

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, June 5, 2013

8:00 PM

Curtis Hall

AGENDA

1. Review of the Zoning Hearing Board Agenda for June 10, 2013.
See Attached.
2. Review of the Planning Commission Meeting Minutes of May 14, 2013.
See Attached.
3. Review of Ad-Hoc Zoning Revision Committee Meeting Minutes of May 2, 2013.
See attached.
4. Continuance Request- Federation Housing -1509 Ashbourne Road.
5. Review of the Economic Development Task Force recommendations for issuance of Certificates of Appropriateness for signage for the following:
 - Charlie Kim Financial, Inc. 8029 Old York Road, Elkins Park Commercial District,
for *signage*.
6. Review of recent Decision(s) of the Zoning Hearing Board.
See attached
7. Report of the Building Inspector for May 2013.
See attached.
8. Old Business
9. New Business
10. Citizens' Forum
11. Adjournment



Bryan T. Havir
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

JUNE 10, 2013

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 1509 Ashbourne Rd, 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 Tuesday, May 14, 2013 at 7:30 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, June 5, 2013 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, June 10, 2013 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3457: (Continued) Appeal of 509 Ashbourne Road, L.P., owners of premises known as 1509 Ashbourne Rd., Elkins Park, PA 19027, Zoned R-4, from the decision of the Zoning Officer for the following modification to Zoning Relief granted under Appeal 3277 in order to demolish the existing mansion and convert it into green space:

The following modification to Zoning Relief is required to remove the existing structure located on the premises:

1. Modification of Condition #1 of the Decision, so as to eliminate the retention of the three-story mansion.
2. Modification or elimination of Finding of Fact #10, which provided that the Applicant proposed to demolish three (3) of the four (4) buildings then existing on the property leaving the mansion to be renovated.
3. Modification or elimination of Finding of Fact #41, which provided for the conversion of the existing mansion into eight (8) dwelling units.
4. Modification or elimination of Finding of Fact #41 through #46 and #48 through #53 which referred to the conversion of the existing mansion into eight apartment units.
5. Modification or elimination of Conclusions of Law #1 through #4 which referenced the conversion of the existing mansion.

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.

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 331 Paxson Avenue, Glenside, PA 19038 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Tuesday, May 14, 2013 at 7:30 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, June 5, 2013 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, June 10, 2013 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3464: Appeal of William J. McCann, owner of premises known as 331 Paxson Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 14' x 15', 1 storey addition to the rear of the residence and to erect a 6' high, solid fence along the SEPTA R/W line:

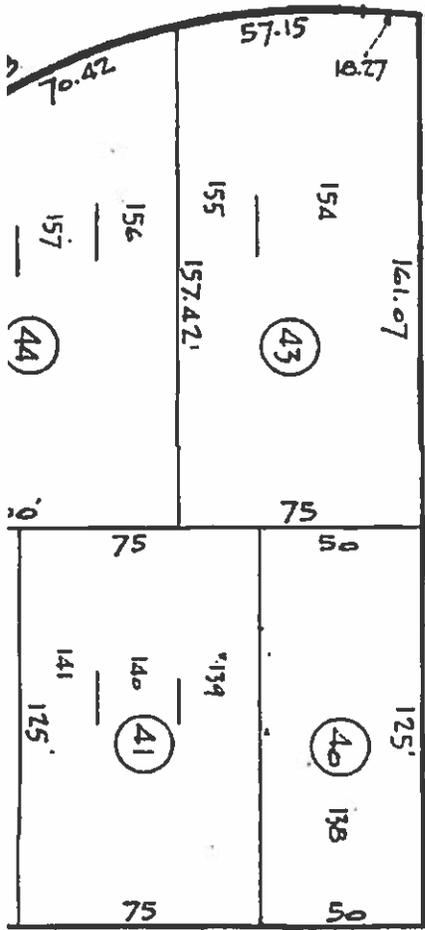
- a. A variance from the rules and regulations of the Class R-7 Residence District as outlined in CCS 295-60.B.(1) for a lesser side yard setback of 4.67' instead of the minimum required 7' for the addition.

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.

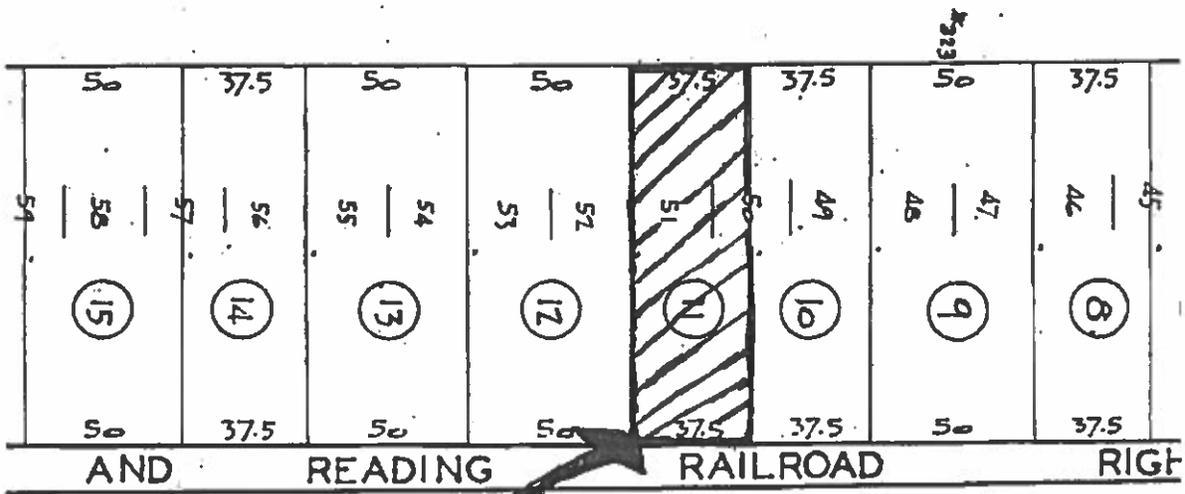
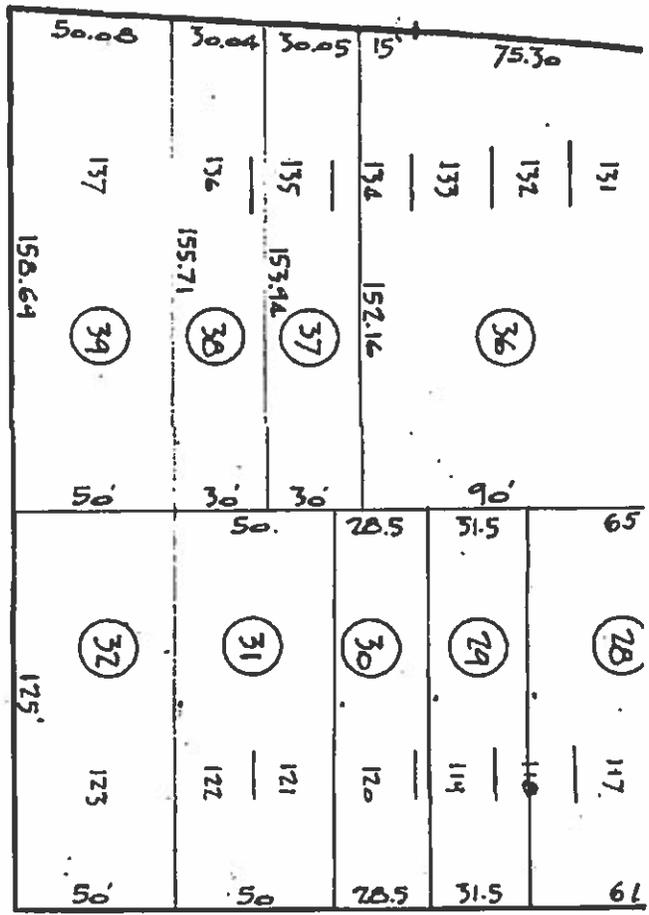
49.42 | 75.29 | 152.4 | 37.80 | 37.74 | 50.38 | 48.87 | 20.15 | 32.15 | 32..

GLENSIDE



4' EDGELY

4' AVE.



AND READING RAILROAD RIGHT

TOWNSHIP

331 Paxson Ave

ZHB 3464-4.1

April 20, 2013

Debbie & Bill McCann
331 Paxson Ave.
Glenside, PA 19038
RE: Approved Zoning Application from 2005

Dear Sir/Madam,

We are writing this letter to submit with a new 2013 zoning application for an addition to our home that was previously approved in 2005. Due to life circumstances, the addition had to be put on hold and we are now ready to move forward with this update to our home. Please note that plans for the addition have not changed and all documentation being submitted for this current appeal are the same as they were in 2005. On October 6, 2005, the Cheltenham Zoning Hearing Board approved our appeal with no further questions. We have attached the previous appeal and approval to be submitted, as well.

Sincerely,

Debbie McCann
Bill McCann

Debbie and Bill McCann

RECEIVED
APR 30 2013
CHELTENHAM TOWNSHIP

ZHB 3464-7.1

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners
Paul R. Greenwald, President
Morton J. Simon, Jr., Vice President
Robert C. Gerhard, Jr.
Charles D. McKeown
Jeffrey A. Muldawer
Harvey Portner
Michael J. Swavola

Township Manager
David G. Kraynik



Administration Building
8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215 887-1000
FAX: 215 887-1561
Website: cheltenhamtownship.org

CERTIFIED AND REGULAR MAIL

MAILED ON 10/12/05 BY [Signature]

October 12, 2005

William J. McCann
331 Paxson Avenue
Glenside, PA 19038

RE: Appeal No. 3123

Dear Mr. McCann:

Enclosed is (1) one signed copy of the Zoning Hearing Board Decision on your appeal.

If you have any questions, please call 215-887-1000.

Very truly yours,

[Signature]
David M. Lynch, P.E., P.L.S.
Director - Engineering, Zoning &
Inspections

DML:elw
CC: D. Kraynik

CERTIFIED MAIL 7004 1160 0005 1450 1706

RECEIVED
APR 30 2013
CHELTENHAM TOWNSHIP
[Signature]

L:\Zoning Hearing Board\ZHB Notification of Decision\3123 Decision Notification.doc

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

APPEAL NO. 3123

Applicant: William J. McCann
331 Paxson Avenue
Glenside, Pennsylvania 19038

Subject Dwelling : 331 Paxson Avenue
Glenside, Pennsylvania 19038

Owner of Dwelling: William J. McCann
331 Paxson Avenue
Glenside, Pennsylvania 19038

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction of an addition, measuring fourteen (14) feet by fifteen (15) feet, to the rear of the residence creating a lesser side yard setback of 4.67 feet instead of the required minimum seven (7) feet as well as erection of a solid fence, measuring six (6) feet in height, along the SEPTA railroad tracks would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-60(B), regulating side yard setbacks in an R-7 Residence District, and Article XXIX, Section 295-223, regulating fences and walls in an R-7 Residence District.

Applicant seeks variances as follows:

(1) a variance from the rules and regulations of the R-7 Residence District, Section 295-60(B)(1), to allow for a side yard setback measuring 4.67 feet instead of the minimum required seven (7) feet to allow construction of an addition, measuring fourteen (14) feet by fifteen (15) feet, to the rear of the residence; and

- (2) a variance from the rules and regulations of "Fences and Walls," Section 295-223, to allow for a solid fence, measuring six (6) feet in height along the SEPTA railroad tracks instead of the permitted 50% open fencing, measuring four (4) feet in height, within a required front yard setback.

Time and Place of Hearing: Monday, August 8, 2006 – 9:40 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, PA

FINDINGS OF FACT

1. Applicant William J. McCann ("Applicant") is the owner of the dwelling known as 331 Paxson 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-7 Residence District and is improved by a single-family dwelling.
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. 3123;
 - ZHB-4. a location map marked as Real Estate Registry Block I40, showing the location of the property;
 - ZHB-5. a site plan of the Property prepared by Gary W. Wagner, an architect;
 - ZHB-6. a MEA Land Record Parcel Information sheet;
 - A-1. statement by neighbor living at 329 Paxson Avenue that the proposed addition is not objected to by the neighbor; and

A-2. statement by neighbor living at 333 Paxson Avenue that the proposed addition is not objected to by the neighbor.

5. Applicant proposes to construct a one-story addition to the rear of the dwelling located on the Property.

6. The dwelling is located in an R-7 Residence District requiring a minimum side yard setback of seven (7) feet.

7. The proposed 14 feet by 15 feet addition would create a lesser side yard setback of 4.67 feet instead of the minimum required seven (7) feet and would not encroach any more than does the existing dwelling.

8. Applicant testified that the dwelling is nonconforming as to the existing side yard setback and as to the front yard setback.

9. Applicant proposes to construct a solid fence, six (6) feet in height, along the SEPTA railroad tracks at the rear of the Property instead of the permitted 50% open fencing, measuring four (4) feet in height, within a required front yard setback area.

10. Applicant testified that the reason for the height of the solid fence was to block the view and the sound from the SEPTA trains as well as to provide safety for Applicant's children.

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

12. A grant of relief to permit an addition to a nonconforming dwelling creating a lesser side yard setback than the minimum required seven (7) feet will result in no adverse effect in individual property rights or to the public health, safety, or welfare.

13. A grant of relief to permit an addition to a nonconforming dwelling creating a lesser side yard setback than the minimum required seven (7) feet will result in dwelling consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

14. A grant of relief to permit an addition to a nonconforming dwelling creating a lesser side yard setback than the minimum required seven (7) feet will not be contrary to the public interests.

15. A grant of relief to permit a solid fence, measuring six (6) feet in height, along the SEPTA railroad line instead of the permitted 50% open fencing, measuring four (4) feet in height, within a required front yard setback area will result in no adverse effect in individual property rights or to the public health, safety, or welfare.

16. A grant of relief to permit a solid fence, measuring six (6) feet in height, along the SEPTA railroad line instead of the permitted 50% open fencing, measuring four (4) feet in height, within a required front yard setback area will result in dwelling consistent with the

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

complete copy of the Deed of the subject Property must be submitted to the Zoning Officer within four (4) weeks of the date of the Hearing.

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



MICHAEL McCANN, Member

Signed 10.6.01


Zoning Board
Cheltenham Township Administration Building
8230 Old York Road
Elkins Park, PA 19027

April 26, 2013

To the Zoning Board:

This letter is to set forth our understanding and acceptance that Mr and Mrs William McCann, residing at 331 Paxson Ave., have filed an application with the Board to allow construction of an addition to the rear of their home.

We are aware of the proximity to our common property line.

We are NOT opposed to this construction and we support the McCann's application

If you have any questions, please feel free to call us at 215-572-1925.

Thank you,



Bruce Mettin
333 Paxson Ave
Glenside, PA



Carol Siegler
333 Paxson Ave
Glenside, PA

RECEIVED
APR 30 2013
CHELTENHAM TOWNSHIP

ZHB 3464-9

2 JULY 2005

PREPARED BY:
GARY W. WAGNER, AIA
3 CHURCH LANE
CHELTONHAM, PA 19012
215-339-0195
EX 8963

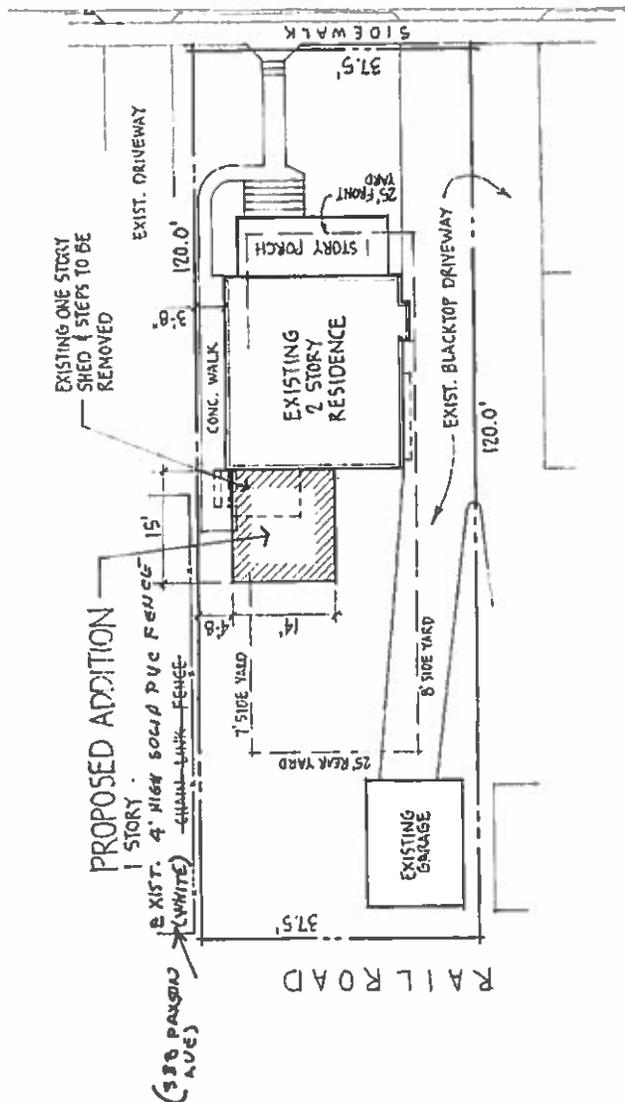
PROPOSED ADDITION TO THE RESIDENCE OF
MR. & MRS. WILLIAM McCANN
331 PAXSON AVENUE
GLENSTONE, PENNSYLVANIA 19038

ZONE	R-7
FRONT YARD	25' REQUIRED 22'-9" EXISTING
SIDE YARD	7' MIN. REQUIRED 4'-8" PROPOSED
REAR YARD	25' REQUIRED 48' PROPOSED
LOT SIZE	3500 SF REG'D. 4500 SF EXISTING
BUILDING COVERAGE	35% MAX. 24.3% PROPOSED

RECEIVED
MAY 07 2013
CHELTONHAM TOWNSHIP

ZHB # 3464-10

PAXSON AVENUE



SITE PLAN

1/16" = 1'-0"



NORTH

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 7801 Woodlawn 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 Tuesday, May 14, 2013 at 7:30 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, June 5, 2013 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 June 10, 2013 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

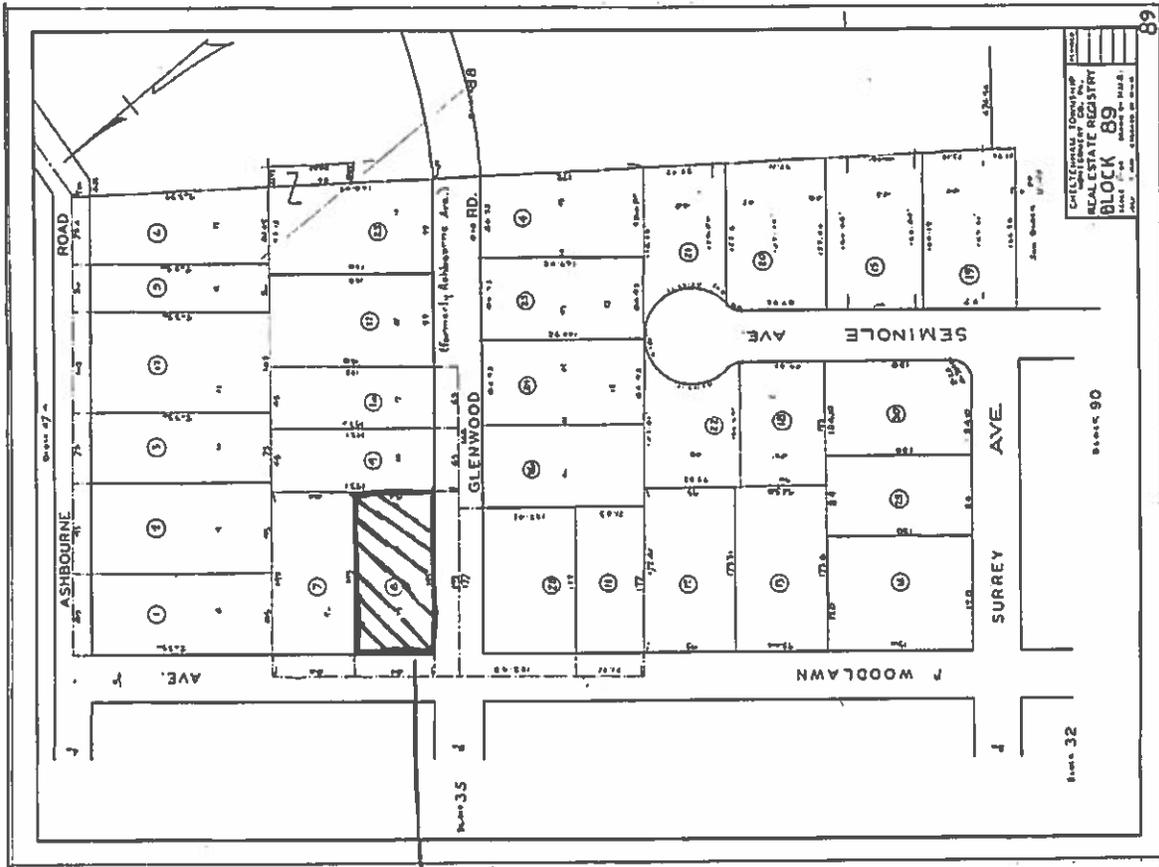
APPEAL NO. 3465: Appeal of Elizabeth and Scott Rawes owners of premises known as 7801 Woodlawn Ave., Elkins Park, PA 19027 zoned R-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 26' x 24' garage with a second floor in-law suite on the northeast side 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 26' x 24' garage/in-law suite with a side yard setback of 5' which is less than the required 20' side yard setback width, and
- b. A Variance from "Fences and Walls" as outlined in CCS 295-223. in order to install 124' +/- of 6' high, solid fencing within the Glenwood Avenue frontage required front yard setback area of the Premises instead of the permitted 4' high 50% open fencing.

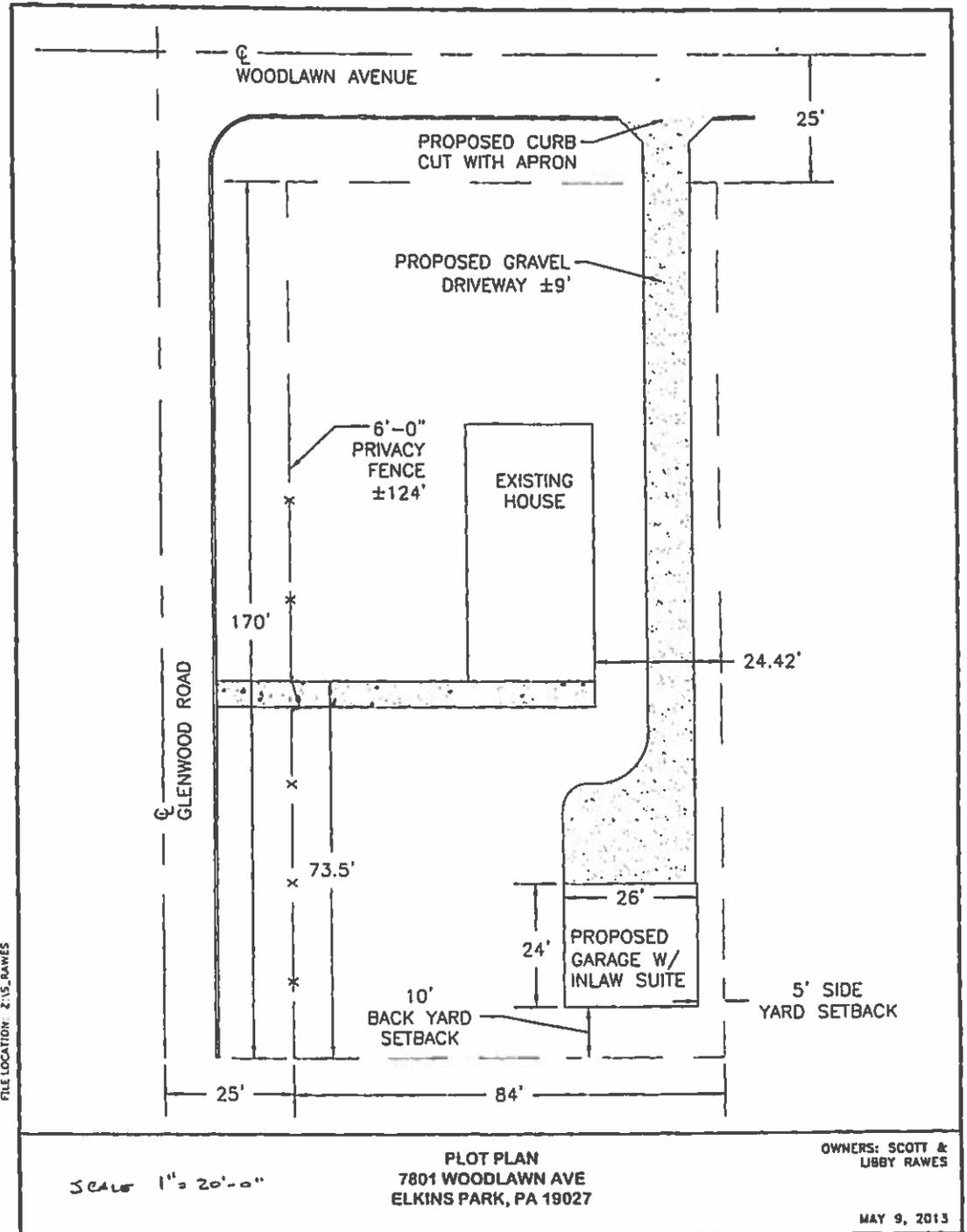
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7801 Woodlawn

ZHB 3465-4



RECEIVED
MAY 09 2013
CHELTENHAM TOWNSHIP

ZHR 3465-7

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 245 S. Easton Rd. Glenside, PA 19038 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Tuesday, May 14, 2013 at 7:30 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, June 5, 2013 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, June 10, 2013 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

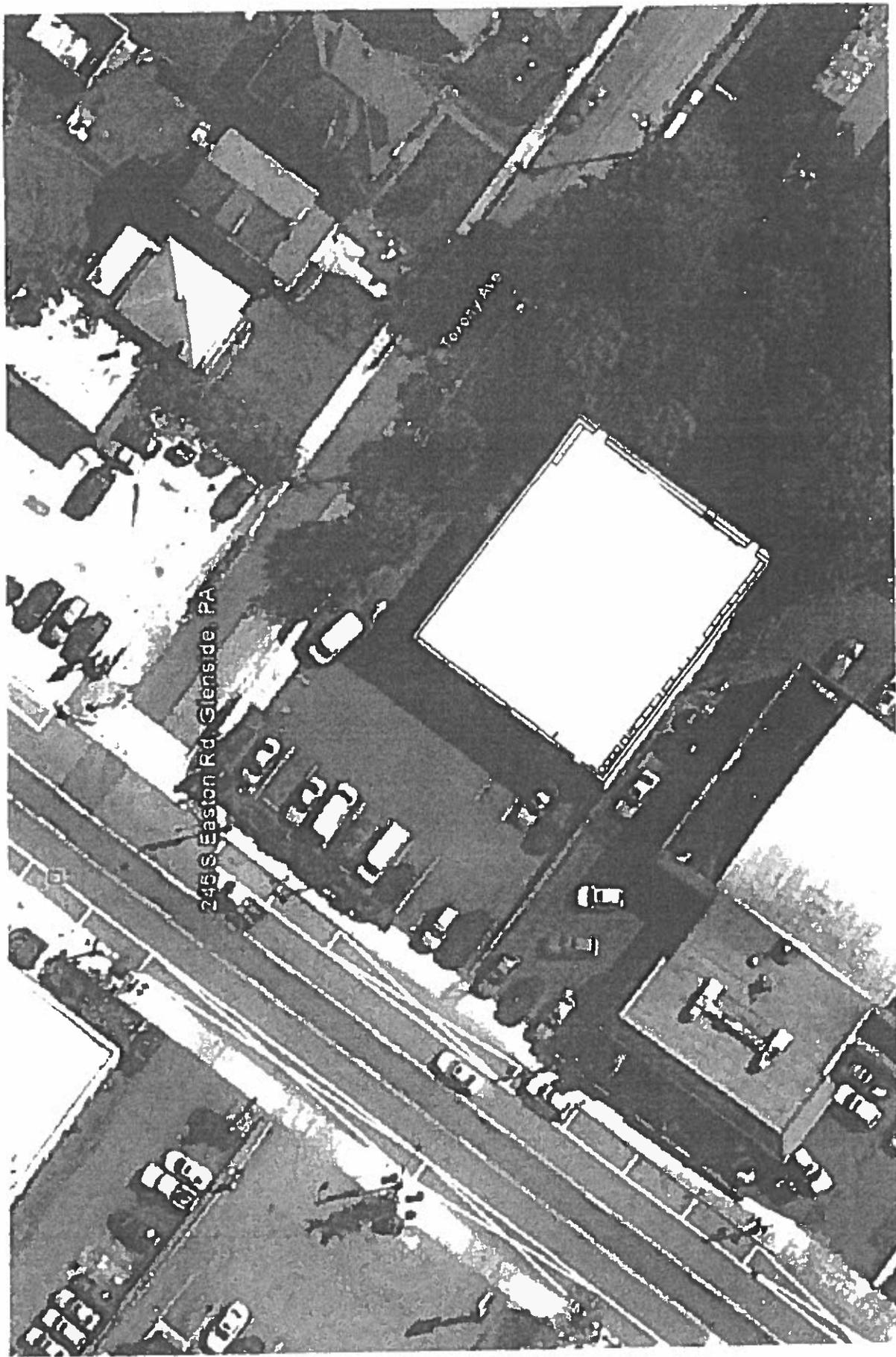
APPEAL NO 3466 – Appeal of Pep Boys- Manny, Moe & Jack, c/o Allison Mathern tenant of premises known as 245 S. Easton Rd. Glenside, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to use the existing vacant building for a Pep Boys automotive service and repair shop in a Class C-4 Commercial and Business District:

- a. A Special Exception in accordance with Article XVIII of Chapter 295-127 I. of the Cheltenham Code for an automobile service and repair shop.
- b. A Variance in accordance with Article XV, Signs of Chapter 295-197 C.(1)(a). of the Cheltenham Code in order to place one directional sign (0.9 sq. ft.- 2.2 sq. ft.) at the top of each of the four service bays along with one parallel wall sign (75 sq. ft.) for a total of 5 signs at 82.5 sq. ft. instead of the allowed one sign at 100 sq. ft. maximum.

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.

Zoning Officer



ZHB 3466-7

Exterior Branding Project
 245 South Easton Rd.
 Glenside, PA 19038



Aerial View

Existing Sign Inventory
 NO EXISTING SIGNAGE

Permitted Signage Info
Building Signs:
 15% of facade area up to 100 sq.ft.
 Allowable up to 100 sq. ft.
Freestanding Signs:
 Up to 50 sq. ft. per pylon. 15' maximum height

Building Sign Schedule		
Item	Qty.	Sq. Ft.
Permitted:		
A	1	75.8
Variance:		
P1	1	2.2
P2	1	.9
P3	1	1.4
P4	1	2.2
TOTAL SQ. FT.		82.5
ALLOWABLE SQ. FT.		100



PEP BOYS
 245 South Easton Rd., Glenside, PA 19038
 050613

CIMANETWORK
 1100 Harrison Blvd., Suite 311
 Philadelphia, PA 19116
 800.333.3333

ZHB 3466 - 8.1

Glenside, PA Service & Tire Center

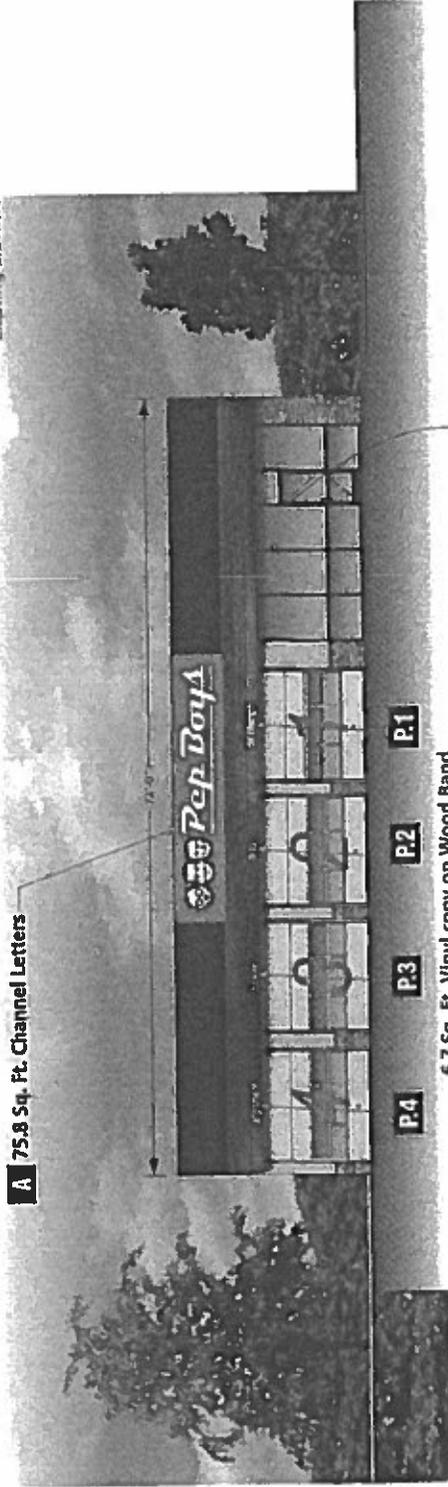
100.0 sq. ft. building square footage-Allowed

82.5 sq. ft. Proposed



Existing Elevation

A 75.8 Sq. Ft. Channel Letters



Front Elevation-Proposed



L. Copyright © 2011 JNH Architects

1529 Riverbank Drive, Suite 111
Chapel Hill, NC 27514

919.322.0575
919.322.0575
919.322.0575

7700B Service Park Circle
Auburn, NC 27015

CIMANETWORK
Lighting & Electrical Engineering

ZHB 3466-8.2

The Planning Commission ("PC") meeting was held tonight at Curtis Hall. The following Planning Commission members were present: Messers. Cross, Leighton, Laughlin, and Goldfarb. Also present was David R. Jones, Interim Director of Engineering, Zoning & Inspections and Joseph V. Nixon, Montgomery County Planning Commission, and Ex-Officio member DiBenedetto.

1. Acceptance of the minutes of the March 18, 2013 Meeting.

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

2. Review of Zoning Hearing Board Agenda for June 5, 2013.

APPEAL NO. 3464: Appeal of William J. McCann, owner of premises known as 331 Paxson Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 14' x 15', 1 storey addition to the rear of the residence and to erect a 6' high, solid fence along the SEPTA ROW line:

- a. A variance from the rules and regulations of the Class R-7 Residence District as outlined in CCS 295-60.B.(1) for a lesser side yard setback of 4.67' instead of the minimum required 7' for the addition.

Mr. McCann was present for this application. Mr. McCann stated that the fence was already completed. Mr. Cross suggested that Mr. McCann have photos available of his property and additional neighbor support letters for the Zoning Hearing Board (ZHB) hearing.

Mr. Goldfarb made a motion of No Action; seconded by Mr. Laughlin. The motion passed.

APPEAL NO. 3465: Appeal of Elizabeth and Scott Rawes, owners of premises known as 7801 Woodlawn 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 26' x 24' garage with a second floor in-law suite on the northeast side 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 26' x 24' garage/in-law suite with a side yard setback of 5' which is less than the required 20' side yard setback width, and

- b. A Variance from "Fences and Walls" as outlined in CCS 295-223. in order to install 124' +/- of 6' high, solid fencing within the Glenwood Avenue frontage required front yard setback area of the Premises instead of the permitted 4' high 50% open fencing.

Mr. and Mrs. Rawes were present for the application.

Mr. Jones stated that the applicants are seeking relief to be able to construct a detached garage with a second floor in-law suite.

Mr. Cross asked if there is any precedence in the neighborhood for a project like this. Ms. Rawes stated that she didn't know of anyone else in the area with a similar garage, but stated that her neighbors did not object.

Mr. Cross suggested that the applicants find similar garages around the neighborhood and take photos. Mr. Jones stated that the Township has new grading control regulations and that a grading permit would be required for the project if the project should go forward with Zoning Hearing Board Relief. Mr. Cross stated that the applicants should be prepared to deal with the storm water management.

Mr. Laughlin stated that he did not think that the presented photographs of a two storey garage would be acceptable in this neighborhood. Mr. Laughlin asked if the applicants ever considered accessing their property from Glenwood Road instead of Woodlawn Avenue as this would reduce the length of the driveway and associated impervious surface. Ms. Rawes stated that there is a large tree in the back they are trying to preserve.

Ms. Rawes stated that the whole north side of their lot has unused space that they would like to use. Ms. Rawes stated that they have a small pond that attracts "visitors" and they would like to add the fence for privacy.

Mr. Laughlin stated that the fence diagrams are not clear and that the Zoning Hearing Board will need explanation of the proposed fence placement. Discussion ensued regarding fence locations.

Mr. Cross suggested that more photos be taken of the neighborhood and of the property to give the Zoning Hearing Board a better idea of the layout. Mr. Cross also suggested a more clear explanation of where the fence will be placed is needed. Mr. Cross advised not to go beyond the front of the house with the fence.

Mr. Laughlin stated that he felt the two storey garage is not in character with the neighborhood and the presented cottage type building was more suitable. (See attached photo)

Mr. Cross suggested that Mr. & Mrs. Rawes obtain letters of support from the neighbors.

Mr. Goldfarb made a motion of No Action with the following conditions;

The fence should not extend past the two storey brick section of the house. The plan should represent the smaller cottage (story and a half) type garage and not the two storey garage. (See attached photograph).

Seconded by Mr. Cross. The motion passed.

APPEAL NO 3466: Appeal of Pep Boys- Manny, Moe & Jack, c/o Allison Mathern tenant of premises known as 245 S. Easton Rd. Glenside, PA, from the decision of the Zoning Officer for the following Zoning Relief in order to use the existing vacant building for a Pep Boys automotive service and repair shop in a Class C-4 Commercial and Business District:

- a. A Special Exception in accordance with Article XVIII of Chapter 295-127 I. of the Cheltenham Code for an automobile service and repair shop.
- b. A Variance in accordance with Article XV, Signs of Chapter 295-197 C.(1)(a). of the Cheltenham Code in order to place one directional sign (0.9 sq. ft.- 2.2 sq. ft.) at the top of each of the four service bays along with one parallel wall sign (75 sq. ft.) for a total of 5 signs at 82.5 sq. ft. instead of the allowed one sign at 100 sq. ft. maximum.

Debra Schlusky and Allison Mathern were present for the application.

Mr. Jones stated that the garage bays need a special exception and that he did not consider the proposed signage above the garage bays to be directional signage hence a variance would be required before permits could be issued for the signs.

Mr. Cross stated that the presented sign is very close to the target number so overages may be de minimis.

Ms. Schlusky stated that this location is for tire and service only and is not a full size Pep Boys. Ms. Schlusky stated that there is no proposal to increase the square footage of the building.

Mr. Laughlin asked if the bays will be facing Easton road. Ms. Schulsky confirmed that they will be.

Mr. DiBenedetto asked if there is adequate parking. Mr. Jones stated that the parking in the bays counts towards the total and that the parking lot will be restriped. The

applicant must provide a site plan confirming compliance with parking requirements.

Discussion ensued regarding adjacent properties. Ms. Schlusky stated there are other similar uses in the area such as: Diamond Auto, Frank Paiken Used Cars, and Santinelli's Transmission.

Mr. Laughlin made a motion of No Action; seconded by Mr. Goldfarb. The motion passed.

APPEAL NO. 3457: (Continued) Appeal of 509 Ashbourne Road, L.P., owners of premises known as 1509 Ashbourne Rd., Elkins Park, PA 19027, Zoned R-4, from the decision of the Zoning Officer for the following modification to Zoning Relief granted under Appeal 3277 in order to demolish the existing mansion and convert it into green space:

The following modification to Zoning Relief is required to remove the existing structure located on the premises:

1. Modification of Condition #1 of the Decision, so as to eliminate the retention of the three-story mansion.
2. Modification or elimination of Finding of Fact #10, which provided that the Applicant proposed to demolish three (3) of the four (4) buildings then existing on the property leaving the mansion to be renovated.
3. Modification or elimination of Finding of Fact #41, which provided for the conversion of the existing mansion into eight (8) dwelling units.
4. Modification or elimination of Finding of Fact #41 through #46 and #48 through #53 which referred to the conversion of the existing mansion into eight apartment units.
5. Modification or elimination of Conclusions of Law #1 through #4, which referenced the conversion of the existing mansion.

Peter Friedman, Esq. was present on behalf of the applicant.

Mr. Friedman stated that everything remains the same. Mr. Friedman stated that the applicant priced the eight senior housing units initially proposed for the mansion, and the cost is very high.

Mr. Friedman stated that Federation contacted numerous agencies and charities and there is no interest due to the amount of difficulty working with the building. Mr. Friedman stated that the building was offered to the Township, and a definitive response was not yet received. Mr. Friedman stated that Township Officials took a tour of the building. Mr. Friedman stated that Federation has a very successful, attractive 85 unit fully occupied affordable senior housing project next door but the mansion continues to deteriorate.

Mr. Friedman stated that his client is concerned that the building could be an attractive nuisance and is asking the ZHB to allow his client to demolish the mansion and turn the area into green space. Mr. Friedman stated that three neighbors are in support of demolition and would rather have green space than office space.

Mr. Friedman stated that a letter was sent to Bryan Havar, Township Manager on March 12th, 2013 and on April 5, 2013 to which the Township responded, and the Board of Commissioners requested a 60 day extension.

Mr. Cross stated that the mansion is considered historically significant but not listed as a historic building and couldn't be saved from the wrecking ball strictly based on its historical value.

Mr. Cross asked what measures have been taken to provide maintenance. Mr. Friedman stated that the outside has been maintained as well as the walls and the roof.

Mr. Friedman stated that Federation is open to office uses and residential uses or as a Senior Daycare. Mr. Laughlin asked if there would be sufficient parking for any of those uses, Mr. Friedman stated that the parking could be shared with the Federation parking lot and a very small parking lot adjacent to the mansion.

Mr. Cross stated that from his point of view he would not make a recommendation for demolition until all opportunities were exhausted.

Mr. Cross stated that he maintains the Planning Commission's earlier recommendation of denial. Mr. Goldfarb seconded and the motion passed.

**3. Review of Cheltenham Township Development Application No.13-0510
- 333 Rices Mill Road - New Wyncote Elementary School.**

Andrew Freimuth, Esq. and Glenn Harris were present for the applicant.

Discussion ensued regarding the presented plan. Mr. Harris stated that the plan is to demolish the existing school and that the Wyncote Elementary was last school for the district to improve facilities. Mr. Harris stated that they will be adding a bus loop to alleviate traffic congestion and to make pick up and drop off of students safer.

Mr. Harris stated that the property is zoned residential and has obtained zoning relief in several areas.

Mr. Harris reviewed the opinion of Ms. Montgomery, Interim Township Engineer.

Mr. Harris stated that a waiver is being requested from Item 20 to provide Aerial photographs instead of the items requested in the SLDO (Subdivision Land Development Ordinance).

Mr. Harris stated that the School District would like to give a blanket easement to the Township covering the full property to grant access to the stormwater facilities.

Mr. Harris addresses issue #49:

49. A note must be added to the Record Plan (Sheet 4) stating that the existing curb and sidewalk along Rices Mill Road and Barker Road must be replaced as required by the Township.

Mr. Jones asked if the intent is to leave the sidewalks as is. Mr. Harris stated that the intent is to replace the sidewalks as needed.

Mr. Harris addresses issue#52:

52. The plan set contains conflicting notes regarding the pervious parking stalls on the north end of the parking lot (at Barker Road). The Record Plan (Sheet 4) specifies Single Soldier Eco-pavers, the PSCM Plan (Sheet 10) details a pervious pavement in the Operations and Maintenance notes, and Construction Details (Sheet 12) provides a detail for Grasspave2 pavers. The plan must specify the type of surface to be utilized for the pervious parking stalls with the notes and details being consistent throughout the plan set. In addition, as the infiltration testing at this location yielded a result of 0.0 in/hr, this would be an inappropriate location to utilize pervious pavement.

Mr. Harris discussed the conflict on the plan regarding pervious parking spaces. Discussion ensued regarding infiltration.

Mr. Harris stated that they will install perforated under drains to keep the porous surface commitment previously made to the Zoning Hearing Board.

Discussion ensued regarding stormwater management and impervious coverage.

Mr. Cross questioned how the size of the parking field was determined. Mr. Harris stated that it was designed to accommodate and requires 2 spaces per classroom. Discussion ensued regarding numbers of classrooms proposed.

Mr. Harris stated that the new building is to address educational standards set forth by the state and not due to an increase in student population.

Mr. Laughlin stated that the earlier plans have a different entrance due to neighborhood feedback and asked what else was different from the last plan.

Mr. Freimuth stated that the previous plan had access from Rices Mill Road for the bus loop and the foot print of the proposed school did not change. The bus loop was based on input from a traffic consultant.

Mr. Cross asked how buses queue in the mornings. Mr. Harris stated that 9 buses serve the school and they have a staggered arrival and departure time. Mr. Harris stated that during early dismissals all buses will be on site at the same time. Mr. Laughlin asked if 9 buses can fit on Barker Road. Mr. Harris confirmed they could.

Discussion ensued regarding landscaping.

Discussion ensued regarding porous pavers.

Mr. DiBenedetto asked if there would be a filtration system under the perforated pipe. Mr. Harris discussed "snouts" that help aid in trash and oil separation.

Mr. Cross asked what would happen to the current student body of Wyncote Elementary. Mr. Harris stated that the students would be moved to the trailers at Elkins Park elementary school.

Mr. Cross asked if there are any road closures anticipated for this project. Mr. Harris stated that no closures are anticipated and that the construction vehicles will come off Barker Road. Mr. Harris stated that there will be a secure fence around all of the access points.

Mr. Laughlin asked if there were any plans to recycle any of the building materials from the old school. Mr. Harris stated that it's a requirement to be in the Leed Silver program to recycle the materials. Mr. Harris stated that contractors are required to keep records of what was recycled and where.

Mr. Harris stated they anticipate a spring 2014 start of construction with a 15 month construction period in which the school will be out of use.

Discussion ensued regarding building façade materials.

Mr. Cross asked if the Fire Marshall has given his approval. Mr. Harris stated he is still reviewing the plans.

Tom McHugh- 327 Hewitt Road.

Mr. McHugh stated that he appreciated the work that the Interim Engineer did with her thorough review of the Wyncote Elementary plans. Mr. McHugh expressed concern about the additional impervious surfaces and would like more effort put into reducing the amount of impervious surface. Mr. McHugh feels like there is no need for a bus loop and is just additional paving that will impact stormwater.

Ann Rappoport –114 E. Waverly Rd.

Ms. Rappoport recalled that at a previous meeting there was some concern about trees being shown on renderings are mature, when planted they will be much smaller.

Discussion ensued regarding landscaping.

Mr. Harris stated that all of the tree plantings are calculated in the BMP's.

Discussion ensued regarding water infiltration.

Mr. Cross asked how much discussion took place for the bus loop.

Mr. Harris stated that consideration was given by a report received from the School District's hired traffic consultant and the Township's Traffic Consultant, Frank Tavani suggesting taking the bus traffic off of the street. Mr. Harris stated that it was safer for the children to off load and load from a bus loop instead of the street.

Discussion ensued regarding bus size and turning radius calculations.

The request for the aerial photography waiver was approved; conditional upon the Interim Engineers opinion and final approval.

4. Old Business

None.

5. New Business

None.

6. Adjournment

Mr. Cross made a motion for adjournment; Mr. Goldfarb seconded the motion, the motion passed. The meeting adjourned at 10:00 P.M



Bryan T. Haver
Township Manager

-Per Holly A. Nagy

Carriage House
May 2, 2013

An AdHoc Zoning Code Revision Committee meeting was held this night. Members present were: Messrs. Cohen, Leighton, and Pransky. Also in attendance were: Mr. Bryan T. Havir, Township Manager, Mr. David R. Jones, Interim Director of Engineering, Zoning and Inspections; and Joseph Nixon, Montgomery County Planning Commission.

- Mr. Nixon began the meeting with a discussion regarding the classification of schools in the Zoning Ordinance. Mr. Jones suggested schools should be considered municipal uses.
- Discussion ensued regarding places of worship in R3 districts.
- Mr. Nixon stated that bus terminals should be placed in a light industrial district. Discussion ensued regarding the types of uses that would be permitted in an industrial district. (Municipal uses, etc.)
- Mr. Cohen stated that a stricter definition of an Age Restricted Overlay district is needed.
- Mr. Cohen stated that the definition of "structure" should be refined and defined in the code.
- Mr. Havir asked Mr. Nixon to review issues pertaining to political signs and consider if criteria should be incorporated in the Sign Code. There was also discussion about permitting the conversion of older residential properties to Bed and Breakfast establishments. Mr. Havir stated that he would email Mr. Nixon a draft ordinance that was prepared for B&B's by the Township many years ago but was never adopted.
- Discussion ensued regarding Einstein Hospital and Moss Rehab currently zoned residential should be reclassified as a mixed use zone.
- Meeting adjourned at 9:00 PM.



Bryan T. Havir
Township Manager

Per: Holly A. Nagy

FRIEDMAN  SCHUMAN

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May 30, 2013

Via Email: sklaroffn@ballardspahr.com

Neil Sklaroff, Esquire
Ballard, Spahr, Andrews & Ingersoll, LLP
1735 Market Street/51st Floor
Philadelphia, PA 19103-7599

Re: **Application of 1509 Ashbourne Road L.P.
Cheltenham Township Zoning Heard Board Appeal No. 3457**

Dear Neil:

Please allow this letter to serve as the Applicant's request to further continue the Zoning Hearing in the above referenced Appeal until the first regularly scheduled Zoning Hearing Board meeting in August, 2013. This letter shall also constitute Applicant's waiver until the August, 2013 meeting of the 60 day requirement to conduct a hearing under the Municipalities Planning Code.

Please contact me to discuss any questions.

Thank you.

Sincerely,



Peter S. Friedman

PSF/msm

cc: Bryan T. Havir, P.P., AICP, via email: bhavir@cheltenham-township.org
David L. Jones, via email: djones@cheltenham-township.org
Holly A. Nagy, via email: hnagy@cheltenham-township.org
Eric D. Naftulin, via email: eric.naftulin@federationhousing.org
Franklin B. Haaz, via email: fhaaz@aahmgmt.com
Samuel M. Goldstein, via email: samgoldstein@galmangroup.com

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May 30, 2013

Bryan T. Havir, P.P., AICP
Township Manager
Cheltenham Township
8230 Old York Road
Cheltenham, PA 19027-1589

**Re: Applicant: Federation Housing, Inc. ("FHI")
Premises: 1509 Ashbourne Road, Elkins Park, PA
Zoning Hearing Board Appeal No. 3457**

Dear Bryan:

I am writing to follow up our meeting on May 22, 2012 and your correspondence to Eric Naftulin dated May 22, 2013. FHI is willing to continue the hearing currently scheduled for June 10, 2013 before for the Zoning Hearing Board until the first regularly scheduled Zoning Hearing Board meeting in August, 2013, so as to provide Cheltenham Township (the "Township") with additional time within which to complete its due diligence investigation.

During this time period, it is our understanding that the Township will research the economic and practical feasibility of re-using the Mansion building. FHI will provide access to the Mansion building with the understanding that:

1. FHI will be permitted to accompany any visitor; and
2. The Township shall supply FHI with a copy of any reports, Studies or plans obtained by the Township concerning the Mansion.

If the Township is unable to find any re-use for the Mansion, it is our expectation that the Township will not oppose Appeal No. 3457.

I will send a separate letter to the Zoning Hearing Board advising of the continuance.

{Client Files/005340/00003/00494213.DOCX;1}

FRIEDMAN  SCHUMAN

Attorneys at Law • A Professional Corporation

May 30, 2013

Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Peter S. Friedman

PSF:msm

cc: David L. Jones
Eric D. Naftulin
Franklin B. Haaz
Samuel M. Goldstein

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Art Haywood, *President*
Harvey Portner, *Vice President*
Kathy A. Hampton
Charles D. McKeown
Daniel B. Norris
J. Andrew Sharkey
Morton J. Simon, Jr.

Township Manager
Bryan T. Havir



Administration Building
8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215 887-1000
FAX: 215 887-1561
WWW.CHELTENHAMTOWNSHIP.ORG

MEMORANDUM

TO: David Jones, Interim Zoning Officer – Engineering, Zoning & Inspections
FROM: Bryan T. Havir, Township Manager
RE: Signage Application
DATE: May 15, 2013

The following signage permit application which was recently filed with your department was reviewed last evening at the Economic Development Task Force (EDTF) meeting:

- **Charlie Kim Financial, Inc., 8029 Old York Road, Elkins Park** – installing new signboards within the existing metal sign cabinets. The EDTF recommended that a COA should be approved subject to the following conditions: 1) the solid security grates (doors) on the building be removed because they are inappropriate for an office use building on Old York Road. They were previously installed to provide security for the former Pharmacy use which is no longer there; and 2) the entire building facade be painted or cleaned. The motion was unanimously accepted by the EDTF.

Please schedule for consideration of issuance of a COA on the June 5, 2013 Agenda of the Commissioner's Building and Zoning Committee.

Thank you.

BTH/km 

cc: Richard Parkes, Building and Zoning Department
Sue Drucker, Building and Zoning Department
Holly Nagy, Building and Zoning Department
David Kratzer, EDTF Design Committee

**RECENT
ZONING HEARING BOARD
DECISIONS**

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

APPEAL NO. 3449

Applicant: 1347 Cheltenham Avenue Associates, L.P.
c/o David Ahn
89 Bruce Drive
Holland, Pennsylvania 18966

Subject Premises : 1347 Cheltenham Avenue
Elkins Park, Pennsylvania

Owner of Premises: 1347 Associates, L.P.

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction of a restaurant with banquet facilities, measuring 24,240 square feet, with shared parking with 1330 Willow Avenue, 1355 Cheltenham Avenue, and 1349 Cheltenham Avenue, creating a less than required number of shared parking spaces during the mid-day hours, expansion of the parking non-conformance use in a residential district, and construction of a proposed parking lot (37 spaces) on a nearby vacant lot with less than required front, rear and side yard setbacks would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-221, regulating off-street parking, and Article X, Section 295-57, regulating uses.

Applicant seeks variances from the rules and regulations of the C-4 Commercial and Business District and the R-7 Residence District as follows:

(1) a variance from Section 295-221(I) to allow the construction of a restaurant with banquet facilities, measuring 24,240 square feet, with a total of 135 shared parking spaces with

1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use;

- (2) a variance from Section 295-57 to allow the expansion of the parking non-conformance use in a residential district at 1330 Willow Avenue (zoned R-7 Residence District). The proposed parking is in the rear yard immediately adjacent to the parking lot on 1347 Cheltenham Avenue; and
- (3) a variance from Section 295-57 to allow for the construction of a proposed parking lot of 37 spaces on the vacant lot located at 1344 Willow Avenue (zoned R-7 Residence District). The proposed parking lot encroaches within the front, rear and side yard setback areas.

Time and Place of Hearing: Monday, November 19, 2012 – 8:35 p.m.
Monday, January 14, 2013 – 7:40 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant 1347 Cheltenham Avenue Associates, L.P. (“Applicant”) is the equitable owner of the premises known as 1347 Cheltenham 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 a C-4 Commercial and Business District and is improved by an office building.
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. 3449 (the "Application");

ZHB-4. a location map marked as Real Estate Registry Block 194, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information on Property dated August 22, 2012;

ZHB-6. Building and Zoning Committee recommendation letter dated November 13, 2012;

ZHB-7. copy of the recorded deed and amended deeds to the Property;

ZHB-8. site plan, zoning plan, and proposed shared parking plan for 1347 Cheltenham Avenue prepared by GLP Architect, PC;

ZHB-9. copy of letter with regard to a continuance;

A-1. copy of site plan showing four parcels;

A-2. aerial photograph of the Property and the shared parking proposal;

A-3. Agreement of Sale for the purpose of real estate between 1347 Cheltenham Avenue Associates and Ti Ho Park;

A-4. Amendment to Agreement of Sale dated August 15, 2012;

A-5. Second Amendment to Agreement of Sale;

A-6. copy of letter of authorization from Hansoo Investments, LLC, owner of 1349 Cheltenham Avenue;

A-7. copy of letter of authorization from 1330 Willow Avenue, LLC, owner of 1330 and 1344 Willow Avenue;

A-8. site plan SP-1, dated October 3, 2012, and revised January 14, 2013, prepared by GLP Architects, PC;

5. Applicant proposes to construct an upscale Korean/Japanese restaurant and banquet facilities at the Property located at 1347 Cheltenham Avenue. The restaurant will be located on two floors with a combined area of 24,240 square feet. The project proposes shared parking with 1330 Willow Avenue, 1355 Cheltenham Avenue, and 1349 Cheltenham Avenue.

6. The proposed use as a restaurant with banquet facilities is a permitted use of the Property.

7. The Zoning Board conducted a hearing on applicant's Application on November 19, 2012, at which time applicant presented evidence and the testimony of its expert witness.

8. On December 10, 2012, the Zoning Board voted to deny applicant's appeal.

9. On December 11, 2012, and before the Zoning Board issued a notice of decision or published its findings of facts and conclusions of law, applicant petitioned the Zoning Board for a reconsideration and re-hearing of applicant's matter.

10. The Zoning Board granted the request for a re-hearing and reconsideration and held a hearing on January 14, 2013.

11. Applicant submitted a plan of development substantially similar to its original plan and an Addendum for Zoning Application for 1347 Cheltenham Avenue, Elkins Park, Pennsylvania (the "Addendum").

12. The addendum reformulated the request for zoning relief in the following manner:

- (a) A variance from Article XXIX, Section 295-221 (shared parking) to permit a reduction in the number of required off-street parking spaces so as to allow for landscaping. The required number of off-street parking spaces are provided in accordance with the shared parking analysis permitted by the Cheltenham Township Zoning Code, as follows:
 - (i) Monday through Friday 8AM-6PM: 91 spaces required/63 provided
 - (ii) Monday through Friday 6PM-12AM: 155 spaces required/135 provided
 - (iii) Saturday/Sunday 8AM-6PM: 155 spaces required/139 provided
 - (iv) Saturday/Sunday 8AM-6PM: 155 spaces required/139 provided
- (b) A determination under Article XXIX, Section 295-127K that the second floor of the building located on 1347 Cheltenham Avenue may be used for private dining and banquet facilities, or, in the alternative, a determination that the second floor private dining and banquet facilities are an accessory use.
- (c) A variance from Article X (R7 Residence District), Section 295-57 to allow expansion of a non-conforming parking lot use on 1330 Willow Avenue.

- (d) In the alternative, a variance to allow parking in the rear yard and side yard on 1330 Willow Avenue.
- (e) A variance from Article X (R7 Residence District), Section 295-60 to allow parking within the front, side and rear yards on 1344 Willow Avenue.
- (f) A variance from Article X (R7 Residence District), Section 295-57 for a use variance to allow a parking lot as the primary use on 1344 Willow Avenue.
- (g) An interpretation that the existing parking on 1347 Cheltenham Avenue and 1349 Cheltenham Avenue is pre-existing and non-conforming.

13. Harold Lichtman of GLP Architects PC was sworn and accepted as an expert in architecture and planning on behalf of Applicant. The Board relied upon Mr. Lichtman's explanation of applicant's plan of development and zoning analysis.

14. Mr. Lichtman stated that the Property was evaluated to determine the parking requirements for its proposed usage. The adjacent properties, which are owned by the Applicant, and a third property on which the Applicant will sign an agreement for shared parking, were also evaluated.

15. Two of the four properties front on Willow Avenue (1330 and 1344 Willow Avenue) and two front on Cheltenham Avenue (1347 and 1349 Cheltenham Avenue).

16. Mr. Lichtman testified that, notwithstanding the proposed shared parking, the lots would remain separate parcels.

17. Mr. Lichtman testified that, after evaluating the shared parking available between the four properties, a total of 135 parking spaces are available where 155 parking spaces are required for maximum usage of the first and second floor of the proposed restaurant and banquet facility.

18. The property located at 1344 is located within an R-7 Residence District wherein a parking lot is not a permitted use.

19. The first floor of the proposed restaurant has approximately 9,000 square feet and will contain the dining room and kitchen, and the banquet facility on the second floor has approximately 12,000 square feet. The proposed hours of operation would be 11 a.m. until 10 p.m. during the week and until 11 p.m. on the weekends.

20. The building on the Property measures 112.8 feet in length and 190.14 feet in depth.

21. Mr. Lichtman testified that the concurrent restaurant use of the first and second floors will be limited to evening and weekends with evening hours beginning at 6 p.m.

and ending at midnight. In addition, the first floor restaurant will be open during lunchtime hours during the week as well as the weekend.

22. Mr. Lichtman prepared a revised SP-1 Zoning Plan and calculated shared parking in accordance with the governing ordinance.

23. The Property has 26 parking spaces, all of which would be available; the property at 1349 Cheltenham has 37 parking spaces, however, only 33 of them are permitted for shared parking use; the property at 1330 Willow Avenue has 44 parking spaces, however, only 39 of them are included in the shared parking calculations; and the property at 1344 Willow has 37 parking spaces available, all of which would be available for this project. Only six handicapped parking spaces are required for the shared parking area.

24. Mr. Lichtman testified that the Property is in the middle of a commercial district even though the Willow Avenue properties are zoned R-7. Further, he testified that it would not be a natural evolution to put residential development since it would not conform with the commercial structures on either side of the parking fields.

25. Mr. Lichtman testified that the available parking on the Property is not adequate for the restaurant use of the Property.

26. Mr. Lichtman testified that the small addition being placed at the back of the building does not increase the parking demand.

27. Mr. Lichtman testified that parking requirement for banquet space is less than for restaurants.

28. Mr. Lichtman testified that the available parking at the Property under its current use as office space is nonconforming.

29. Mr. Lichtman testified that the proposed parking at the Property will be approximately 15 feet off of the right-of-way line, while the front yard setback requirement is 25 feet; the parking in the rear yard setback of the Property would require zero feet instead of the 25 foot minimum. The side yard setback for 1344 Cheltenham Avenue would be zero and cross-easement agreements will be recorded to memorialize the use for the driveway and shared parking.

30. Mr. Lichtman testified that the driveways off of both Cheltenham Avenue and Willow Avenue are a two-way, in and out drive.

31. Mr. Lichtman testified that the underlying assumptions in connection with the Property is that the proposed use as a restaurant and banquet facility would be the full building (first and second floors) in the evening and on weekends and only the first floor dining area for lunch use. Based upon these assumptions, the shared parking analysis is as follows:

(a) Monday through Friday 8 a.m. to 6 p.m. (the "Weekday Daytime Time Period"): 91 parking spaces are required and 63 parking spaces are provided;

(b) Monday through Friday 6 p.m. to 12 a.m. (the "Weekday Evening Time Period"): 155 parking spaces are required and 135 parking spaces are provided;

(c) Saturday/Sunday 8 a.m. to 6 p.m. (the "Weekend Daytime Time Period"): 155 parking spaces are required and 139 parking spaces are provided; and

(d) Saturday/Sunday 6 p.m. to 12 a.m. (the "Weekend Evening Time Period"): 155 parking spaces are required and 139 parking spaces are provided.

32. Mr. Lichtman testified that Applicant intends to provide additional landscaping on the Property which makes more difficult providing the required number of parking spaces.

33. Mr. Lichtman testified that the R-7 Residence District does not allow parking as a principal use; therefore, a use variance is requested for 1344 Willow Avenue.

34. Mr. Lichtman testified that the 1330 Willow Avenue is existing nonconforming and has sufficient parking for the existing uses. However, only 25% of the building is used for office space with the rest for warehouse space rendering the parking demand low at the present time.

35. Mr. Lichtman testified that, according to the total number of parking spaces available, 8 handicapped parking spaces are required, which are apportioned as 2 handicapped parking spaces per individual parcel

36. A grant of relief to allow the operation of a restaurant, during the Weekday Daytime Time Period, measuring 9,090 square feet, with a total of 63 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 91 parking spaces will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

37. A grant of relief to allow the operation of a restaurant, during the Weekday Daytime Time Period, measuring 9,090 square feet, with a total of 63 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 91 parking spaces during evening use 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

38. A grant of relief to allow the operation of a restaurant, during the Weekday Daytime Time Period, measuring 9,090 square feet, with a total of 63 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 91 parking spaces during evening use will not be contrary to the public interest.

39. A grant of relief to allow the operation of a restaurant, during the Weekday Evening Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 135 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

40. A grant of relief to allow the operation of a restaurant, during the Weekday Evening Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 135 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use 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.

41. A grant of relief to allow the operation of a restaurant, during the Weekday Evening Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 135 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use will not be contrary to the public interest.

42. A grant of relief to allow the operation of a restaurant, during the Weekend Daytime Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 139 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

43. A grant of relief to allow the operation of a restaurant, during the Weekend Daytime Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 139 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use 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.

44. A grant of relief to allow the operation of a restaurant, during the Weekend Daytime Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 139 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use will not be contrary to the public interest.

45. A grant of relief to allow the operation of a restaurant, during the Weekend Evening Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 139 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

46. A grant of relief to allow the operation of a restaurant, during the Weekend Evening Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 139 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and

1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use 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.

47. A grant of relief to allow the operation of a restaurant, during the Weekend Evening Time Period, with banquet facilities, measuring 24,240 square feet, with a total of 139 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use will not be contrary to the public interest.

48. A grant of relief to allow a determination that the second floor of the building located at 1347 Cheltenham Avenue may be used for private dining and banquet facilities will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

49. A grant of relief to allow a determination that the second floor of the building located at 1347 Cheltenham Avenue may be used for private dining and banquet facilities 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.

50. A grant of relief to allow a determination that the second floor of the building located at 1347 Cheltenham Avenue may be used for private dining and banquet facilities will not be contrary to the public interest.

51. A grant of relief to allow for expansion of a nonconforming parking lot use on 1330 Willow Avenue or alternatively to allow parking in the rear yard and side yard on 1330 Willow Avenue will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

52. A grant of relief to allow for expansion of a nonconforming parking lot use on 1330 Willow Avenue or alternatively to allow parking in the rear yard and side yard on 1330 Willow 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.

53. A grant of relief to allow for expansion of a nonconforming parking lot use on 1330 Willow Avenue or alternatively to allow parking in the rear yard and side yard on 1330 Willow Avenue will not be contrary to the public interest.

54. A grant of relief to allow parking within the front, side and rear yards on 1344 Willow Avenue will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

55. A grant of relief to allow parking within the front, side and rear yards on 1344 Willow 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.

56. A grant of relief to allow parking within the front, side and rear yards on 1344 Willow Avenue will not be contrary to the public interest.

57. A grant of relief to allow a parking lot as the primary use on 1344 Willow Avenue will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

58. A grant of relief to allow a parking lot as the primary use on 1344 Willow 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.

59. A grant of relief to allow a parking lot as the primary use on 1344 Willow Avenue will not be contrary to the public interest.

60. A finding that the existing parking on 1347 Cheltenham Avenue and 1349 Cheltenham Avenue is pre-existing and nonconforming will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

61. A finding that the existing parking on 1347 Cheltenham Avenue and 1349 Cheltenham Avenue is pre-existing and nonconforming 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.

62. A finding that the existing parking on 1347 Cheltenham Avenue and 1349 Cheltenham Avenue is pre-existing and nonconforming will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. The construction of a restaurant with banquet facilities, measuring 24,240 square feet, with a total of 135 shared parking spaces with 1330 Willow Avenue, 1344 Cheltenham Avenue, and 1349 Cheltenham Avenue instead of the required 155 parking spaces during evening use and 91 parking space during daytime use is not permitted by the Cheltenham Township Zoning Ordinance.

2. Use of the second floor of the building located at 1347 Cheltenham Avenue for private dining and banquet facilities is not permitted by the Cheltenham Township Zoning Ordinance.

3. Expansion of a nonconforming parking lot use on 1330 Willow Avenue or, alternatively, allowing parking in the rear yard and side yard on 1330 Willow Avenue is not permitted by the Cheltenham Township Zoning Ordinance.

4. Parking within the front, side and rear yards on 1344 Willow Avenue is not permitted by the Cheltenham Township Zoning Ordinance.

5. The primary use of the property located at 1344 Willow Avenue as a parking lot is not permitted by the Cheltenham Township Zoning Ordinance.

6. 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.

7. Under the circumstances of this matter, Applicant has/have 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 operation of a restaurant with banquet facilities, measuring 24,240 square feet, with less than required parking spaces would result in an unnecessary hardship.

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

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

DECISION

WHEREFORE, this 11th day of February, 2013, 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 XXIX, Section 295-221, to allow the operation of a restaurant with banquet facilities, measuring 24,240 square feet, during the times and with the available parking as set forth hereafter, with less than the required number of off-street parking spaces:
 - (a) Monday through Friday 8 a.m. to 6 p.m.: 63 parking spaces;
 - (b) Monday through Friday 6 p.m. to 12 a.m.: 135 parking spaces;
 - (c) Saturday/Sunday 8 a.m. to 6 p.m.: 139 parking spaces; and
 - (d) Saturday/Sunday 6 p.m. to 12 a.m.: 139 parking spaces;
- (2) a variance from the rules and regulations of Article XVIII, Section 295-127(K), to allow that the second floor of the building located at 1347 Cheltenham Avenue to be used as private dining and banquet facilities;
- (3) a variance from the rules and regulations of Article X, Section 295-57 to allow for expansion of a nonconforming parking lot use on 1330 Willow Avenue as set forth in Exhibit A-8, last revised January 14, 2013;
- (4) a variance from the rules and regulations of Article X, Section 295-60, to allow parking within the front, side and rear yards on 1344 Willow Avenue as set forth in Exhibit A-8, last revised January 14, 2013;

- (5) a variance from the rules and regulations of Article X, Section 295-57, to allow a parking lot as the primary use on 1344 Willow Avenue; and
- (6) a determination that the existing and nonconforming parking on 1347 Cheltenham Avenue and 1349 Cheltenham Avenue is lawful.

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

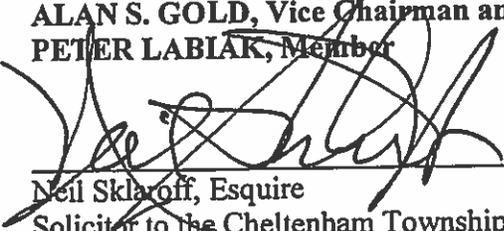
- (1) the Willow Avenue lot shall be landscaped in accordance with the plan submitted and to the satisfaction of the zoning officer and township engineer;
- (2) the shared parking agreement shall be recorded against each property;
- (3) the second floor of the principal building may be used for restaurant use only from 6 p.m. to midnight; 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 hearings before the Zoning Hearing Board.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision. The Zoning Hearing Board requests that the Zoning Officer place a copy of this decision into the file for each real estate parcel identified 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 May 21, 2013

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

APPEAL NO. 3456

Applicant: The Pennsylvania Trust Company, Trustee of the
Malik Finney Special Needs Trust
5 Radnor Corporate Center, Suite 450
Radnor, Pennsylvania 19087
Attention: Peter Johnson

Subject Premises : 521 Montier Avenue
Glenside, Pennsylvania

Owner of Premises: The Pennsylvania Trust Company, Trustee of the
Malik Finney Special Needs Trust

Nature of Application: Applicant appeals from the determination of the
Zoning Officer finding that the installation of a
wheelchair ramp, measuring 4 feet by approximately
20 feet, to the front of the Property which creates a
less than permitted front yard setback 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)(1) of the rules and regulations of the R-5
Residence District to allow the installation of a
wheelchair ramp, measuring 4 feet by approximately
20 feet, to the front of the Property, with a front yard
setback of approximately 33 feet instead of the
minimum required 40 foot front yard setback.

Time and Place of Hearing: Monday, February 11, 2013 – 7:35 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant The Pennsylvania Trust Company, Trustee of the Malik Finney Special Needs Trust ("Applicant") is the owner of the premises known as 521 Montier Avenue, Glenside, 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 the hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3456;

ZHB-4. a location map marked as Real Estate Registry Block 121, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information dated December 27, 2012;

ZHB-7. aerial photograph of the Property;

ZHB-8. a series of photographs and drawings illustrating the proposed location of the ramp, as well as a non-sealed drawing of the ramp; and

ZHB-9. copy of the recorded deed to the Property.

5. Applicant proposes to install a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property.

6. The Property was purchased by Applicant for the benefit of Malik Finney, a ten-year old boy. Malik Finney resides at the property with his father, aunt and two brothers.

7. The Property may not be used for any other purpose than for the benefit of Malik Finney, who is confined to a wheelchair.

8. The wheelchair ramp will be installed over the existing walkway from the driveway to the porch of the home. No part of the proposed wheelchair ramp would be located any closer than 33 feet from the front property line.

9. A grant of relief to allow the installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property, with a front yard setback of approximately 33 feet instead of the minimum required 40 foot front 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 the installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property, with a front yard setback of approximately 33 feet instead of the minimum required 40 foot front 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 the installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property, with a front yard setback of approximately 33 feet instead of the minimum required 40 foot front yard setback will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. The installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of a property, with a front yard setback of approximately 33 feet instead of the minimum required 40 foot front 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 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 installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property, with a front yard setback of approximately 33 feet instead of the minimum required 40 foot front 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 11th day of February, 2013, 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)(1), to allow the installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property, with a front yard setback of approximately 33 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 February 11, 2013 meeting; and
- (2) when no longer necessary to accommodate the special needs of an occupant, the ramp shall be removed.

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 MAY 10, 2013.

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

APPEAL NO. 3458

Applicant: Calvary Assembly of God Church
7904 Washington Lane
Wyncote, Pennsylvania 19094-2209

Subject Premises : 7904-7910 Washington Lane
Wyncote, Pennsylvania

Owner of Premises: Calvary Assembly of God Church

Nature of Application: Applicant appeal(s) from the determination of the Zoning Officer finding that construction of a new multi-purpose addition and sanctuary along with required parking as a nonconforming use would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-227, regulating nonconforming uses.

Applicant seeks a variance and a special exception from the rules and regulations of the R-3 Residence District as follows:

- (1) a variance from Section 295-227(C)(2) and (3) to allow the construction of an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building, and a new 500-seat sanctuary, as a permitted nonconforming use; and
- (2) a special exception to Section 295-227(B) and (C)(3) permitting the expansion of the existing nonconforming church and sanctuary building to construct an addition which includes a 6,795 square foot multi-

purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building, and a new 500-seat sanctuary.

Time and Place of Hearing: Monday, February 11, 2013 – 7:50 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant Calvary Assembly of God Church (“Applicant”) is the owner of the premises known as 7910 Washington Lane, 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 an R-3 Residence District and is improved by a place of worship.

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. 3458;

ZHB-4. a location map marked as Real Estate Registry Block 160, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information dated January 6, 2013;

ZHB-7. a special exception/zoning variance plan prepared by Boucher & James, dated December 20, 2012;

ZHB-8. Plan entitled, Proposed Addition to Calvary Assembly of God, prepared by Centura Associates, dated February 21, 2012;

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

A-2. Preliminary Plans for Proposed Additional to Calvary Assembly of God, dated February 21, 2012, prepared by Centura Associates; and

A-3. a series of eight photographs of the Property.

5. Applicant proposes to construct a new multi-purpose addition and sanctuary, along with required parking.

6. The proposed construction is an expansion of the existing nonconforming church and sanctuary building.

7. Jon Tresslar of Baucher & James, Inc., Consulting Engineers was sworn and accepted as an expert in land planning/engineering on behalf of Applicant. The Board relied upon Mr. Tresslar's testimony.

8. The Property is comprised of two parcels located at the northeast corner of the intersection of Washington Land and Curtis Park Drive. The northern parcel is a long rectangular parcel bounded on the north by a paper street labeled Green Lane. The existing sanctuary and related parking is located on this parcel.

9. Applicant proposes to combine the two parcels into one and construct a new building which would straddle the common property line. The construction would be completed in two phases: (i) Phase One would include a community center, recreation room and some classrooms, as well as a bridge from that building to the existing church for pedestrian traffic; and (ii) Phase Two would include the construction of a new sanctuary to the front of the building in Phase One. Thereafter, the church would move its worship services to the new sanctuary and the existing church would be converted into additional classrooms and a community center.

10. The combined parcels would measure approximately 4.8 acres and are located in a R3 zoning district.

11. Although a church and sanctuary were permitted uses at the time the first church was constructed, it is no longer a permitted use of the Property. Had the zoning of the parcels not been changed, no request for zoning relief would be necessary.

12. Expansion of the sanctuary is necessary since the congregation is growing and there is a need to provide facilities for both recreation and teaching for families and their children.

13. The number of employees or the magnitude of the use shall not increase by more than 25 percent due to the extension of the nonconforming use resulting from any additions or alterations of the Property.

14. The existing sanctuary measures 9,843 square feet. The combined new use will measure approximately 18,000 square feet.

15. The complete build-out of the Property would be less than 15 percent, which would have been allowable building coverage were the current use as a church and sanctuary conforming.

16. Applicant has determined that, tabulating all the shared uses of the facilities and applying the required parking analysis, only 192 parking places are required. The existing parking on the Property is in excess of what is required according to the ordinance. Four handicapped parking spaces would be placed north of the existing sanctuary.

17. If Applicant is granted relief, Applicant must apply to the Township with a land development plan and subdivision plan and would return to quantify the parking needs, traffic circulation, and necessary design for storm water management.

18. Set back issues will occur if the two parcels are not consolidated.

19. Only a slight steep slope area will be disturbed in the development process and it will be managed through the land development process and is not large enough to warrant requesting relief.

20. The proposed pedestrian bridge would be constructed at a height so as to allow vehicular traffic to pass beneath it. The proposed bridge would join the main foyer of the existing church with the proposed construction of Phase One.

21. Applicant has a verbal good neighbor agreement with Wyncote Academy for usage of their parking lot on Sunday mornings and Wednesday evenings, if necessary. Reciprocally, Wyncote Academy will use Applicant's parking lot for commencement exercises or special evening events when extra parking is needed.

22. Applicant has outgrown the capacity of the current facilities and, with the proposed constructed additions for a gymnasium and classrooms, seeks fulfill the needs of the growing congregation.

23. No additional activities are anticipated with the exception of Friday evening and Saturday events in the gymnasium for youth sporting events.

24. Currently Applicant employs five full-time and two part-time employees, with four full-time employees for the day care staff. With the expansion, it is anticipated that one additional full-time position for building maintenance will be added (which currently is a part-time position).

25. Applicant has no intention of running a full-time school. The classrooms would be used for Sunday school and Wednesday evening events.

26. Applicant would like to open Green Lane for traffic circulation but will make other access arrangements to satisfy both PennDOT and Township requirements.

27. Applicant does not anticipate evening events to end any later than approximately 10:00 p.m.

28. A grant of relief to allow construction of an addition which includes a 6,795 square-foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to

connect the new addition to the existing church building will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

29. A grant of relief to allow construction of an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building 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.

30. A grant of relief to allow construction of an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building will not be contrary to the public interest.

31. A grant of relief to permit the expansion of the existing nonconforming church and sanctuary building to construct an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building, and a new 500-seat sanctuary will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

32. A grant of relief to permit the expansion of the existing nonconforming church and sanctuary building to construct an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building, and a new 500-seat sanctuary 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 permit the expansion of the existing nonconforming church and sanctuary building to construct an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building, and a new 500-seat sanctuary will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. Construction of an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building and a new 500-seat sanctuary as an expansion of an existing nonconforming use 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. Similarly, the Zoning Hearing Board is empowered to grant special exceptions where the application meets the criteria of the zoning ordinances.

3. 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 construction of an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building and a new 500-seat sanctuary would result in an unnecessary hardship.

4. 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.

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

6. The variance and special exception will not be contrary to the public interest.

DECISION

WHEREFORE, this 11th day of February, 2013, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant the following:

- (1) a variance from the rules and regulations of Article XXIX, Sections 295-227(C)(2) and 295-227(C)(3), to allow construction of an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building and a new 500-seat sanctuary; and
- (2) a special exception to the rules and regulations of Article XXIX, Sections 295-227(B) and 295-227(C)(3) permitting the expansion of the existing nonconforming church and sanctuary building to construct an addition which includes a 6,795 square foot multi-purpose room, a 9,706 square foot two story wing, a pedestrian bridge to connect the new addition to the existing church building and a new 500-seat sanctuary as an expansion of the existing nonconforming church and sanctuary building.

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

- (1) a reverse subdivision to create one lot from two shall be completed;
- (2) a plan submitted in future applications shall include fully-engineered plans, not only of the property, but also the structures and buildings;
- (3) a future application shall include full parking calculations meeting the requirements for highway occupancy permit, and there shall be no fewer than 194 parking spaces;

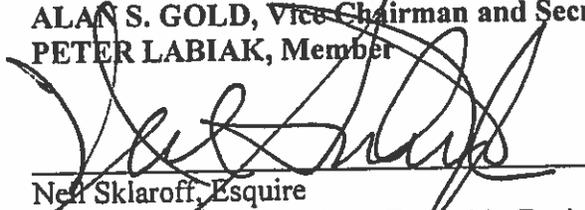
- (4) no occupancy permit shall be issued until all site improvements have been completed;
- (5) all evening events shall be concluded by 11 p.m.;
- (6) a complete copy of the Deed of the subject property must be submitted to the Zoning Officer within four (4) weeks of the date of Hearing; and
- (7) 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 February 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

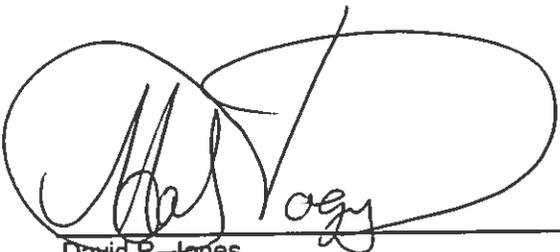
THIS DECISION IS OFFICIALLY ISSUED ON MAY 21, 2013.

May 29, 2013

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

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

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	50	4,183	209,150
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	9	655	32,750
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	0	0	0
FENCE	5	354.20	354.20
MAY, 2013	64	4,602.20	242,254.20
MAY, 2012	65	33,408	1,660,149
YEAR-TO-DATE 2013	258	45,310.20	2,403,098.20
TOTAL 2012	604	224,950	11,247,500
<hr/>			
HEATING & AIR CONDITIONING			
MAY, 2013	6	600	30,000
MAY, 2012	7	6,020	301,000
YEAR-TO-DATE 2013	25	6,321	378,300
TOTAL 2012	48	20,671	1,033,550
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ELECTRICAL			
MAY, 2013	10	861	43,050
MAY, 2012	3	1,905	95,250
YEAR-TO-DATE 2013	34	5,087	253,350
TOTAL 2012	80	20,055	1,002,750
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PLUMBING			
MAY, 2013	9	1,459	72,950
MAY, 2013		NOT PREVIOUSLY RECORDED	
YEAR-TO-DATE 2013	48	6,265	312,250
TOTAL 2012		NOT PREVIOUSLY RECORDED	



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