

Community Development  
Department

**ZONING HEARING BOARD AGENDA**

**Thursday, November 21, 2013  
7: 30 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Appeal 2904 – 203 Church Street (continued from October)

The applicant Anthony and Gloria Mari, located at 203 Church Street and zoned R5, seeks variances from the following: Section 280-35A(2) in regard to building area; Section 280-35A(3) in regard to front yard setback; Section 280-35A(4) in regard to side yard setbacks; Section 280-35A(8) regarding impervious coverage; and any other necessary relief for the construction of a residence.

4. Appeal 2906 – 134 North Wayne Avenue

The applicant, McGowan & Nattle, located at 134 North Wayne Avenue and zoned WBOD, seeks the following zoning relief: (1) a modification of the condition of Appeal No. 2859 limiting the lower level to retail use; (2) a special exception pursuant to 280-101(A) or (B) in that the proposal is a legal non-conformity; (3) a variance or a de minimis variance from section 280-53.12(b)(5) of the Code relating to off street parking; and/or (4) that the use is permitted as of right.

*The next meeting of the ZHB is scheduled for December 19, 2013 at 7:30 p.m. Applications for the December 19, 2103 meeting must be submitted on or before November 19, 2013.*

**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**

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>2906</u>
FEE: <u>900</u>
DATE RECEIVED: <u>10/22/13</u>

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**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.

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*TYPE OR PRINT*

Property Address: 134 North Wayne Avenue, Wayne, PA

Name of applicant: McGowan & Nattle

Telephone number: 610-470-0737 Email: \_\_\_\_\_

Property Owner (if different than above): 134 Partners, L.P.

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

Telephone number: 610-909-4094 Email: bpalmer@thesuburbanbuilding.com

Attorney's name:

Nicholas J. Caniglia

Address: 125 Strafford Ave., 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

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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

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**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 intends to establish a restaurant on the lower level of the Suburban Building. The proposed use is permitted in the zoning district. Applicant requests relief for the installation of 40 interior seats for the establishment. Applicant seeks the following zoning relief: (1) A modification of the condition of Appeal No. 2859 limiting the lower level to retail use; (2) A special exception pursuant to 280-101(A) or (B) in that the proposal is a legal non-conformity; (3) A variance or a de minimis variance from section 280-53.12(B)(5) of the Code relating to off-street parking; and/or (4) That the use is permitted as 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)**

Appeal No. 1407 dated June 23, 1977 granted relief to construct an addition to the existing non-conformity. (Applicant's Exhibit A-4)

Appeal No. 2859 dated June 16, 2011 granting the Applicant permission to use the Premises for retail and offices since it will reduce the existing non-conformity with respect to parking. (Applicant Exhibit A-5)

Appeal No. 2889 dated February 21, 2013 for relief for off-street parking.

**Brief narrative of proposed improvements:**

The Premises is zoned C-2 and is in the Wayne Business Overlay District (WBOD). The construction of the Building predated zoning in Radnor Township. The Building occupies nearly the entire lot, but for four parking spaces in the front of the building in the right-of-way. There is no other on-site parking available or possible. On-street metered parking abuts and surrounds the property. The proposed use is a brick-oven pizza restaurant. The space occupies 1,149 gross square footage. Prior to the current ownership, the Building was previously occupied as offices for Suburban Publications and its successors. It consists of 15,083 square feet. The Premises had a prior non-conformity as to off-street parking for 57 (61-4) parking spaces (15,083 Gross S.F. X 80% = 12,066 Net S.F. divided by 200 = 60.332).

The current building has 6,696 gross square feet of retail on the lower and first levels of the Building and 7,562 gross square feet of offices on the second and third levels. The Code requirement for the WBOD is one space for each 300 S.F. of Retail and one space for each 250 S.F. of Office. As a result the Building is currently non-conforming for off-street parking spaces as follows: 6,696 S.F. X 80% = 5,357 divided by 300 = 18 spaces; and 7,562 S.F. X 80% = 6,050 divided by 250 = 25 spaces.

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

Applicants will testify as to the former, current, and proposed uses of the Premises. Applicant reserves the right to present additional testimony.

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

See attached

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**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 1/2" X 11" AT FILING**

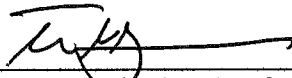
2. List of witnesses and summary of their testimony attached.
3. Photographs of the property at issue and all adjoining properties.
4. Copies of any written professional reports, including traffic studies, land planning studies,

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*
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 F \$150 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.**