

BUILDING AND ZONING COMMITTEE

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

Wednesday, May 1, 2013

8:00 PM

Curtis Hall

AGENDA

1. The Zoning Hearing Board meeting for May 13, 2013; has been canceled.
2. The Planning Commission meeting for April 22, 2013; was canceled.
3. Review of recent Decision(s) of the Zoning Hearing Board.
See Attached.
4. Review of waiver request for Land Development fees for Wyncote Elementary School. See Attached.
5. Report of the Building Inspector for April 2013.
See Attached.
6. Old Business
7. New Business
8. Citizens' Forum
9. Adjournment



Bryan T. Havir
Township Manager

**RECENT
ZONING HEARING BOARD
DECISIONS**

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

APPEAL NO. 3459

Applicant: Cedarbrook Plaza, Inc.
1000 Easton Road, Suite 1000
Wyncote, Pennsylvania 19095

Subject Premises : 1000 South Easton Road
Wyncote, Pennsylvania

Owner of Premises: Cedarbrook Plaza, Inc.

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that opening a beauty school with a retail product sales area, office, stock room, and lunch room area in an existing suite on the Property is not permitted and would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XVI, Section 295-108, regulating uses.

Applicant seeks a special exception to Section 295-108(L) of the rules and regulations of the C-2 Commercial and Business District permitting the use of the Property as a beauty school, measuring approximately 2,900 square feet, with accessory retail product sales area, measuring approximately 2,850 square feet, and accessory office, stock room, and lunch room, measuring approximately 2,000 square feet.

Time and Place of Hearing: Monday, March 1, 2013 – 7:50 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant Cedarbrook Plaza, Inc. (“Applicant”) is the owner of the premises known as 1000 South Easton Road, Wyncote, 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 C-2 Commercial and Business District and is improved by a retail shopping center.

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 the hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3459;

ZHB-4. a location map marked as Real Estate Registry Block 146, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information dated February 11, 2013;

ZHB-6. Building and Zoning Committee recommendation letter dated March 11, 2013;

ZHB-7. site plan dated November 26, 2012, prepared by Nassimi Realty;

ZHB-8. Proposed floor plan dated November 26, 2012, prepared by Nassimi Realty;

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

A-2. color rendered site plan of the Property;

A-3. color rendering of the unit on the Property which is the subject of this application;

5. Applicant proposes to open a beauty school with a retail product sales area, office, stock room, and lunch room area in an existing suite on the Property.

6. The proposed conversion to a beauty school with a retail product sales area and other ancillary space is not a permitted use of an existing suite on the Property.

7. The total square footage for the proposed project is approximately 9,100 square feet with the proposed beauty school using approximately 3,000 square feet. The 9,100 square feet is part of the former Toys-R-Us unit.

8. The proposed beauty school will accept a maximum of 140 students, employ 12 staff and will be opened Monday through Friday from approximately 8 a.m. to 5:30 p.m.
9. Applicant may include an evening program which would operate from 5:30 to 9:00 p.m.
10. The majority of the retail stores in the shopping center close at 9:00 p.m., with the exception of the diner and Pathmark that are open 24 hours and Wal-Mart that is opened until midnight.
11. The shopping center operates security on a 24 hour basis.
12. The proposed beauty school would have three classrooms with students rotating among the classrooms as they matriculate towards getting licenses.
13. Applicant will not construct an addition to the existing building.
14. Applicant estimates that more than half of the students for the proposed beauty school will use public transportation along Cheltenham Avenue.
15. A grant of relief to permit the use of the Property as a beauty school, measuring approximately 2,900 square feet, a retail product sales area, measuring approximately 2,850 square feet, and an office, stock room, and lunch room, measuring approximately 2,000 square feet will result in no adverse effect to individual property rights or to the public health, safety, or welfare.
16. A grant of relief to permit the use of the Property as a beauty school, measuring approximately 2,900 square feet, a retail product sales area, measuring approximately 2,850 square feet, and an office, stock room, and lunch room, measuring approximately 2,000 square feet 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.
17. A grant of relief to permit the use of the Property as a beauty school, measuring approximately 2,900 square feet, a retail product sales area, measuring approximately 2,850 square feet, and an office, stock room, and lunch room, measuring approximately 2,000 square feet will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. The use of a unit in a shopping center as a beauty school, measuring approximately 2,900 square feet, a retail product sales area, measuring approximately 2,850 square feet, and an office, stock room, and lunch room, measuring approximately 2,000 square feet 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, Applicant has met its burden in establishing that the application meets the criteria of the ordinance and Applicant is entitled to special exception.

3. The special exception will not be contrary to the public interest.

DECISION

WHEREFORE, this 11th day of March, 2013, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant a special exception to the rules and regulations of Article XVI, Section 295-108(L), permitting the use of the Property as a beauty school, measuring approximately 2,900 square feet, a retail product sales area, measuring approximately 2,850 square feet, and an office, stock room, and lunch room, measuring approximately 2,000 square feet.

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

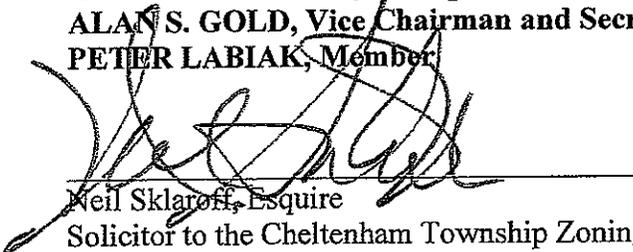
- (1) the proposed improvements shall be constructed in substantial conformity with the plans submitted to the Zoning Hearing Board and the presentation made to the Zoning Hearing Board at its March 11, 2013 meeting.

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

Voting in favor of the above grant of relief:

AMEE S. FARRELL, Chairperson
ALAN S. GOLD, Vice Chairman and Secretary
PETER LABIAK, Member



Neil Sklaroff, Esquire
Solicitor to the Cheltenham Township Zoning Hearing Board

THIS DECISION IS OFFICIALLY ISSUED ON APRIL 22, 2013.

SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP

ADMINISTRATION BUILDING

2000 Ashbourne Road • Elkins Park, PA 19027-1100 • 215-886-9500 • Fax: 215-884-6929

DARLENE G. DAVIS, Ed.D., Superintendent
MICHAEL LOWE, Ed. D., Assistant Superintendent

Mr. David Jones
Director of Engineering & Zoning
Cheltenham Township
8230 Old York Road
Elkins Park, PA 19027

**RE: School District of Cheltenham Township
Wyncote Elementary School
Cheltenham Township, Montgomery County
Request for Waiver of Land Development Fees**

Dear Mr. Jones,

You previously discussed with our consultant the need for the School District of Cheltenham Township to pay land development fees initially and seek a waiver of these fees for the Cheltenham Township Board of Commissioners to consider. Attached are three separate checks for the required fees associated with Application (\$1000.00), Escrow (\$11,500.00) and Sign Posting (\$150.00).

During previous projects at Glenside Elementary School and Cheltenham Elementary School, Cheltenham Township has waived these fees. The School District of Cheltenham Township does request that these fees be waived also for the Wyncote Elementary School. A Land Development application has been filed at this time by our consultant. It is my understanding that the attached checks will be returned if the waiver request is granted.

We have traditionally paid fees associated with the township third party inspection services during the construction phase of the project.

Thank-you for your consideration of this fee waiver request.

Sincerely,



Dr. Ray Bavi
Director of Support Services
The School District of
Cheltenham Township

RECEIVED

APR 17 2013

CHELTENHAM TOWNSHIP

Copied: Glenn Harris, Renew Design Group
Danielle Hoffer, AIA, Gilbert Architects
Andrew Freimuth Esq., Wisler Pearlstine, LLP (

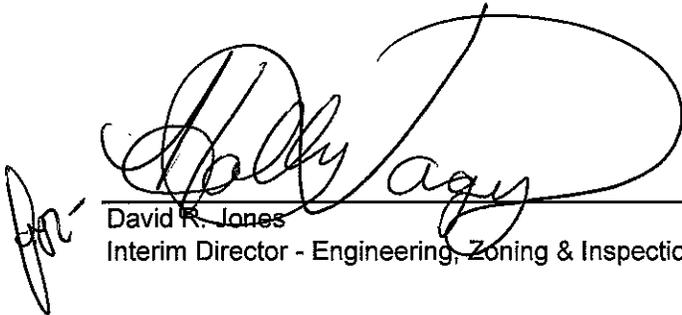


March 27, 2013

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR APRIL, 2013

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	36	9,075	453,750
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	6	950	47,500
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	0	0	0
FENCE	5	280	280
APRIL, 2013	47	10,305	501,530
APRIL, 2012	84	14,958	657,936
YEAR-TO-DATE 2013	194	40,708	2,160,844
TOTAL 2012	604	224,950	11,247,500
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HEATING & AIR CONDITIONING			
APRIL, 2013	3	1,408	70,400
APRIL, 2012	4	1,019	50,000
YEAR-TO-DATE 2013	19	5,721	348,300
TOTAL 2012	48	20,671	1,033,550
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ELECTRICAL			
APRIL, 2013	5	750	37,500
APRIL, 2012	4	919	45,000
YEAR-TO-DATE 2013	24	4,226	210,300
TOTAL 2012	80	20,055	1,002,750
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PLUMBING			
APRIL, 2013	5	840	42,000
APRIL, 2012		NOT PREVIOUSLY RECORDED	
YEAR-TO-DATE 2013	39	4,806	239,300
TOTAL 2012		NOT PREVIOUSLY RECORDED	


David R. Jones
Interim Director - Engineering, Zoning & Inspections