.

**Brief narrative of proposed improvements:**

The Premises is zoned R-2. The Premises is a corner lot at the intersection of Oak Lane and Beechtree Lane. The Premises is currently non-conforming in regards to the front yard setback of the home on Beechtree Lane and the location of the existing detached garage within the required front-yard setback of Beechtree Lane. The existing detached garage was constructed in the 1920's and is located 39.5' from the Beechtree Lane right-of-way. It is 784 square feet. Applicant proposes to raze the garage and the existing macadam driveway leading to the garage. Applicant will reduce the impervious coverage by 619 square feet from 19.93% to 17.7%. Applicant proposes to attach the new garage of 750 square feet to the existing residence. The existing building is legally non-conforming in that it is 35.4' from the required 40' Beechtree Road right-of-way. The attached garage will be located 20' from the Beechtree Road right-of-way. No addition is proposed along the other front yard fronting on Oak Lane which maintains a 45' setback.

**List of Witnesses and Summary of Testimony:**

Applicant will testify as to existing conditions and proposed improvements.  
Applicant reserves the right to present other witnesses at the hearing.

ATTACHMENTS: Ten (10) copies of each of the following *must be* provided:

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 specifying whether the existing and/or proposed improvements comply with the zoning requirements, or specify the degree of any 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

Please indicate whether the following additional requirements are included:

Y  N  List of witnesses and summary of testimony.

Y  N  Photographs of the property at issue and all adjoining properties.

Y  N  Copies of 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*)

Y  N  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 the appeal, or must be accompanied by a by a letter from the owner clearly authorizing tenant or buyer to file the appeal*)

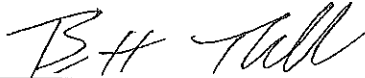
Y  N  Will this application involve land development or the subdivision of land. Applications that involve land development subdivision of land are referred to the Planning Commission for review and recommendation. *Applicants will be notified of the date and time of the Planning Commission meeting*

Y  N  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 prior to the meeting*)



Y  N

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



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SIGNATURE OF APPLICANT

AN ADDITIONAL FEE OF \$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  
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APPLICATION FEE: RESIDENTIAL \$550.00 NONRESIDENTIAL: \$700.00

\*\*\*\*\*  
PLEASE TYPE OR PRINT

Property address: 211 Radnor Chester Road, Villanova, PA

Name of applicant: Lynda K. Hitschler

Telephone number: 610-457-9615 Email: lynnhitschler@me.com

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

Property address: \_\_\_\_\_

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

Attorney's name: Nicholas J. Caniglia

Address: 125 Strafford Ave., Suite 110, Wayne, PA 19087

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Applicant appeals the decision of the Zoning Officer denying Applicant's request to rent as a residence the existing Carriage House on the property which was constructed in 1908. In the alternative Applicant contends that the requested relief is permitted as of right, or that the Applicant is entitled to a special exception under section 280-101(A)(1), or a variance pursuant to section 280-14. Applicant further seeks any necessary relief to occupy the Carriage House as a single-family residence.

**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.

**Brief narrative of proposed improvements:**

The Premises is zoned R-1. In 1908 a primary residence and a Carriage House was constructed on the property. The Applicant purchased the property in 1997. From 1908 thru 1997 the Carriage House was used as a residence. Without changing the residential character of the Carriage House the Applicant conducted a home occupation from the Carriage House. In 1999 the Applicant obtained a permit from the Township to renovate the Carriage House. From 2000 through the present the Carriage House has been used as a single-family residence.

**List of Witnesses and Summary of Testimony:**

Applicant will testify as to existing conditions and proposed improvements.  
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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:

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- g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and specifying whether the existing and/or proposed improvements comply with the zoning requirements, or specify the degree of any noncompliance; and,
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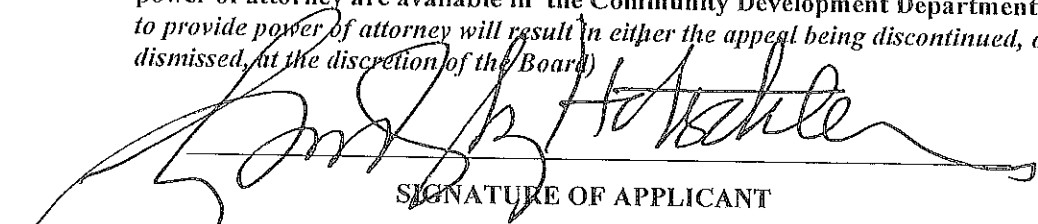
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