

BUILDING AND ZONING COMMITTEE

AGENDA

WEDNESDAY, MAY 2, 2012

8:00 P.M.

**CURTIS HALL IN CURTIS ARBORETUM
CHURCH ROAD AND GREENWOOD AVENUE**

**MORTON J. SIMON, JR. – CHAIRMAN
HARVEY PORTNER – VICE CHAIRMAN
KATHY A. HAMPTON - MEMBER
CHARLES D. MC KEOWN – MEMBER
DANIEL NORRIS-MEMBER
J. ANDREW SHARKEY – MEMBER
ART HAYWOOD- EX-OFFICIO MEMBER**

1. Review of the Zoning Hearing Board Agenda for May 14, 2012. See attached.
2. Review of the Planning Commission Meeting Minutes of April 30, 2012. (To be forwarded prior to the meeting).
3. Review of Recent Decision(s) of the Zoning Hearing Board.
4. Discussion of a rezoning request of the 100 block of Cottman Avenue from R-8 Residential to C-3 Commercial. See attached.
5. Presentation of a plan to use the Synagogue property at 133/135 Cheltenham Avenue, Melrose Park, for a Dialysis Center. Discussion of a request by prospective purchaser for a zoning amendment.
6. Discussion of a possible zoning amendment creating a Billboard Overlay District.
7. Report of the Building Inspector for April 2012. See attached.
8. Old Business
9. New Business
10. Citizens' Forum
11. Adjournment


David G. Kraynik
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

MAY 14, 2012

NOTICE

NOTICE IS HEREBY GIVEN that the Cheltenham Township Zoning Hearing Board will hold a public hearing on **Monday, May 14, 2012 at 7:30 PM** at **Curtis Hall, Church Road and Greenwood Avenue, Wyncote, PA 19095**, to consider the following applications for **Special Exceptions and/or Variances** from the terms of the Cheltenham Township Code, Chapter 295 thereof, entitled **Zoning**.

Appeal No. 3435: Appeal of Walter Gimbel, owner of premises known as 140 Jefferson Ave., Cheltenham, PA 19012, from the Decision of the Zoning Officer for the following Zoning Relief: a variance from the Rules and Regulations of the Class C-3 Commercial District as outlined in CCS 295-121.C. for a lesser side yard setback along the northwest property line of 3' instead of the minimum required 8' for a 20'W x 22'L x 19'+/- H Garage.

The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.

**RECENT
ZONING HEARING BOARD
DECISIONS**

**ZONING HEARING BOARD
OF CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

APPEAL NO. 3427

Applicant: Spring Hill Holdings LLC
37 North York Road
Willow Grove, Pennsylvania 19090

Subject Premises : 327 Gerard Avenue
Elkins Park, Pennsylvania

Owner of Premises: Spring Hill Holdings LLC

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction of a deck, measuring 20 feet by 20 feet (irr.) on the northeast side of the existing house, and creating a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Section 295-46, regulating yard setbacks.

Applicant seeks a variance from Section 295-46(A)(2) of the rules and regulations of the R-5 Residence District to allow the construction of the deck, measuring 20 feet by 20 feet (irr.) on the northeast side of the existing house, and creating a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property.

Time and Place of Hearing: Monday, January 12, 2012 – 7:30 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant Spring Hill Holdings LLC (“Applicant”) is the owner of the premises known as 327 Gerard Avenue, Elkins Park Pennsylvania (the “Property”).
2. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.
3. The property is located in an R-5 Residence District and is improved by a single-family residence.
4. The following documents were made a part of the record:
 - ZHB-1. a listing of exhibits;
 - ZHB-2. a copy of the legal notice with regard to the holding of hearing;
 - ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3427;
 - ZHB-4. a location map marked as Real Estate Registry Block 42, showing the location of the property;
 - ZHB-5. MEA Land Record Parcel Information on Property dated December 2, 2011;
 - ZHB-6. Building and Zoning Committee recommendation letter dated January 6, 2012;
 - ZHB-7. site plan showing proposed deck location;
 - ZHB-8. Pictometry view-ortho photograph of the Property;
 - ZHB-9. site plan of the Property; and
 - ZHB-10. isometric view of the proposed deck.
5. Applicant constructed a deck, measuring 20 feet by 20 feet on the northeast side of the existing residence on the Property. The deck dimensions are within the house line of the residence on one side and in line with the bay window on the other side.
6. The location of the proposed deck has created a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property.
7. Upon discovering the front yard setback issue, Applicant immediately stopped construction of the deck and applied for a variance.

8. With appropriate permits, Applicant has renovated the interior and exterior of the residence.

9. Applicant understands that, if granted zoning relief, an appropriate building permit for the construction of the deck must be secured.

10. A grant of relief to allow the construction of the deck, measuring 20 feet by 20 feet on the northeast side of the existing house, and creating a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

11. A grant of relief to allow the construction of the deck, measuring 20 feet by 20 feet on the northeast side of the existing house, and creating a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property will result in premises consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

12. A grant of relief to allow the construction of the deck, measuring 20 feet by 20 feet on the northeast side of the existing house, and creating a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. Construction of the deck, measuring 20 feet by 20 feet on the northeast side of the existing house, which creates a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property is not permitted by the Cheltenham Township Zoning Ordinance. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, Applicant has met its burden in establishing that, due to the unique physical circumstances of the Property and those imposed by surrounding properties, a failure to grant relief to allow the construction of the deck, measuring 20 feet by 20 feet on the northeast side of the existing house, and creating a less than required front yard setback of approximately 19 feet instead of the minimum required 40 feet from the Penn Street frontage of the Property would result in an unnecessary hardship.

3. The variance as hereafter granted is the minimum variance that will afford Applicant relief and represent the least departure from the governing regulations.

4. The variance will not be contrary to the public interest.

DECISION

WHEREFORE, this 12th day of January, 2012, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant a variance from the rules and regulations of Article VIII, Section 295-46(A)(2) to allow the construction of the deck, measuring 20 feet by 20 feet on the northeast side of the existing house with a less than required front yard setback of approximately 19 feet from the Penn Street frontage of the Property.

This grant of relief is subject, however, to the following conditions:

- (1) a complete copy of the recorded deed of the subject Property shall be submitted to the Zoning Officer within four (4) weeks of the date of Hearing;
- (2) the proposed deck shall meet all Township building code requirements;
and
- (3) the proposed improvements shall be constructed in substantial conformity with the plans submitted to the Zoning Hearing Board and the presentation made to the Zoning Hearing Board at its January 12, 2012 meeting.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

PETER LABIAK, Chairman

ALAN S. GOLD, Vice Chairman and Secretary

AMEE FARRELL, Member

THIS DECISION IS OFFICIALLY ISSUED ON APRIL 12, 2012.

Michael Zlotnick
114 Cottman Avenue
Cheltenham, PA 19012
February , 2012

David M. Lynch, P.E., P.L.S.
Director of Engineering, Zoning
And Inspections
Cheltenham Township
8230 Old York Road
Elkins Park, PA 19027-1589

RECEIVED
FEB 27 2012
BUILDING & ZONING

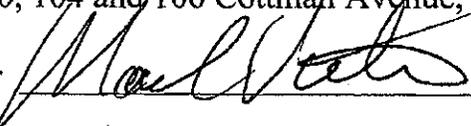
RE: Zoning Classification Change

Dear Sir:

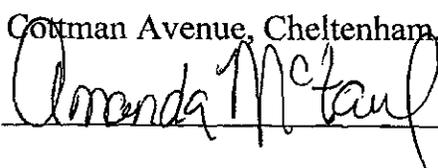
On behalf, and with the signed consent, of all of the residents/owners of the properties located in the one hundred (100) block of Cottman Avenue, Cheltenham, PA 19012, I respectfully request that the zoning classification of the 100 Block of Cottman Avenue be revised from Residential (R-~~2~~) to Commercial (C-3). We believe that such revision will be economically beneficial to both the residents/owners and Cheltenham Township

Below are the signatures of all of the residents/owners of the properties in the 100 Block of Cottman Avenue, Cheltenham, and PA 19012:

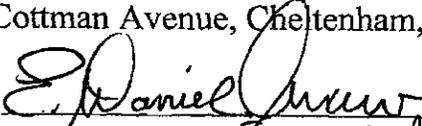
PREMISES 100, 104 and 106 Cottman Avenue, Cheltenham, PA 19012:

Dr. Mark Victor  215-742-9900

PREMISES 110 Cottman Avenue, Cheltenham, PA 19012

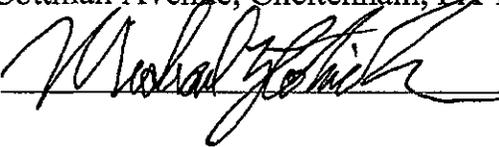
Amanda McFaul  267-210-4118

PREMISES 112 Cottman Avenue, Cheltenham, PA 19012

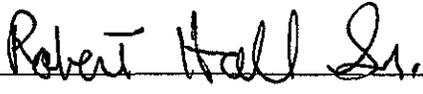
Edward Anderson  215-880-2383

Edward V. P. Fee REIT

PREMISES 114 Cottman Avenue, Cheltenham, PA 19012

Michael Zlotnick  215-379-3959

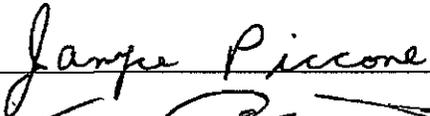
PREMISES 116 Cottman Avenue, Cheltenham, PA 19012

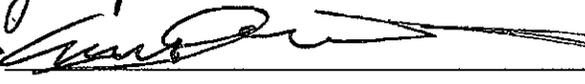
Robert Hall  215-~~379-1259~~ 376-4446

PREMISES 134 Cottman Avenue, Cheltenham, PA 19012

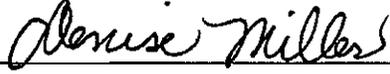
Elisabeth Lord  215-379-5547

PREMISES 136 Cottman Avenue, Cheltenham, PA 19012

Janyce Piccone  215-663-9189

Anthony Piccone  215-663-9189

PREMISES 138 Cottman Avenue, Cheltenham, PA 19012

Denise Miller  215-663-5845

Respectfully submitted:

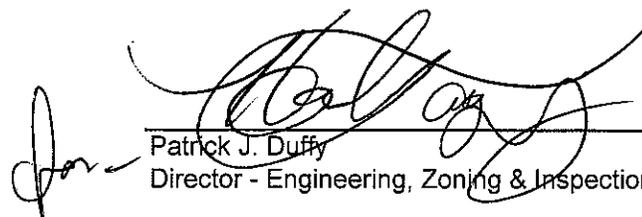

MICHAEL ZLOTNICK

April 25, 2012

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR APRIL, 2012**

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	64	7,969	398,450
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	2	215	10,750
COMMERCIAL			
RENOVATIONS / ALTERATIONS	11	2,919	145,950
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	3	2,019	100,950
FENCE	4	1,836	1,836
APRIL, 2012	84	14,958	657,936
APRIL, 2011	26	5,167	214,891
YEAR-TO-DATE 2012	187	44,820	2,072,256
TOTAL 2011	428	114,275.9	4,267,138.9
HEATING & AIR CONDITIONING			
APRIL, 2012	4	1,019	50,000
APRIL, 2011	3	397	17,000
YEAR-TO-DATE 2012	9	2,733	135,700
TOTAL 2011	63	12,591	459,400
ELECTRICAL			
APRIL, 2012	4	919	45,000
APRIL, 2011	6	474	18,000
YEAR-TO-DATE 2012	27	5,394	254,707
TOTAL 2011	108	11,975	427,442



Patrick J. Duffy
Director - Engineering, Zoning & Inspections