

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**

**Wednesday, January 9, 2013**

**8:00 P.M.**

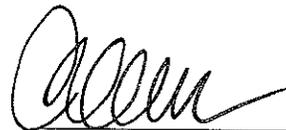
**Curtis Hall**

### **AGENDA**

1. Review of the Zoning Hearing Board Agenda for January 14, 2013.
2. The Planning Commission scheduled for December 17, 2012 was cancelled.

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3. Report of the Building Inspector for December, 2012. See Attached.
4. Review of recent Decision(s) of the Zoning Hearing Board.
5. Consider recommending an Ordinance and Scheduling a Public Hearing to amend the Zoning Code assigning zoning applicants the responsibility for expenses that exceed the filing fee (see attached).
6. Old Business
  - A. Lloyd Tract (A.K.A. Laverock) – Proposed Amendment to Zoning Ordinance.
7. New Business.
8. Citizens' Forum.
9. Adjournment.



Bryan T. Havir  
Acting Township Manager

**ZONING HEARING BOARD**

**AGENDA**

**FOR**

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**JANUARY 14, 2013**

**NOTICE**

**NOTICE IS HEREBY GIVEN** that an application for zoning relief for 333 Rices Mill Rd. Wyncote, PA 19095 (AKA Wyncote Elementary School) will be reviewed by the following Township Body which will offer recommendations to the Zoning Hearing Board:

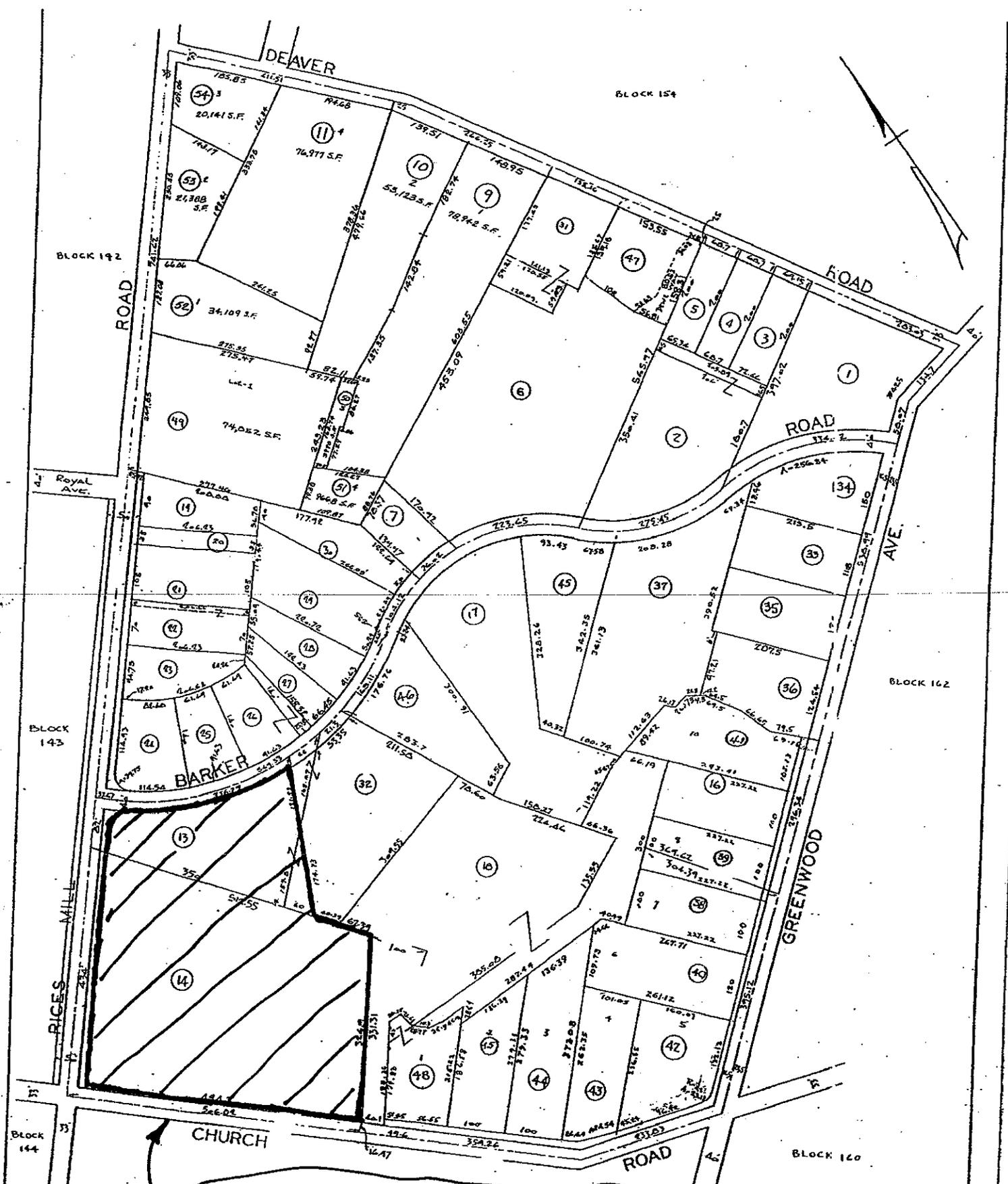
- a. **Cheltenham Township Building and Zoning Committee on Wednesday, October 3, 2012 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

**This application will be heard by the Zoning Hearing Board on Monday, October 29, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

**APPEAL NO. 3450** - Appeal of School District of Cheltenham Township, 2000 Ashbourne Road, Elkins Park, PA owner of premises known as 333 Rices Mill Rd., Wyncote, PA (a/k/a Wyncote Elementary School), from the Decision of the Zoning Officer in order to demolish / remove the existing school and build a new Elementary School:

The following Zoning Relief is required for the proposed school building within the R-3 Residential District:

1. From CCS 295-23. (Building area) for relief to construct a 51,252 SF school building with 22.96% building coverage that exceeds the allowable 15%. The existing nonconforming building coverage is 19.22%.
2. From CCS 295-220A. (Front yard projections) for relief to construct a portion of the play area in the front yard setback along Church Road and to allow the proposed driveway widths along Rices Mill and Barker Roads to exceed 18 feet.
3. From CCS 295-221.B(5).(a) (Location of surface parking) to allow surface parking between the school building and Rices Mill and Barker Roads.



333 Rices Mill Rd.

CHELTENHAM TOWNSHIP  
 MONTGOMERY CO. PA.  
**REAL ESTATE REGISTRY**  
**BLOCK 155**  
 SCALE - 1" = 100'  
 DRAWN BY: E.P.R.  
 JULY - 1900. CHECKED BY: H.M.C.

2HB 3450-4





December 28, 2012

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

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

	# PERMITS	TOT. FEES	\$ VALUE
<b>RESIDENTIAL</b>			
RENOVATIONS / ALTERATIONS	26	10,537	526,850
<b>MULTI-FAMILY</b>			
RENOVATIONS / ALTERATIONS	2	718	35,900
<b>COMMERCIAL</b>			
RENOVATIONS / ALTERATIONS	3	377	18,850
<b>INSTITUTIONAL</b>			
RENOVATIONS / ALTERATIONS	1	1,319	65,950
<b>FENCE</b>	0	0	0
<b>DECEMBER, 2012</b>	31	12,951	647,550
<hr/>			
<b>DECEMBER, 2011</b>	52	15,077	333,046
<b>YEAR-TO-DATE 2012</b>	604	224,950	11,247,500
<b>TOTAL 2011</b>	428	114,275.9	4,267,138.9
<b>HEATING &amp; AIR CONDITIONING</b>			
<b>DECEMBER, 2012</b>	9	1,754	87,700
<b>DECEMBER, 2011</b>	9	2,110	42,200
<b>YEAR-TO-DATE 2012</b>	48	20,671	1,033,550
<b>TOTAL 2011</b>	63	12,591	459,400
<b>ELECTRICAL</b>			
<b>DECEMBER, 2012</b>	8	1,743	87,150
<b>DECEMBER, 2011</b>	7	1,385	27,700
<b>YEAR-TO-DATE 2012</b>	80	20,055	1,002,750
<b>TOTAL 2011</b>	108	11,975	427,442

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David Jones  
Director - Engineering, Zoning & Inspections

**RECENT**

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**ZONING HEARING BOARD**

**DECISIONS**

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

**APPEAL NO. 3446**

**Applicant:** George Speakes  
808 West York Street  
Philadelphia, Pennsylvania 19133

**Subject Premises :** 1810 Chelsea Road  
Elkins Park, Pennsylvania

**Nature of Application:** Applicant appeals from the determination of the Zoning Officer finding that construction of a deck, measuring 12 feet by 20 feet, to the rear of an existing residence situated on a nonconforming lot as to area and width regulations which creates a less than required side and rear yard setbacks would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Section 295-46, regulating yard setbacks.

Applicant seeks variances from the rules and regulations of the R-5 Residence District as follows:

- (1) a variance from Section 295-46(B)(2) to allow construction of a deck, measuring 12 feet by 20 feet, with a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback; and
- (2) a variance from Section 295-46(C) to allow construction of a deck, measuring 12 feet by 20 feet, with a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback.

**Time and Place of Hearing:** Monday, September 10, 2012 – 7:40 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

## FINDINGS OF FACT

1. Applicant George Speakes (“Applicant”) is the contractor hired by the owner of the premises known as 1810 Chelsea Road, 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 twin 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. 3446;

ZHB-4. a location map marked as Real Estate Registry Block 190, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated August 21, 2012;

ZHB-7. a copy of an elevation plan of 1810 Chelsea Road;

ZHB-8. a copy of letter from Building and Zoning Committee dated September 5, 2012;

ZHB-9. a copy of the deed for the premises; and

ZHB-10. a copy of a letter of authorization by the owner of the Property.

5. Applicant proposes to construct a deck, measuring 12 feet by 20 feet, at the rear of the residence on the Property.

6. The proposed deck would create a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback and a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback.

7. The Property measures 48 feet in length and 23 feet in width and is a lawfully nonconforming lot.

8. The existing deck running along the side of the house will be demolished and replaced with the proposed deck.

9. The adjoining neighbors on either side of the residence are in favor of the proposed project.

10. A grant of relief to allow construction of a deck, measuring 12 feet by 20 feet, with a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback 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 construction of a deck, measuring 12 feet by 20 feet, with a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback 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 construction of a deck, measuring 12 feet by 20 feet, with a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback will not be contrary to the public interest.

13. A grant of relief to allow construction of a deck, measuring 12 feet by 20 feet, with a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

14. A grant of relief to allow construction of a deck, measuring 12 feet by 20 feet, with a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback 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.

15. A grant of relief to allow construction of a deck, measuring 12 feet by 20 feet, with a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback will not be contrary to the public interest.

### **CONCLUSIONS OF LAW**

1. Construction of a deck, measuring 12 feet by 20 feet, creating a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback is not permitted by the Cheltenham Township Zoning Ordinance.

2. Construction of a deck, measuring 12 feet by 20 feet, creating a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback is not permitted by the Cheltenham Township Zoning Ordinance.

3. 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.

4. Under the circumstances of this matter, Applicant has met his 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 construction of a deck, measuring 12 feet by 20 feet, with a side yard setback of approximately 3 feet instead of the minimum required 20 foot side yard setback and with a rear yard setback of approximately 12 feet instead of the minimum required 15 foot rear yard setback result in an unnecessary hardship.

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 10<sup>th</sup> day of September, 2012, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant the following variances:

- (1) a variance from the rules and regulations of Article VIII, Section 295-46(B)(2), to allow construction of a deck, measuring 12 feet by 20 feet, with a side yard setback of approximately 3 feet; and
- (2) a variance from the rules and regulations of Article VIII, Section 295-46(C), to allow construction of a deck, measuring 12 feet by 20 feet, with a rear yard setback of approximately 12 feet.

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

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 September 10, 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**

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**PETER LABIAK, Chairman**

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**ALAN S. GOLD, Vice Chairman and Secretary**

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**MICHAEL McCANN, Member**

**THIS DECISION IS OFFICIALLY ISSUED ON DECEMBER 14, 2012.**

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

**APPEAL NO. 3447**

Applicant: Victoria Palm  
212 Ryers Avenue  
Cheltenham, Pennsylvania 19017

Subject Premises : 212 Ryers Avenue  
Cheltenham, Pennsylvania

Owner of Premises: Victoria Palm

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises and creating a less than required side yard setback would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XVII, Section 295-121, regulating yard setbacks.

Applicant seeks a variance from Section 295-121(C) of the rules and regulations of the C-3 Commercial and Business Districts to allow the construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises creating a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback.

Time and Place of Hearing: Monday, September 10, 2012 – 7:50 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

**FINDINGS OF FACT**

1. Applicant Victoria Palm ("Applicant") is the owner of the premises known as 212 Ryers 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 a C-3 Commercial and Business Districts 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. 3447;

ZHB-4. a location map marked as Real Estate Registry Block 66, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated August 16, 2012;

ZHB-6. Building and Zoning Committee recommendation letter dated September 5, 2012;

ZHB-7. plot plan of the Property showing the location of the proposed deck and fence;

ZHB-8. letter dated August 14, 2012, from neighbor Robert Powell of 214 Ryers Avenue, stating that there are no objections to the proposed construction of the deck and ramp at the Property;

A-1. copy of the recorded deed to the Property;

A-2. letter dated August 30, 2012, from neighbor Christiana Berdecky of 210 Ryers Avenue, stating that there are no objections to the proposed construction of the deck and ramp at the Property;

A-3. Photograph of the rear view of the Property;

A-4. photograph of the rear yard of the Property;

A-5. photograph of the rear stoop of the Property; and

A-6. photograph of the side sidewalk and rear Property.

5. Applicant proposes to construct a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises. The height of the deck will be level with the rear door of the existing premises on the Property.

6. The proposed deck and ramp create a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback.

7. The ramp is necessary for wheel chair access for Applicant's elderly mother.

8. Applicant's neighbors are in favor of the proposed project.

9. A grant of relief to allow construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises creating a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

10. A grant of relief to allow construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises creating a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback 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.

11. A grant of relief to allow construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises creating a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback will not be contrary to the public interest.

### CONCLUSIONS OF LAW

1. Construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises creating a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback 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 her 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 construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises with a side yard setback of approximately 6 feet instead of the minimum required 8 foot side yard setback 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 10<sup>th</sup> day of September, 2012, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant a variance from the rules and regulations of Article XVII, Section 295-121(C) to allow construction of a deck, measuring 19 feet by 19 feet, and a wheel chair ramp, measuring 5 feet by 16 feet, to the rear of the premises with a side yard setback of approximately 6 feet instead.

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

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 September 10, 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**

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**PETER LABIAK, Chairman**

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**ALAN S. GOLD, Vice Chairman and Secretary**

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**MICHAEL McCANN, Member**

**THIS DECISION IS OFFICIALLY ISSUED ON DECEMBER 14, 2012.**

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

**APPEAL NO. 3448**

Applicant: Steven Wit  
8320 Forest Avenue  
Elkins Park, Pennsylvania 19027-1906

Subject Premises : 8320 Forest Avenue  
Elkins Park, Pennsylvania

Owner of Premises: Steven Wit

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction of an octagon shaped gazebo, measuring 12 feet in diameter, in the northeast corner of the Property and created less than required side and rear yard setbacks would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-39, regulating yard setbacks

Applicant seeks variances from the rules and regulations of the R-4 Residence District as follows:

- (1) a variance from Section 295-39(B)(2) to allow the construction of an octagon shaped gazebo, measuring 12 feet in diameter, in the northeast corner of the Property, creating a side yard setback of approximately 4 feet instead of the minimum required 20 foot side yard setback; and
- (2) a variance from Section 295-39(C) to allow the construction of an octagon shaped gazebo, measuring 12 feet in diameter, in the northeast corner of the Property, creating a rear yard setback of approximately 4 feet instead of the minimum required 25 foot rear yard setback.

Time and Place of Hearing: Monday, September 10, 2012 – 7:56 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

**FINDINGS OF FACT**

1. Applicant Steven Wit (“Applicant”) is the owner of the premises known as 8320 Forest 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-4 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. 3448;

ZHB-4. a location map marked as Real Estate Registry Block 3, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated August 16, 2012;

ZHB-6. Building and Zoning Committee recommendation letter dated September 5, 2012;

ZHB-7. copy of tax map showing the length and width of the Property;

ZHB-8. brochure of the proposed gazebo;

ZHB-9. letters from Applicant's neighbors stating that there is no objection to the proposed gazebo; and

A-1. a series of photographs of the Property.

5. Applicant proposes to construct an octagon shaped gazebo, measuring 12 feet in diameter, in the northeast corner of the Property.

6. The proposed location for the proposed gazebo creates a side yard setback of approximately 4 feet instead of the minimum required 20 foot side yard setback and a rear yard setback of approximately 4 feet instead of the minimum required 25 foot rear yard setback.

7. Applicant amended his application to correct the size of the gazebo to 10 feet in diameter and side and rear yard setbacks of approximately 5 feet; the Board accepted the amendment.

8. The proposed location of the proposed gazebo is such that it is nearly invisible to Applicant's neighbors and protected from the wind.

9. Applicant's neighbors are in favor of the proposed project.

10. A grant of relief to allow the construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a side yard setback of approximately 5 feet instead of the minimum required 20 foot side yard setback 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 an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a side yard setback of approximately 5 feet instead of the minimum required 20 foot side yard setback 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 an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a side yard setback of approximately 5 feet instead of the minimum required 20 foot side yard setback will not be contrary to the public interest.

13. A grant of relief to allow construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a rear yard setback of approximately 5 feet instead of the minimum required 25 foot rear yard setback will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

14. A grant of relief to allow construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a rear yard setback of approximately 5 feet instead of the minimum required 25 foot rear yard setback 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.

15. A grant of relief to allow construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a rear yard setback of approximately 5 feet instead of the minimum required 25 foot rear yard setback will not be contrary to the public interest.

## CONCLUSIONS OF LAW

1. Construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of a property, creating a side yard setback of approximately 5 feet instead of the minimum required 20 foot side yard setback is not permitted by the Cheltenham Township Zoning Ordinance.

2. Construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of a Property, creating a rear yard setback of approximately 5 feet instead of the minimum required 25 foot rear yard setback is not permitted by the Cheltenham Township Zoning Ordinance.

3. 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.

4. Under the circumstances of this matter, Applicant has met his 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 an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, creating a side yard setback of approximately 5 feet instead of the minimum required 20 foot side yard setback and a rear yard setback of approximately 5 feet instead of the minimum required 25 foot rear yard setback would result in an unnecessary hardship.

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 10<sup>th</sup> day of September, 2012, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant the following variances:

- (1) a variance from the rules and regulations of Article VII, Section 295-39(B)(2), to allow the construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, with a side yard setback of approximately 5 feet; and
- (2) a variance from the rules and regulations of Article VII, Section 295-39(C), to allow construction of an octagon shaped gazebo, measuring 10 feet in diameter, in the northeast corner of the Property, with a rear yard setback of approximately 5 feet.

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 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 September 10, 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**

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**PETER LABIAK, Chairman**

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**ALAN S. GOLD, Vice Chairman and Secretary**

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**MICHAEL McCANN, Member**

**THIS DECISION IS OFFICIALLY ISSUED ON DECEMBER 14, 2012.**

**BOARD OF COMMISSIONERS  
CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. - \_\_\_\_\_**

**AN ORDINANCE AMENDING THE TOWNSHIP ZONING  
ORDINANCE TO ASSIGN TO THE APPLICANT  
RESPONSIBILITY FOR EXPENSES INCURRED BY THE  
TOWNSHIP WHICH EXCEED THE FILING FEE**

WHEREAS, the expenses emanating from zoning hearings held by the Zoning Hearing Board and the Board of Commissioners sometimes exceed the filing fee; and

WHEREAS, the Board of Commissioners intends to update its zoning ordinance to unequivocally obligate zoning applicants for all expenses incurred by the Township, for any reason, which exceed the filing fee.

NOW THEREFORE, it is hereby **ORDAINED** and **ENACTED** as follows:

**SECTION I. Amendment of the Ordinance**

A. Chapter 295, entitled "Zoning", Article XXX, Section 235 (codified as Section 295-235) is hereby amended to add an additional sentence:

If expenses incurred by the Township exceed the filing fee, for any reason, the applicant shall be billed and liable for any and all additional expenses.

**SECTION II. - DISCLAIMER**

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

**SECTION III. - SEVERABILITY**

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

**SECTION IV. - REPEALER**

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

**SECTION V. – FAILURE TO ENFORCE NOT A WAIVER**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VI. – EFFECTIVE DATE**

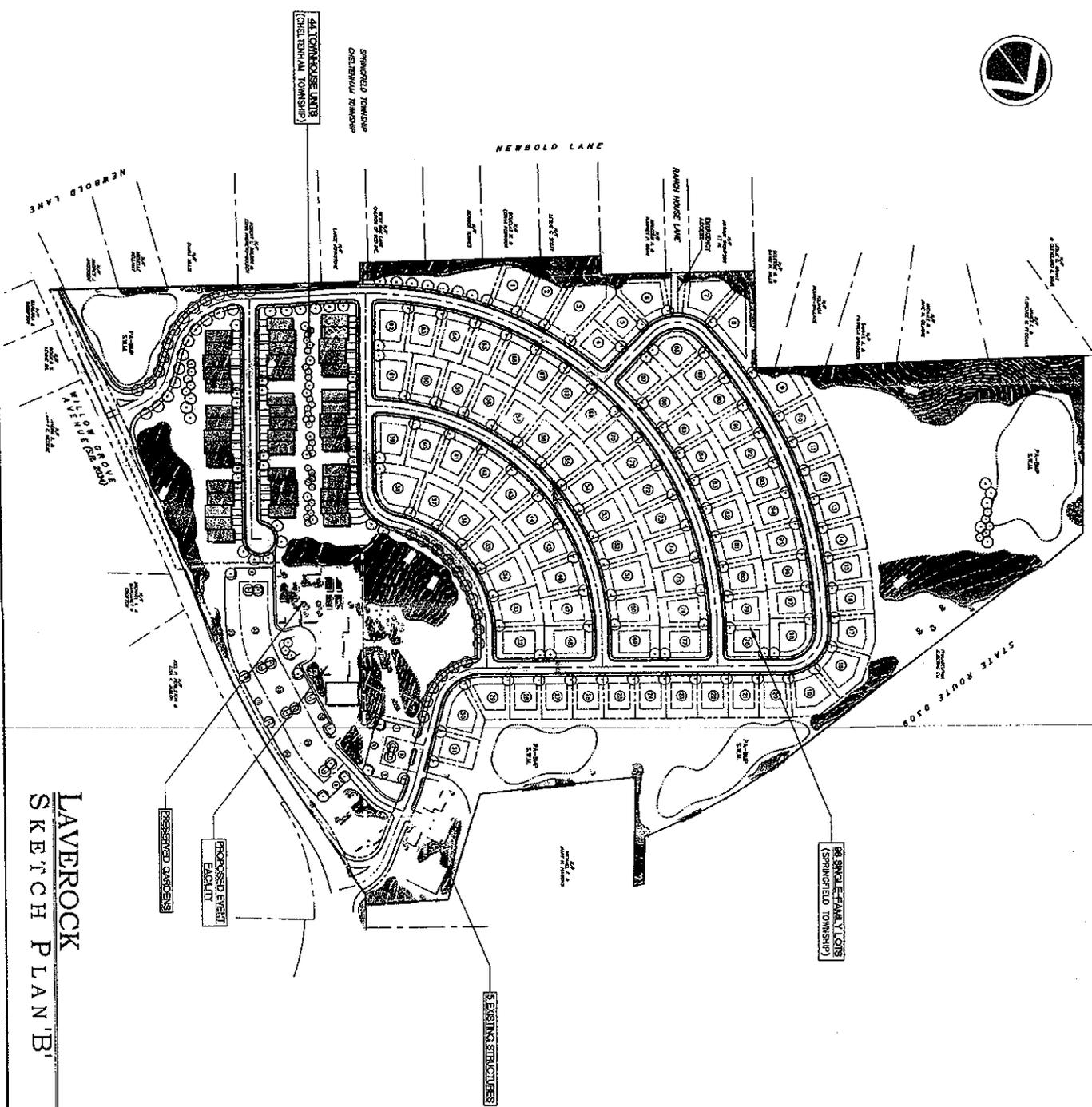
This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

**ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CHELTENHAM TOWNSHIP**

By: \_\_\_\_\_  
**Art Haywood, President,**  
Board of Commissioners

Attest: \_\_\_\_\_  
**Bryan T. Havir, Acting Township Secretary**



**LAVEROCK**  
**SKETCH PLAN 'B'**

MONTGOMERY COUNTY, PENNSYLVANIA

SCALE: 1" = 100'  
 DECEMBER 17, 2012

88 SHELLE-FARM V LOT 103  
 (SPRINGFIELD TOWNSHIP)

5 EXISTING SUBSIDIARIES

PROPOSED EVENT FACILITY

RESERVED LAWNS

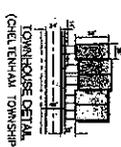
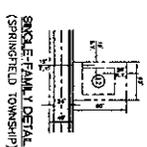
41 TOWNHOUSE LOTS  
 (CHELLENHAM TOWNSHIP)

SPRINGFIELD TOWNSHIP  
 CHELLENHAM TOWNSHIP

NEWBOLD LAKE

RAINWATER HOUSE LANE

STATE ROUTE 0300



**SITE STATISTICS**  
**SPRINGFIELD TOWNSHIP**

- 1. TOTAL LOT AREA: 1,000,000 SQ. FT.
- 2. TOTAL LOT AREA: 1,000,000 SQ. FT.
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**SITE STATISTICS**  
**CHELLENHAM TOWNSHIP**

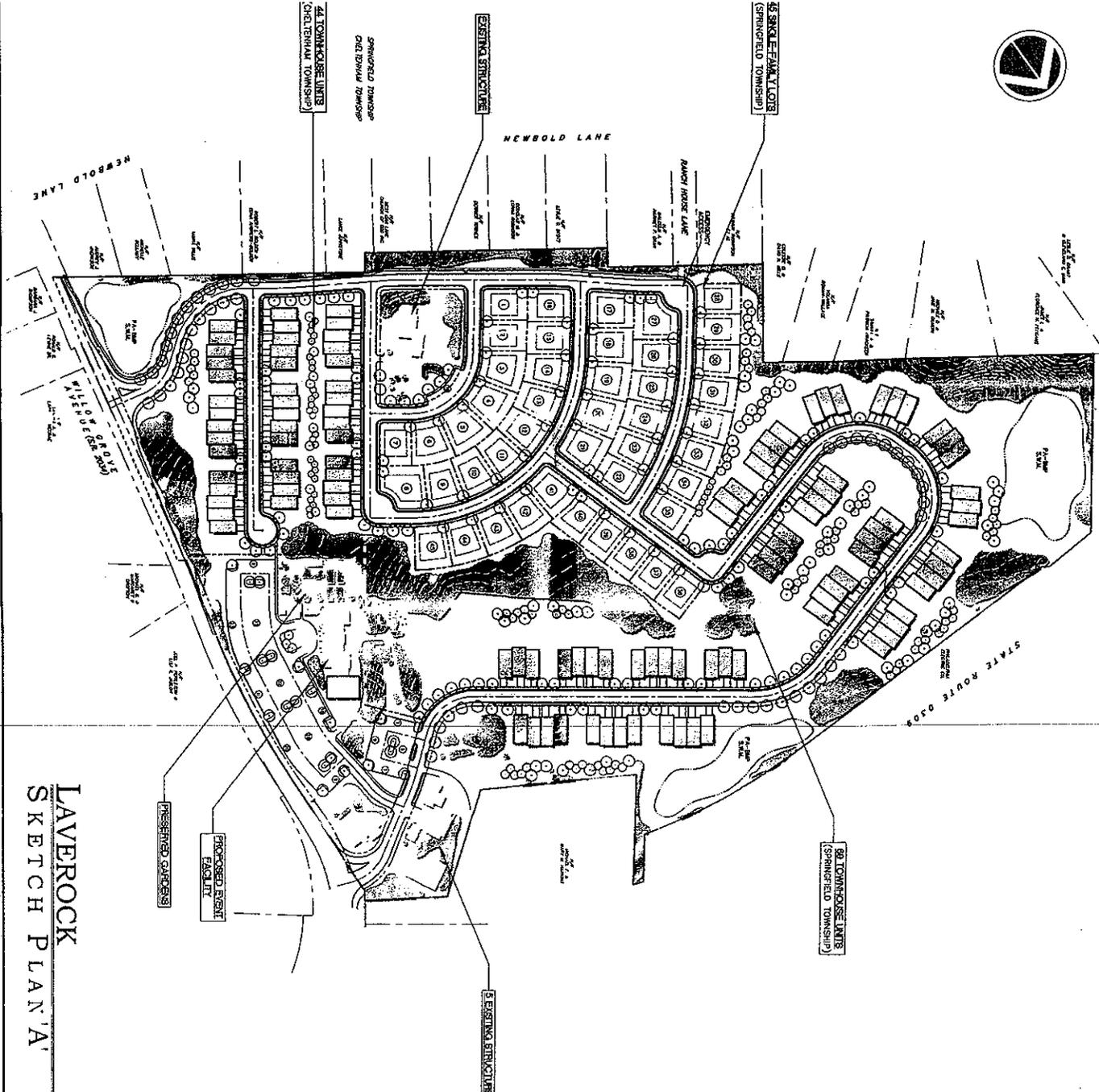
- 1. TOTAL LOT AREA: 1,000,000 SQ. FT.
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- 49. TOTAL LOT AREA: 1,000,000 SQ. FT.
- 50. TOTAL LOT AREA: 1,000,000 SQ. FT.

**DWELLING TABULATION**

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. YD.)
1	RESIDENTIAL	1,000,000	111,111
2	COMMERCIAL	1,000,000	111,111
3	INDUSTRIAL	1,000,000	111,111
4	AGRICULTURAL	1,000,000	111,111
5	RECREATION	1,000,000	111,111
6	UNDEVELOPED	1,000,000	111,111
7	TOTAL	7,000,000	777,777

**PARKING TABULATION (EVENT FACILITY)**

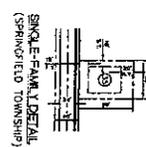
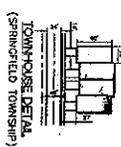
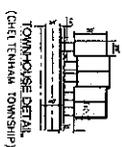
NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. YD.)
1	PARKING	1,000,000	111,111
2	DRIVEWAYS	1,000,000	111,111
3	LANDSCAPING	1,000,000	111,111
4	TOTAL	3,000,000	333,333



**LAVEROCK**  
**SKETCH PLAN 'A'**

MONTGOMERY COUNTY, PENNSYLVANIA

SCALE: 1" = 100'  
DECEMBER 17, 2012



**SITE STATISTICS**  
**SPRINGFIELD TOWNSHIP**

- 1. TOTAL AREA: 100.00 AC.
- 2. TOTAL AREA: 100.00 AC.
- 3. TOTAL AREA: 100.00 AC.
- 4. TOTAL AREA: 100.00 AC.
- 5. TOTAL AREA: 100.00 AC.
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- 20. TOTAL AREA: 100.00 AC.

**SITE STATISTICS**  
**CHELLENHAM TOWNSHIP**

- 1. TOTAL AREA: 100.00 AC.
- 2. TOTAL AREA: 100.00 AC.
- 3. TOTAL AREA: 100.00 AC.
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- 20. TOTAL AREA: 100.00 AC.

**DWELLING TABULATION**

NO.	DESCRIPTION	AREA (AC)	TOTAL AREA (AC)
1	SPRINGFIELD TOWNSHIP	100.00	100.00
2	CHELLENHAM TOWNSHIP	100.00	200.00
3	TOTAL	200.00	200.00

**PARKING TABULATION (EVENT FACILITY)**

NO.	DESCRIPTION	AREA (AC)	TOTAL AREA (AC)
1	SPRINGFIELD TOWNSHIP	100.00	100.00
2	CHELLENHAM TOWNSHIP	100.00	200.00
3	TOTAL	200.00	200.00

RECEIVED  
DEC 20 2012  
CHELLENHAM TOWNSHIP