

Cheltenham Township, believing that public input is appropriate on any item coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

BUILDING AND ZONING COMMITTEE

Morton J. Simon, Jr. –Chairman
Harvey Portner- Vice Chairman
Kathy A. Hampton- Member
Charles D. McKeown-Member
Daniel Norris- Member
J. Andrew Sharkey- Member
Art Haywood- Ex-Officio Member

Wednesday, September 5, 2012

8:00 PM

Curtis Hall

AGENDA

1. Review of the Zoning Hearing Board Agenda for September 10, 2012.
See attached.
2. Review of the Planning Commission Meeting Minutes of August 27, 2012.
See attached.
3. Review of Recent Decision(s) of the Zoning Hearing Board.
4. Report of the Building Inspector for August 2012. See attached.
5. Old Business
6. New Business

Consider authorizing the Township's traffic consultant to evaluate the traffic study of the Laverock subdivision.
7. Citizens' Forum
8. Adjournment



Bryan T. Havir
Acting Township Manager

ZONING HEARING BOARD

AGENDA

FOR

SEPTEMBER 10, 2012

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 1810 Chelsea Road, Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, August 27, 2012 at 7:30 P.M. at the Township Administration Building Boardroom at 8230 Old York Road, Elkins Park, PA 19027.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, September 5, 2012 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, September 10, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3446 – Appeal of George Speaks, owner of premises known as 1810 Chelsea Rd., Elkins Park, PA, 19027, zoned R-5, where the existing lot is nonconforming as to area and width regulations, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 12' x 20' deck to the rear of the residence:

The following Zoning Relief is required for the existing single family semidetached dwelling:

- a. A Variance from the rules and regulations of CSS 295-46.B.(2) to allow the construction of a 12' x 20' deck with a side yard setback of 3'+/- which is less than the required 20' side yard setback width.
- b. A Variance from the rules and regulations of CSS 295-46.C to allow the construction of a 12' x 20' deck with a rear yard setback of 12'+/- which is less than the required 15' rear yard setback depth.

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.

24B 3446-2

BLOCK 190

PHILADELPHIA

COUNTY

19TH ST.

CHELTHENHAM

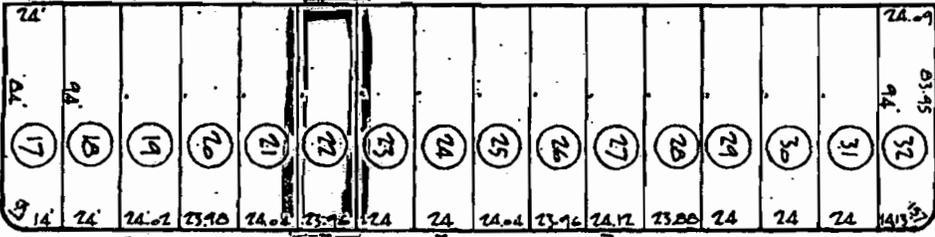
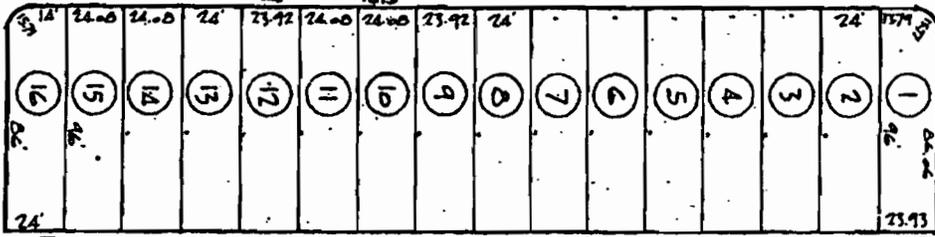
AVE.

8

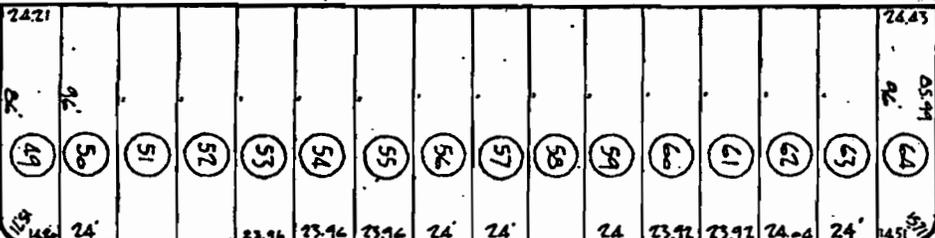
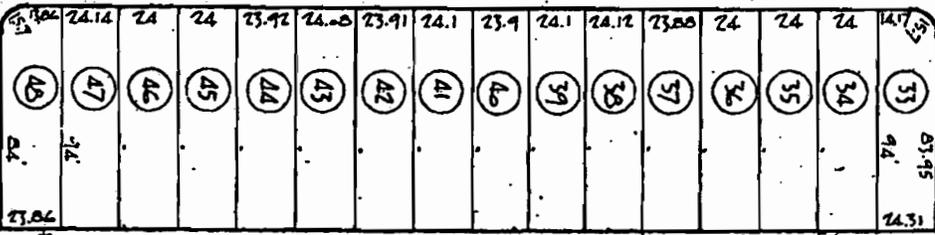
15

CEDAR

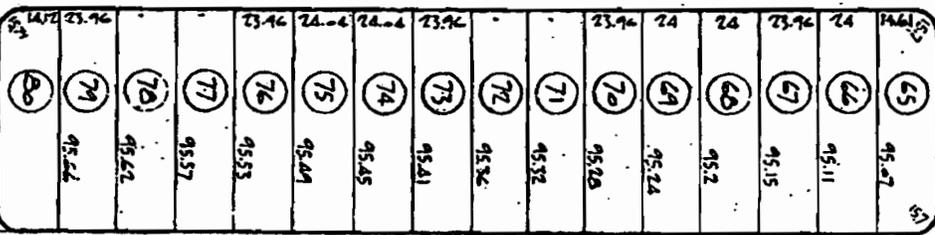
PENROSE



CHELSEA ROAD



ERLEN ROAD



WILLOW AVE. ZHP 3446-4

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 212 Ryers Avenue, Cheltenham, PA 19012 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, August 27, 2012 at 7:30 P.M. at the Township Administration Building Boardroom at 8230 Old York Road, Elkins Park, PA 19027.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, September 5, 2012 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, September 10, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3447: Appeal of Victoria Palm, Owner of Premises known as 212 Ryers Avenue, Cheltenham, PA 19012, zoned C-3, from the decision of the Zoning Officer for the following Zoning Relief in order to add a 19' x 19' deck and a 5' x 16' wheel chair ramp to the rear of the premises:

The following Zoning Relief is required for the existing single family semidetached dwelling:

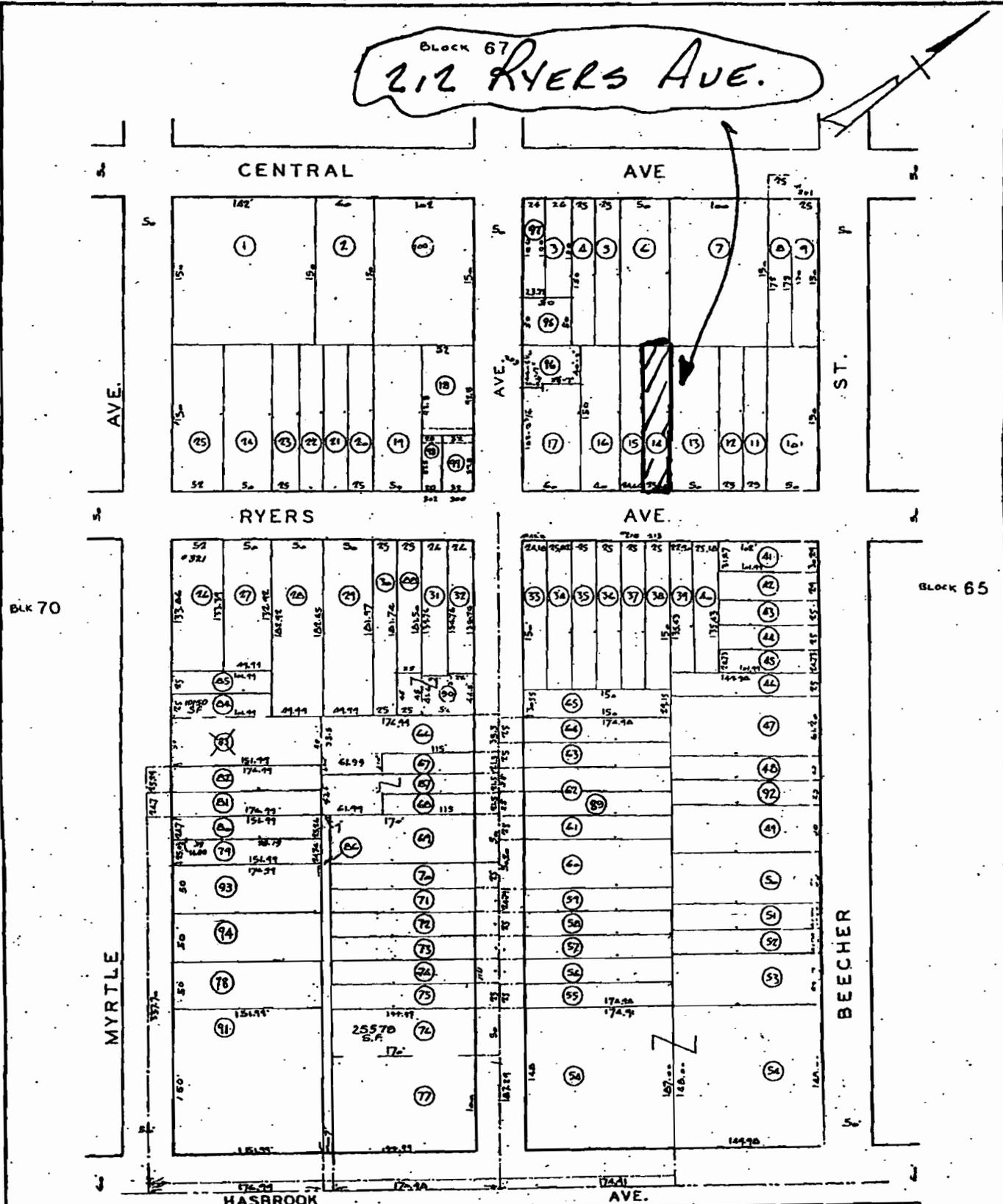
- a. A Variance from the rules and regulations of CSS 295-121.C to allow the construction of a 19' x 19' deck and a connecting 5' x 16' wheel chair ramp with a side yard setback of 6'+/- which is less than the required 8' side yard setback width.

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.

24B 3447-2

Block 67
212 RYERS AVE.



Blk 70

Block 65

CITY OF PHILADELPHIA

FRANKLIN

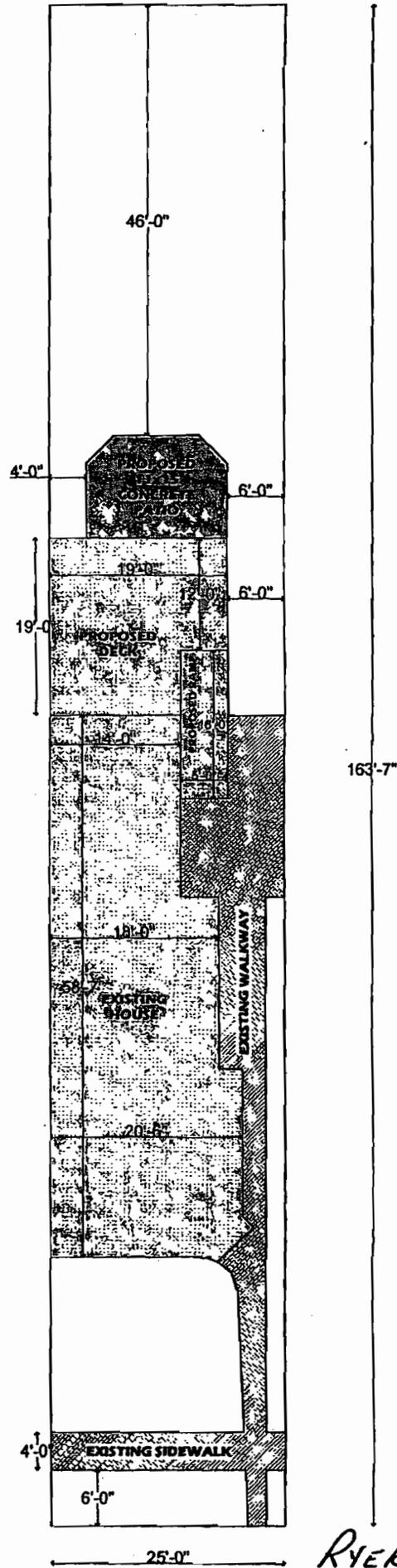
CHEL ENHAM TOWNSHIP
 MONTGOMERY CO PA
REAL ESTATE REGISTRY
BLCK 66
 SCALE: 1" = 50'
 JULY 1939
 DRAWN BY H.M.R.
 CHECKED BY H.M.R.

212B 3447-4

Proposed deck and fence for:
 Palm
 212 Ryers Avenue
 Cheltenham, PA 19012

Stump's Quality Decks and Porches
 2458 Division Highway
 Ephrata, PA 17522
 717-629-0672
 mark@stumpsqualitydecks.com

LOT SIZE: 4,090 sqft.
 EXISTING HOUSE: 1,027 sqft.
 EXISTING CONCRETE SIDEWALK: 100 sqft.
 EXISTING CONCRETE WALKWAY: 394 sqft.
 PROPOSED DECK AND RAMP: 406 sqft.
 PROPOSED PATIO: 165 sqft.



21B 3447-7

RYERS AVE.

214 Ryers Ave
Cheltenham, Pa, 19012
8/14/2012

Zoning Board Committee
Cheltenham Township, Pa

Reference: Vickie Palm
212 Ryers Ave

Dear members of the Zoning Board:

This letter is in reference to Mrs. Palm's request, to build a wheel chair ramp in the back of her house. Mrs. Palm explained to me that in order to do this, that a requirement of the township must be met first. Per the township, there has to be an additional 8-10 feet added to both sides of our dwellings. Due to the fact that we share an adjoining property, I am granting Mrs. Palm permission to allow the township to alter my property: for the addition of the ramp. If you have any questions, please feel free to call me at 267-222-2126.

Sincerely,

Robert F. Powell

Robert F. Powell

ZHB 3447-8

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 8320 Forrest Ave., Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, August 27, 2012 at 7:30 P.M. at the Township Administration Building Boardroom at 8230 Old York Road, Elkins Park, PA 19027.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, September 5, 2012 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, September 10, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3448: Appeal of owners of premises known as 8320 Forrest Ave. Elkins Park, PA 19027, zoned R-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 12' Diameter, octagon shaped Gazebo in the northeast corner of the premises.

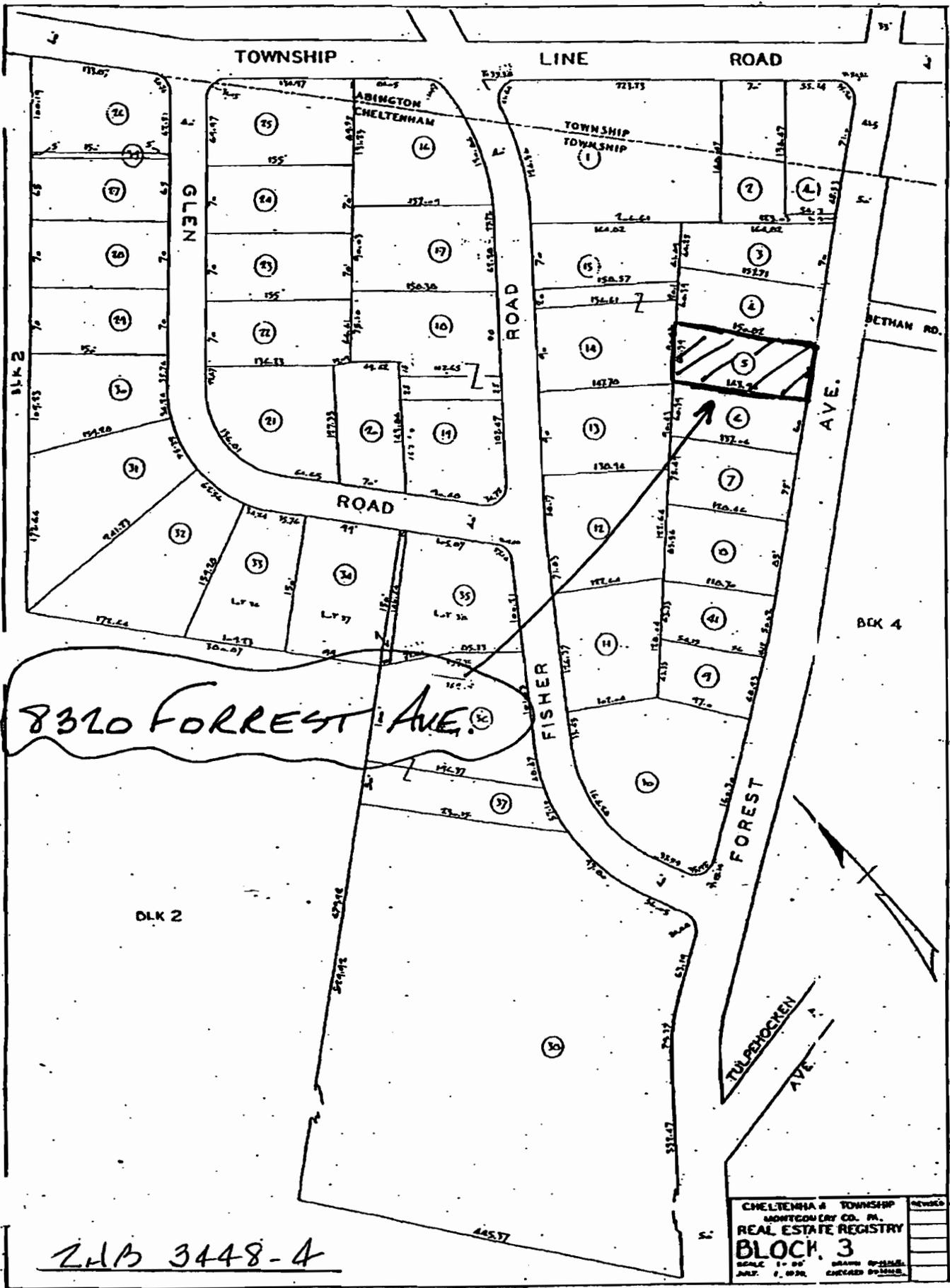
The following Zoning Relief is required for the existing single family dwelling:

- a. A Variance from the rules and regulations of CSS 295-39.B.(2) to allow the construction of a 12' diameter gazebo with a side yard setback of 4'+/- which is less than the required 20' side yard setback width.
- b. A Variance from the rules and regulations of CSS 295-39.C to allow the construction of a 12' diameter gazebo with a rear yard setback of 4'+/- which is less than the required 25' rear yard setback depth.

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.

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24A 3448-2

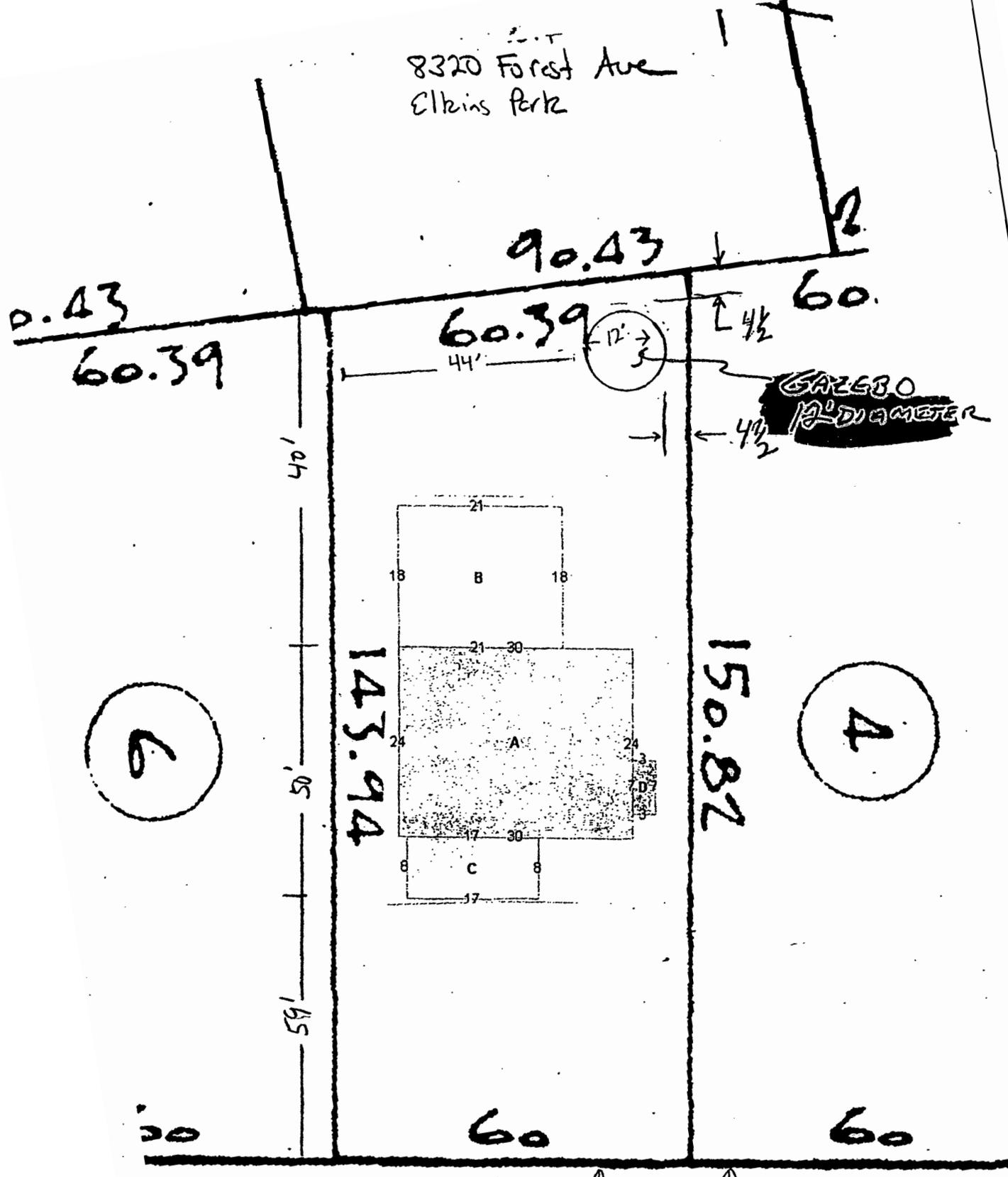


8320 FORREST AVE.

ZLB 3448-4

CHELTENHAM TOWNSHIP
 MONTGOMERY CO. PA.
 REAL ESTATE REGISTRY
BLOCK 3
 SCALE 1" = 40'
 DATE: 1, 1978
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

8320 Forest Ave
Elkins Park



AVE.

ZHA 3448-1



Step 2. Floor Dimensions Table and Site Preparation information

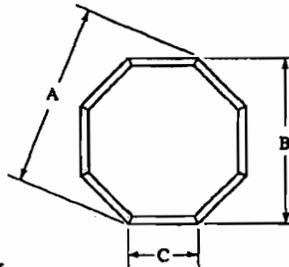
The floor dimensions of your Amish Crafted gazebo are different than the floor of an Amish Country gazebo. Please refer to the dimensions shown below to prepare the foundation for your Amish Crafted gazebo.

Floor dimensions for Amish Crafted gazebos

Size	A	B	C
8 ft.	103 1/2"	96"	39 1/2"
10 ft.	129 1/2"	120"	49 1/2"
12 ft.	144 1/2"	133 1/2"	55 1/2"

Indicate the location of your gazebo foundation by doing the following:

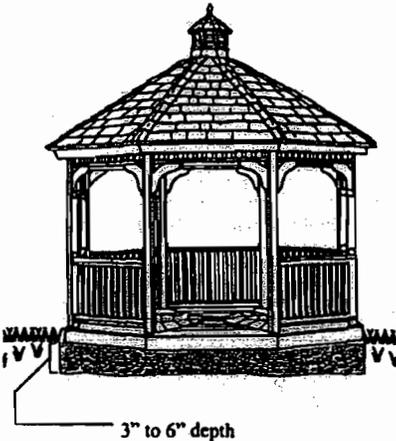
1. Cut 8 boards at a 22.5° angle. Each should be the length of dimension 'C' at their longest point.
2. Place the boards around the perimeter of the site to be prepared for your gazebo. Verify that the boards are positioned in an octagonal shape by using dimensions 'A' and 'B'.
3. Spray paint along the outside of the boards to indicate the precise perimeter of your gazebo floor and then remove the boards.



Carefully consider the recommendations listed below prior to choosing the ideal foundation for your gazebo.

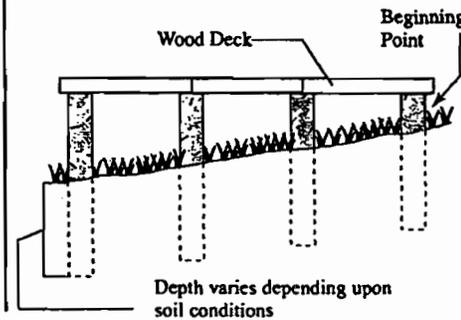
CRUSHED STONE

1. Dig out 3"- 6" of ground.
2. Plant concrete blocks at each octagonal point and in the center (9 blocks total).
3. The top of the blocks will be the highest point of your foundation. All blocks must be level with each other.
4. Place 3"- 4" of crushed stone around the blocks and throughout the foundation.



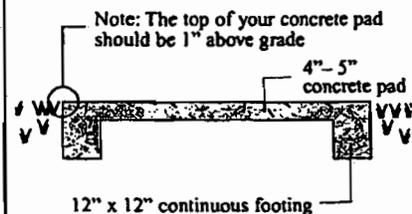
CONCRETE PYLONS

1. Dig 12" diameter holes at each octagonal point and in the center (9 holes total).
2. Beginning at the ground's highest point, plant a 12" diameter Quick-Form tube.
3. Securely plant the remainder of the tubes making sure the top of each is level with the top of the first tube that you planted in the ground.
4. Use rebar as needed.
5. Fill each tube with concrete and allow it to cure before placing your gazebo deck.
6. Use metal L brackets to secure the gazebo deck to the pylons.



CONCRETE PAD

1. Dig out 4"- 5" of ground so it is level all throughout its lowest point.
2. Temporarily plant wood forms around the perimeter of your gazebo foundation area.
3. Dig a 12"x12" continuous footing around the perimeter of the pad.
4. Use rebar as needed.
5. Pour concrete throughout the base, making sure all points of the top are level.



12" x 12" continuous footing



ZHP-3448-8.1



STEP 3. Sort all of your gazebo parts as listed below:

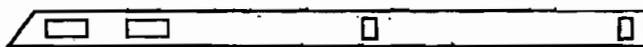
(Match the quantity of parts to the corresponding size of your gazebo)

	8' Gazebo Kit	10' Gazebo Kit	12' Gazebo Kit
<input type="checkbox"/> 2 1/2" screws	1 bag	1 bag	1 bag
<input type="checkbox"/> 3/4" roofing nails	1 bag	1 bag	1 bag
<input type="checkbox"/> right wall panel posts	7 pieces	7 pieces	7 pieces
<input type="checkbox"/> left wall panel posts	7 pieces	7 pieces	7 pieces
<input type="checkbox"/> right door panel post	1 piece	1 piece	1 piece
<input type="checkbox"/> left door panel post	1 piece	1 piece	1 piece
<input type="checkbox"/> ceiling center block	1 piece	1 piece	1 piece
<input type="checkbox"/> 2x4 roof rafters	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> fascia boards	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> upper rail header boards	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> left hand braces	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> right hand braces	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> 2x4 handrail plates	14 pieces	14 pieces	14 pieces
<input type="checkbox"/> 1x3 balusters	35 pieces	49 pieces	56 pieces
<input type="checkbox"/> large plywood roof panels	0 pieces	8 pieces	8 pieces
<input type="checkbox"/> medium plywood roof panels	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> small plywood roof panels	8 pieces	8 pieces	8 pieces
<input type="checkbox"/> shingles	4 packs	6 packs	7 packs
<input type="checkbox"/> cupola	1 each	1 each	1 each

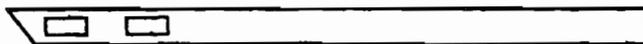
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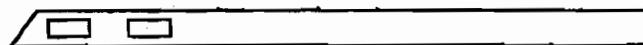
7 left wall panel posts



7 right wall panel posts



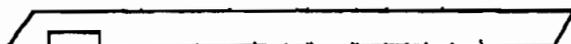
1 left door panel posts



1 right door panel posts



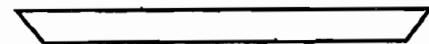
ceiling center block (rafter joiner)



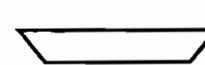
8 roof rafters



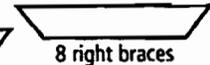
8 fascia boards



8 upper rail header boards



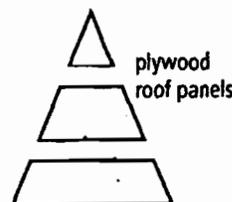
8 left braces



8 right braces



2x4 handrail plates (7 top, 7 bottom)



plywood roof panels



balusters



cupola
(we send cupola already together)



ZHB

3448-8.2

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 1347 Cheltenham Avenue, Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, August 27, 2012 at 7:30 P.M. at the Township Administration Building Boardroom at 8230 Old York Road, Elkins Park, PA 19027.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, September 5, 2012 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, September 10, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3449: Appeal of 1347 Cheltenham Ave. Associates, L.P., c/o David Ahn, 89 Bruce Drive, Holland, PA 18966, equitable owner of property known as 1347 Cheltenham Ave., Elkins Park, PA 19027, zoned C-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 24,240 SF restaurant with shared parking with 1330 Willow Ave., 1355 Cheltenham Ave. and 1349 Cheltenham Ave.:

The following Zoning Relief is required for the existing building, formerly used as an office building:

- a. A Variance from the rules and regulations of CSS 295-221.I to allow for a total of 57 shared parking spaces during the mid-day hours for the restaurant and banquet uses, which is less than the required 154 shared parking spaces that are being provided during the evening hours.

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.

ZHB 3449-2

PHILADELPHIA

OF

CITY

CHELLENHAM

AVE.

AVE.

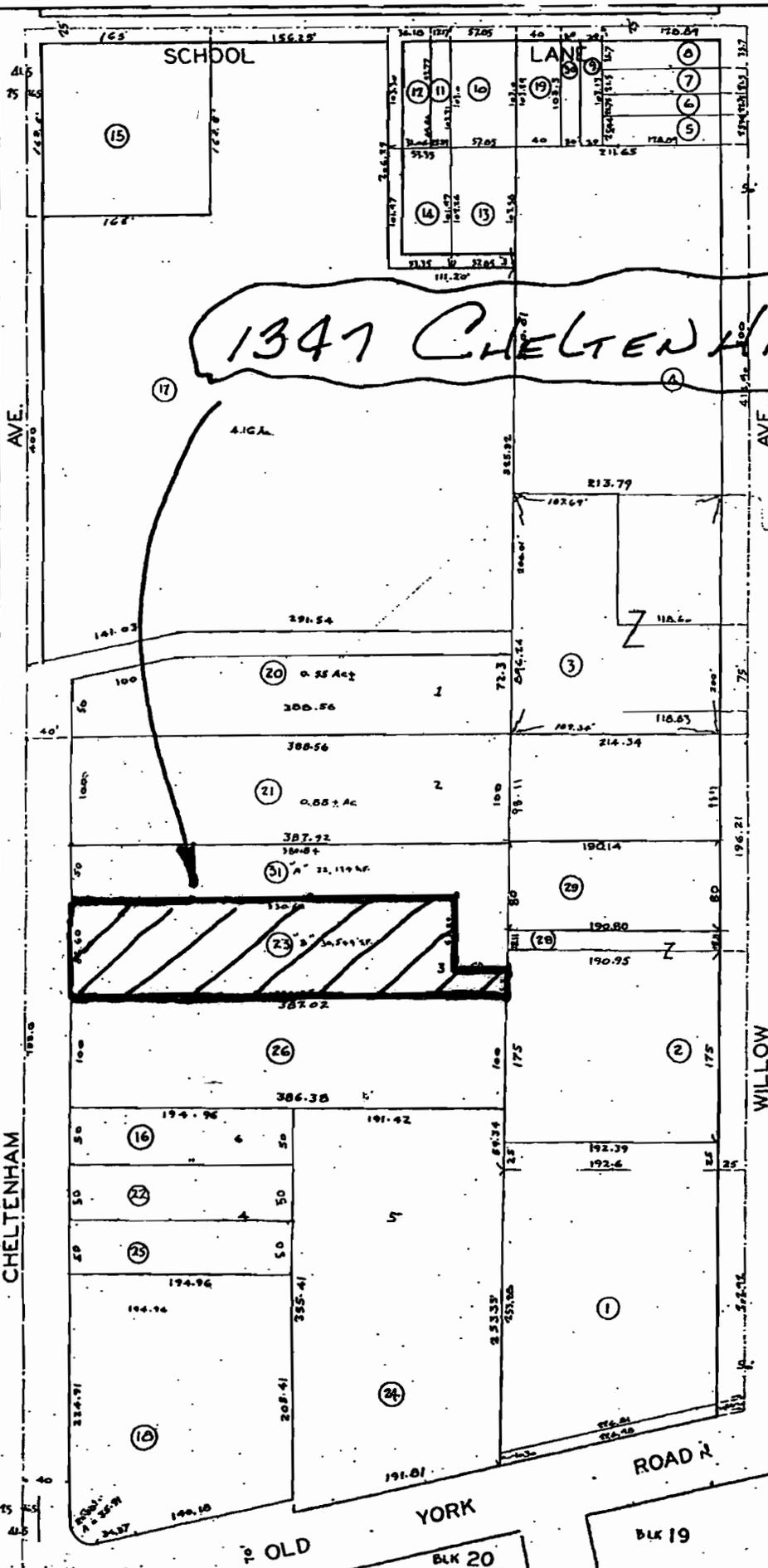
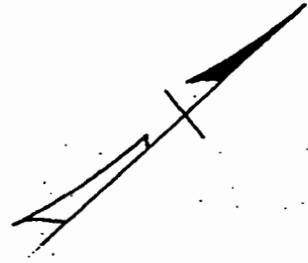
WILLOW

ROAD N

SCHOOL

LANE

1347 CHELTENHAM AVE.



BLOCK 189

OLD YORK BLK 20

BLK 19

CHELLENHAM TOWNSHIP
MONTGOMERY CO. PA.
REAL ESTATE REGISTRY
BLOCK 194

SCALE 1" = 60'
JULY 1 - 1939. CHECKED BY: HWR

REVISED

Z.H.B. 3449-4

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building Boardroom. The following Planning Commission members were present: Messrs. Cross, Gordon, Brockington, Leighton, and Goldfarb. Also present was Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections.

1. Acceptance of the minutes of the July 23, 2012 Meeting.

Mr. Cross made a Motion to approve the minutes, Mr. Goldfarb seconded the Motion; the Motion passed.

2. Review of Zoning Hearing Board Agenda for September 10, 2012.

APPEAL NO. 3446 – Appeal of George Speaks, owner of premises known as 1810 Chelsea Rd., Elkins Park, PA, 19027, zoned R-5, where the existing lot is nonconforming as to area and width regulations, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 12' x 20' deck to the rear of the residence:

The following Zoning Relief is required for the existing single family semi-detached dwelling:

- a. A Variance from the rules and regulations of CSS 295-46.B.(2) to allow the construction of a 12' x 20' deck with a side yard setback of 3'+/- which is less than the required 20' side yard setback width.
- b. A Variance from the rules and regulations of CSS 295-46.C to allow the construction of a 12' x 20' deck with a rear yard setback of 12'+/- which is less than the required 15' rear yard setback depth.

Mr. Speaks was present for the application. Mr. Reitano stated that this property has a common driveway in the rear of a twin. The applicant came to apply for a building permit to construct a wooden deck at the rear of the property. Mr. Speakes has applied for both the BHAR review and Zoning approval process. Mr. Reitano stated that the property has a 3' wide common walkway between the properties which initiates the side yard and rear yard zoning relief request.

Mr. Reitano stated that this is not the first application requesting relief for construction of a deck in the La Mott district similar to this application.

Mr. Cross asked if the other decks also obtained the same zoning variance; Mr. Reitano confirmed that they had. Mr. Reitano passed out photos of other decks in the area and Mr. Cross agreed that the proposed deck will look very similar.

Mr. Speakes stated there have been no neighbor complaints received to date.

Mr. Brockington made a motion of No Action; seconded by Mr. Goldfarb, the motion passed.

APPEAL NO. 3447- Appeal of Victoria Palm, Owner of Premises known as 212 Ryers Avenue, Cheltenham, PA 19012, zoned C-3, from the decision of the Zoning Officer for the following Zoning Relief in order to add a 19' x 19' deck and a 5' x 16' wheel chair ramp to the rear of the premises:

The following Zoning Relief is required for the existing single family semi-detached dwelling:

- a. A Variance from the rules and regulations of CSS 295-121.C to allow the construction of a 19' x 19' deck and a connecting 5' x 16' wheel chair ramp with a side yard setback of 6'+/- which is less than the required 8' side yard setback width.

Ms. Palm was present for the application.

Mr. Reitano stated that this is a handicap ramp that Mr. Duffy has already reviewed and has no issues associated with it. Mr. Reitano stated that the applicant is asking for a 6' setback instead of the required 8' setback, and that this property is a twin house with the ramp adjacent to the house. Mr. Reitano stated that Mr. Duffy also reviewed impervious surface and found that it was under the 250 SF limit.

Mr. Gordon asked if the setbacks for the proposed patio were ok as well. Mr. Reitano confirmed they were. Ms. Palm confirmed that she has one letter of support from her neighbor in the other side of the twin. Mr. Cross recommended getting photos of the property and other letters of support for the project.

Mr. Brockington made a motion of No Action; seconded by Mr. Goldfarb, the motion passed.

APPEAL NO. 3448: Appeal of Steve Witt, owner of premises known as 8320 Forrest Ave. Elkins Park, PA 19027, zoned R-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 12' Diameter, octagon shaped Gazebo in the northeast corner of the premises.

The following Zoning Relief is required for the existing single family dwelling:

- a. A Variance from the rules and regulations of CSS 295-39.B.(2) to allow the construction of a 12' diameter gazebo with a side yard setback of 4'+/- which is less than the required 20' side yard setback width.
- b. A Variance from the rules and regulations of CSS 295-39.C to allow the construction of a 12' diameter gazebo with a rear yard setback of 4'+/- which is less than the required 25' rear yard setback depth.

Mr. Reitano stated that there was a dimension of 12' on the legal and instead of a 12' diameter gazebo it should read 10' diameter. Mr. Cross stated that changes the dimensions from 4' ½" from the edge to 5' ½" feet from the setback line. Mr. Cross recommended that Mr. Witt get photographs of the rear of his property and the location of the proposed gazebo.

Mr. Brockington made a motion of No Action; seconded by Mr. Goldfarb, the motion passed.

APPEAL NO. 3449: Appeal of 1347 Cheltenham Ave. Associates, L.P., c/o David Ahn, 89 Bruce Drive, Holland, PA 18966, equitable owner of property known as 1347 Cheltenham Ave., Elkins Park, PA 19027, zoned C-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 24,240 SF restaurant with shared parking with 1330 Willow Ave., 1355 Cheltenham Ave. and 1349 Cheltenham Ave.:

The following Zoning Relief is required for the existing building, formerly used as an office building:

- a. A Variance from the rules and regulations of CSS 295-221.I to allow for a total of 57 shared parking spaces during the mid-day hours for the restaurant and banquet uses, which is less than the required 154 shared parking spaces that are being provided during the evening hours.

David Ahn, Michael Yanoff, Esq. and Harold Lichtman were present for this application.

Mr. Yanoff stated that the property needs a shared parking agreement which is currently prepared and being circulated for signature by the other property owners. Mr. Yanoff explained the uses would consist of office by day and restaurant by night. Mr. Reitano stated that it's mostly interior changes with the exception to a sign outside that will be submitted to the BHAR for review at a future date. Mr. Lichtman stated that it will be four (4) properties sharing joint parking and the lot will need to be restriped that is all Mr. Lichtman stated that this use is by right and everything else is fully compliant. Mr. Reitano stated that the Township wants to make sure that for security reasons the lighting on the parking lot be fully maintained and remain operational.

Mr. Leighton asked about who will be responsible for snow removal on property, Mr. Yanoff stated that this issue is addressed in the agreements.

Mr. Brockington made a motion of No Action; seconded by Mr. Goldfarb, the motion passed.

3. Consideration of Waiver Request for Land Development CTDA 12-0580: Genesis Healthcare Hopkins Center- Emergency Generator. 8100 Washington Lane, Wyncote, PA , 19095.

Mr. Reitano stated that the Township is receiving waivers from a full blown land development plan for projects such as these. Mr. Reitano stated that in application the applicant is requesting a waiver from full Land Development but are still required to meet all conditions of the Township Noise Ordinance and do the required sound baffling, if required.

Mr. Reitano further stated that under the Building Permit review process the applicant is required to have a sound test performed by a third party sound engineer. The permit would include provisions that if anytime in the future the generator is changed out the applicant must follow the same testing procedures again. Mr. Reitano further stated that a representative from the Township must be present for the sound test.

Mr. Cross asked where the 80 decibel limit is measured from. Mr. Reitano stated from the property line and all occupants of the building would be made aware of the test being performed. Mr. Reitano also stated that the time of the test would also play a factor in the sound readings and the test would be done at a specific time in the afternoon.

Mr. Cross asked if there was a generator there now. Bryan H. from Genesis stated that the current unit is only 30 kw and due to the medical equipment a 250 kw unit is needed to be installed in an outside enclosure.

Discussion ensued regarding details on the plan provided such as retaining wall and pad placement location.

Mr. Gordon made a motion of No Action; seconded by Mr. Goldfarb, the motion passed.

4. Old Business

None

5. New Business

Ms. Nagy stated that Appeal No. 3437- 1050 Ashbourne Road AKA Kerlin Farms is scheduled to be heard by the Zoning Hearing Board on October 15, 2012 at 7:30 PM. Ms. Nagy stated information regarding Kerlin Farms may be found on the Township Website.

Ms. Nagy stated that the Ad-Hoc Zoning Committee will begin having meetings again sometime in September. Ms. Nagy stated that the Township is waiting for direction from Ms. Jean Holland at Montgomery Planning Commission and asks the members of Ad-Hoc to provide suggestions for meeting times. Ms. Nagy handed out the most recent and revised version of the Cheltenham Zoning Code drafted by Ms. Mazzaccaro prior to her departure from Montgomery County Planning Commission. Ms. Nagy asked the members on the PC that also sits on the Ad-Hoc Committee to review the draft code and make notes on any issues they may have.

6. Adjournment

Mr. Cross made a motion for adjournment; Mr. Brockington seconded the motion, the motion passed.

The meeting adjourned at 8:10 P.M.



Bryan T. Havar

Acting Township Manager

Per Holly A. Nagy

**RECENT
ZONING HEARING BOARD
DECISIONS**

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

APPEAL NO. 3445

Applicant: 133-35 Cheltenham Avenue, L.P.
c/o Stephen L. Carpey
569 Pondview Drive
Jenkintown, PA 19046

Subject Premises : 133 and 135 Cheltenham Avenue,
Cheltenham, PA

Owner of Premises: 133-35 Cheltenham Avenue, L.P.

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that the proposed operation of a dialysis center with accessory signage in a R-5 Residence District would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Section 295-43, regulating uses in an R-5 Residence District and Article XXV, Section 295-197, regulating signs.

Applicant seeks a special exception pursuant to Articles XXIX, Section 295-225 to permit operation of a dialysis center and a variance from the rules and regulations of Article XXV, Section 295-197, to allow two (2) proposed parallel wall signs.

Time and Place of Hearing: Monday, August 13, 2012 – 7:30 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant is the equitable owner of the premises known as 133-35 Cheltenham Avenue, Cheltenham, 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 building last used as a religious institution.

4. The following documents were made a part of the record:

ZHB-1. a copy of the legal notice with regard to the holding of hearing;

ZHB-2. an Application to the Zoning Hearing Board, referenced as Appeal No. 3445;

ZHB-3. a set of site plans including a plan of the Property's Existing Features, a plan of Land Development, and a Landscape and Lighting Plan;

ZHB-4. A drawing of proposed Sign A and Sign B;

ZHB-5. Building and Zoning Committee recommendation letter dated August 1, 2012;

A-1. copy of an Agreement of Sale, the subject of which is the Property;

A-2. an illustration of the sign proposed for the western facade of the building; and

A-3. an illustration of the sign proposed for the southern facade of the building.

5. The building at the premises was last used by Melrose B'nai Israel Emanuel Synagogue for religious purposes and has not been used for residential purposes.

6. The lot measures 36,985 square feet.

7. Applicant proposes a modest expansion of the existing building, increasing the size from 6,889 square feet to 8,514 square feet. The modest expansion is necessary in order to provide an efficient floor plan for a dialysis center.

8. Applicant proposes to lease the expanded building to DaVita, a provider of medical services that qualify the facility as a dialysis center.

9. Dialysis patients prefer to have care provided in a nearby center, and the applicant claims that the local need is present and urgent.

10. The expansion of the building will occur on existing impervious surface and will not increase the existing impervious coverage.

11. The applicant will improve and update the existing building, landscaping and lighting.

12. The great majority of patients are transported to and from the facility in private paratransit vehicles.

13. The center will operate from 6 a.m. to 8 p.m., Monday through Saturday.

14. Entrance to the facility will be located on the western facade and will be protected by a canopy.

15. In its plan of development, applicant has provided sufficient parking (29 parking spaces) for this particular use and has designed traffic patterns to permit safe drop-off and travel for patients.

16. The project maintains the existing setback conditions at the Property.

17. The project reduces the amount of impervious surface at the Property.

18. Applicant admits that the project does not meet the limitation contained in Section 295-225(C)(6) that restricts signage to one sign not to exceed two (2) square feet per side.

19. Signage is needed for this dialysis center in order to direct incoming patients to the center in a safe manner. In addition, the signage will aid in directing incoming paratransit vehicles which arrive in order to pick up patients.

20. Applicant proposes to install a sign on the Cheltenham Avenue facade. Measuring the sign using the method of drawing a rectangle around the letters of the sign results in a measurement of approximately sixty (60) square feet. The letters will be attached to a portion of the wall which is different in materials and appearance than the remainder of the wall. Applicant described the letters as being "back channeled it."

21. Applicant proposes to install a sign on the western facade, a wall roughly parallel to Lanfair Road. Using the same measure as noted above, the applicant proposes a sign measuring approximately twenty (20) square feet. The sign will be attached to a portion of the wall which is different in materials than the remainder of the wall. The sign will be back channel lit and placed above the canopy at the building entrance.

22. Primarily, individuals become patients of the facility on account of third party referrals.

23. Signs with sign faces as hereafter limited will achieve the identification needs of the dialysis center.

24. Signs will illumination that begins no sooner than one hour before the start of business and ceases no later than one hour after the close of business will achieve the identification needs of the dialysis center.

25. Applicant proposes a trash enclosure to be located in the parking lot and very close to the intersection of Cheltenham Avenue and Lanfair Road. While applicant proposes a wood fence, the enclosure is not proposed to be opaquely hidden from pedestrian and vehicular traffic.

26. Although enclosed by a solid fence, the trash enclosure requires opaque landscaping in order to prevent an adverse effect upon the neighborhood.

27. The plan of land development, except as noted and discussed, complies with all dimensional requirements except for existing conditions which remain in the plan.

28. Applicant has demonstrated an unnecessary hardship with regard to signage at the Property for the proposed use.

29. Applicant has demonstrated that the application meets the specific requirements for the grant of a special exception for specialized medical services in an R-5 Residence District.

30. A grant of a special exception to permit the use of the Property for a dialysis center as proposed on applicant's plans will not be contrary to the public interest.

31. A grant of relief to allow a sign measuring ten (10) square feet on the building wall parallel to Lanfair road and a sign measuring twenty (20) square feet on the building wall parallel to Cheltenham Avenue will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

32. A grant of relief to allow a sign measuring ten (10) square feet on the building wall parallel to Lanfair road and a sign measuring twenty (20) square feet on the building wall parallel to Cheltenham Avenue 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.

33. A grant of relief to allow a sign measuring ten (10) square feet on the building wall parallel to Lanfair road and a sign measuring twenty (20) square feet on the building wall parallel to Cheltenham Avenue will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. Operation of a dialysis center in an R-5 residence District is not permitted by the Cheltenham Township Zoning Ordinance without the grant of a special exception. Operation of a dialysis center which is a special medical service with two signs exceeding two (2) square feet on a sign face 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. Similarly, the Zoning Hearing Board is empowered to grant special exceptions where the application meets the criteria of the zoning ordinances.

2. Under the circumstances of this matter including the undisputed need to identify the location of the dialysis center for incoming patients and transportation, 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 two signs as hereafter limited would result in an unnecessary hardship.

3. Under the circumstances of this matter, Applicant has met its burden in establishing that the application meets the criteria of Section 295-225(C) as follows:

- (a) the proposed dialysis center is a specialized medical service;
- (b) the proposed lot area is greater than the minimum .75 acre;
- (c) the existing building is not a residential building and has not been used for residential purposes within one year of the application;
- (d) the existing dimensions in relation to applicable limitations have not been altered in the plan of development;
- (e) the proposed building alterations are necessary to permit an efficient floor plan for the delivery of specialized medical services; and
- (f) the applicant has demonstrated sufficient hardship to be entitled to a variance from the limitations on signs.

4. Applicant is, therefore, entitled to special exception in accordance with Section 295-225(C) of the Cheltenham Township Zoning Ordinance.

5. The variances as hereafter granted are the minimum variances that will afford applicant relief and represent the least departure from the governing regulations.

6. The variances will not be contrary to the public interest.

DECISION

WHEREFORE, this 13th day of August, 2012, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to applicant the following special exception and variances:

- (1) a special exception to the rules and regulations of Article XXIX, Section 295-225, to permit a dialysis center as a specialized medical service at the Property, and
- (2) variances from the rules and regulations of Article XXIX, Section 295-225(C)(6) and Article XXV, Section 295-197, to allow:
 - (a) a sign measuring 10 square feet, identifying the name of the business at the Property and affixed to the side of the building parallel to Lanfair Road; and
 - (b) a sign measuring 20 square feet, identifying the name of the business at the Property and affixed to the side of the building parallel to Cheltenham Avenue.

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

- (1) any illumination of the signs shall cease no later than one hour after the close of the business day and shall commence no sooner than one hour before the start of the business day;
- (2) the dialysis center shall be operated in compliance with any dialysis related regulations of the Commonwealth of Pennsylvania and applicable regulations of any federal agency or department;
- (3) the proposed trash enclosure shall be fully landscaped as to create an opaque screening to the satisfaction of the Township engineer; and
- (4) the proposed improvements shall be constructed in substantial conformity with the testimony and exhibits produced by the Applicant during the course of the hearing before the Zoning Hearing Board at its August 13, 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

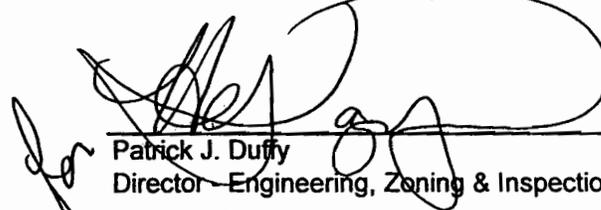
THIS DECISION IS OFFICIALLY ISSUED ON AUGUST 30, 2012.

August 28, 2012

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

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

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	35	28,728	1,436,400
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	3	2,789	139,450
COMMERCIAL			
RENOVATIONS / ALTERATIONS	1	304	15,000
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	1	255	12,750
FENCE	5	376.70	376.60
AUGUST, 2012	45	32,452.7	1,603,976.7
AUGUST, 2011	18	4,269	116,154
YEAR-TO-DATE 2012	438	134,188.7	6,495,072.7
TOTAL 2011	428	114,275.9	4,267,138.9
HEATING & AIR CONDITIONING			
AUGUST, 2012	7	4,275	213,750
AUGUST, 2011	1	519	25,000
YEAR-TO-DATE 2012	28	14,807	769,400
TOTAL 2011	63	12,591	459,400
ELECTRICAL			
AUGUST, 2012	7	1,569	78,450
AUGUST, 2011	3	257	10,000
YEAR-TO-DATE 2012	59	13,060	638,007
TOTAL 2011	108	11,975	427,442



Patrick J. Duffy
Director - Engineering, Zoning & Inspections