

BUILDING AND ZONING COMMITTEE

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

Wednesday, December 4, 2013

8:00 PM

Curtis Hall

AGENDA

1. Review of the Zoning Hearing Board Agenda for December 9, 2013.
See attached.
2. Review of the Zoning Hearing Board Agenda for December 17, 2013.
See attached.
3. Review of the Planning Commission Minutes dated November 25, 2013.
See attached.
4. Review of the Economic Development Task Force recommendations for issuance of Certificates of Appropriateness for signage.
See attached.
5. Review of recent Decision(s) of the Zoning Hearing Board.
See attached.
6. Report of the Building Inspector for November 2013.
See attached.
7. Discussion of a draft Local Landmarks Ordinance, Chapter 175
See attached.
8. Old Business
9. New Business
10. Citizens' Forum
11. Adjournment.



Bryan T. Havir
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

DECEMBER 9, 2013

NOTICE

Notice is hereby given that the Cheltenham Township Zoning Hearing Board will hold a public hearing on Monday, December 09, 2013, at 7:00 PM at Curtis Hall, Church Road and Greenwood Avenue, Wyncote, PA 19095, to consider the following applications for special exceptions and/or variances from the terms of the Cheltenham Township Code, Chapter 295 thereof, entitled Zoning.

APPEAL NO. 3468: (Continuation) Applicant is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant.

Applicant proposes to develop the property for a WaWa Convenience Store containing 5,585 square feet with fueling stations. In this regard, Applicant requests the following zoning relief:

1. A variance under Section 295-98 of The Cheltenham Zoning Ordinance of 1929, as amended (the "Ordinance") so as to permit the property to be used as a Wawa convenience store containing 5,585 square feet with fueling stations;
2. A variance under Section 295-102 of the Ordinance for a reduction in the width of the 15 foot wide buffer along a public highway. The area between the proposed driveway and the Limekiln Pike right-of-way is 11.1 feet;
3. A variance under Section 295-101.A of the Ordinance to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;
4. An interpretation under Section 295-221.B.(5)(a) of the Ordinance or, in the alternative, a variance under Section 295-221.B.(5)(a) of the Ordinance, to permit parking to be located between the building and the street;
5. A variance under Section 295-221.F of the Ordinance so as to increase the allowable parking area. The convenience store and the fueling stations use requires 31 parking spaces. Applicant is proposing 66 parking spaces, which is in excess of the maximum parking standard;

6. A variance under Section 295-221.K.(1) of the Ordinance so as to permit service and loading behind the building. Applicant proposes to have the loading on the side of the building (along Clubhouse Lane);
7. A variance under Section 295-196.A.(3) of the Ordinance so as to permit five (5) directional signs, each exceeding 4 square feet; and
8. Variances under Section 295-197.C.(1)(a) of the Ordinance, so as to permit: (a) two (2) free-standing, internally illuminated, double sided signs with LED price changer, one (1) containing 189.04 square feet with a height of 40 feet (located on Ogontz Avenue), and one (1) containing 99.94 square feet with a height of 25 feet (located on Limekiln Pike); (b) three (3) parallel wall signs with logo, one (1) containing 66.69 square feet (facing Limekiln Pike), one (1) containing 37.47 square feet on the rear of the building (facing the Clubhouse Lane/MacDonald Avenue intersection); and (c) an additional 3.92 square feet of parallel wall signage (pump signage), as per the attached signage plan, all of which parallel wall signs total 108.08 square feet, which total exceeds the maximum square footage permitted;
9. A variance under Section 295-221.B.(5)(b) of the Ordinance so as to permit off-street parking on the corner lots;
10. A variance under Section 225-221.C.(2)(c) of the Ordinance so as to permit the width of driveway entrance along Limekiln Pike to exceed 24 feet in width. The proposed driveway width is 30 feet;
11. A variance under Section 225-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area. The rear setback requirement is 50 feet;
12. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief under paragraphs 2 and 3 above as the setbacks may change; and
13. Applicant seeks such other variances, special exceptions and interpretations as may be required in order to develop the property in accordance with the plans submitted by Applicant

ZONING HEARING BOARD

AGENDA

FOR

DECEMBER 17, 2013

NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 552 E. Church Rd., Elkins Park, PA 19027 will be reviewed by the following Township Committees which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, November 25, 2013, at 7:30 P.M. at the Township Administration Building Boardroom.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, December 4, 2013 at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, December 17, 2013 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3476: Appeal of Raieda Eldabbas, owner of premises known as 552 E. Church Rd., Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to convert his home/office single family residence into a two family dwelling,

- a. Variances from the Rules and Regulations of the Class R-5 Residence District as outlined in Article VIII of the Cheltenham Code per CCS 295-43 to use the premises as noted above instead of one of the enumerated permitted uses.**

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

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

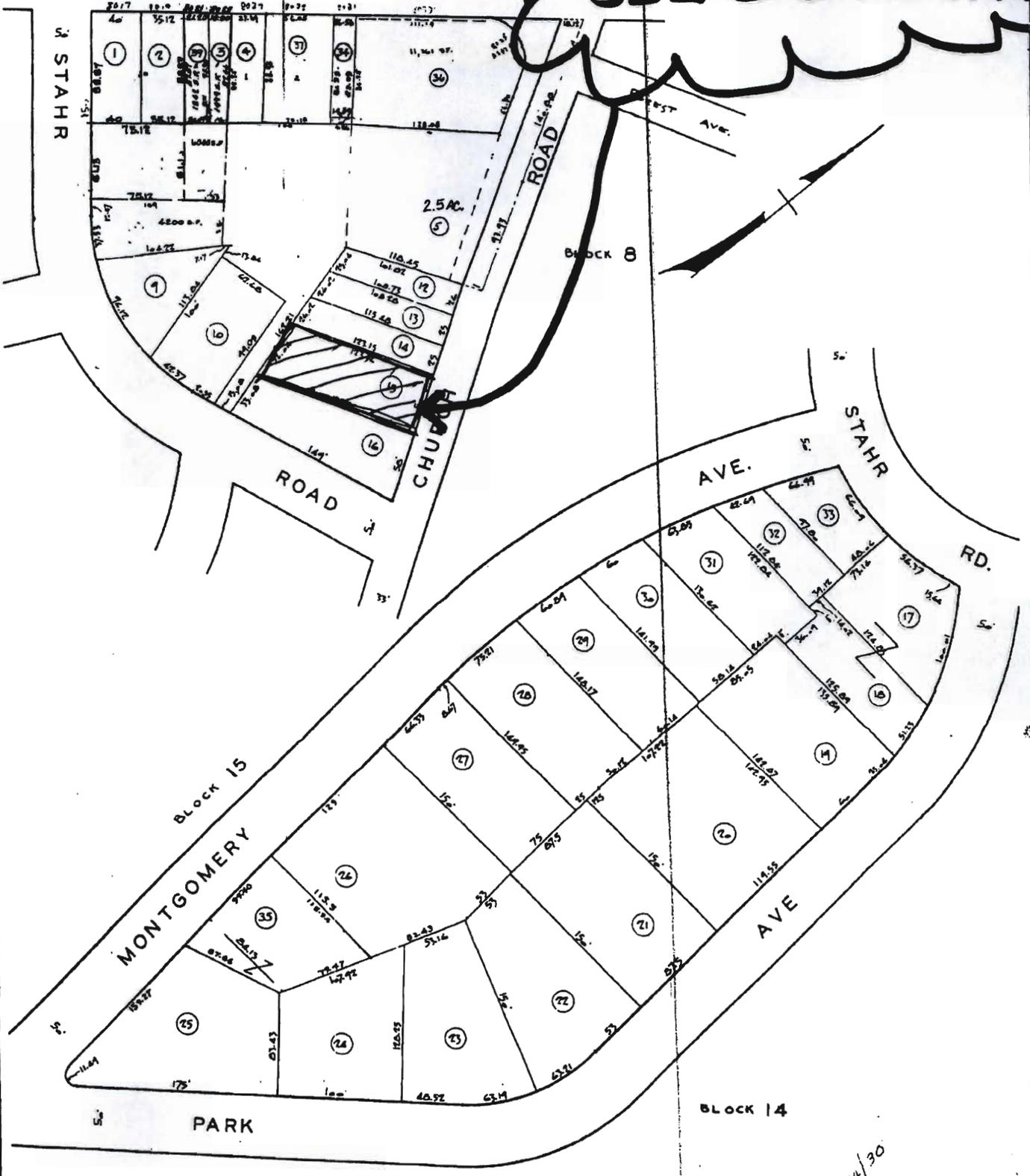
ZHB #3476
Zoning Officer

BLOCK 179

OLD YORK ROAD

552 E. CHURCH RD

J STAHR



BLOCK 8

BLOCK 15

MONTGOMERY

PARK

AVE.

STAHR

RD.

BLOCK 14

AVE

174/30

24B 3476-4.1

CHELTENHAM TOWNSHIP
 MONTGOMERY CO PA
 REAL ESTATE REGISTRY
BLOCK 13
 SCALE 1"=50' DRAWN BY HNE
 JULY 1, 1930 CHECKED BY HNE

November 6, 2013

To whom it may concern

I Raieda Eldabbas the owner of the property at 552 E. Church rd. Elkins park ,PA **requesting a variance to change the current use for my property from single family to 2 residential units.**

I purchased this property on September /07/2000 as a residence for my family and I, also to have an office for my mortgage company. We develop the first floor as an office and the second and third as our residence.

We were licensed by the state of Pennsylvania and the Cheltenham Township to run our mortgage company. we were very happy and contented with our living arrangement. The business was great and we were able to live descent life. In the end of year 2007 the real estate market crashed , but we were trying to survive and continued to stay in business. I n 2010 we could not put food on the table, the mortgage industry got worse. We started to look for other jobs to cover our bills, nothing worked. My husband became ill and the cold weather became a nightmare for him, therefore we decided to move to Florida . we rented an office to work out of and established new company, but the bad luck followed us, we were new comers to the state and we have no followers and we have lots of bill to pay. In 2010 we put 552 E Church Road up for sale or rent to cover the mortgage and taxes. Finally and after 2.5 years we received first offer to purchase for 552 E. Church Rd was October 7-2013. When we put the property for sale we listed as 2 units apartment, because we do have the kitchen and full bath in the first floor, it can be used as one bed room apartment or an office.

It has been a rough journey for my family and I, the taxes for the township and the school need to be paid and the only way to pay it is to get the variance and sell the property.

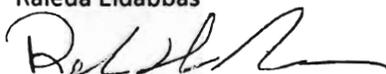
The appraiser went out to appraise the property for the buyer, but he could not do the report because the zoning is one family resident, we need to change it be 2 units residents. I could not afford to lose the buyer,

I am asking your kindness to please help me with the variance, I have to have it done ASAP before I lose the buyer, this is the only way I can pay off the mortgage and pay off all the taxes I owed to Cheltenham township.

Just a note that my property located on a busy Church Rd cross the street from the public works and Elkins Park library. The back of the property is an apartment building with at least 12 to 14 units, on the left a home has been used in the last 14 years as a boarding home and church to the left of it. Two doors away on the right is a nail salon and Elkins park shopping center. So you can see that my area not much of residential neighborhood and the variance will not affect it. Please help me out to move on with our life. Thank you

Sincerely yours

Raieda Eldabbas



ZHB 3476-8.1

**PLANNING COMMISSION MINUTES
DATED
NOVEMBER 25, 2013**

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building. The following Planning Commission members were present: Messrs. Goldfarb, DiBenedetto, Leighton, Cross, Joseph V. Nixon, Montgomery County Planning Commission, and Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections.

1. Acceptance of the October 28, 2010 meeting Minutes

The Commission members voted unanimously to accept the Minutes of the October 28, 2013 meeting.

2. Review of Zoning Hearing Board Agenda for December 9, 2013.

APPEAL NO. 3468: (Continuance) Applicant is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant. Applicant proposes to develop the property for a WaWa Convenience Store containing 5,585 square feet with fueling stations.

Mr. Cross made a motion to keep their original decision.

3. Review of Zoning Hearing Board Agenda for December 17, 2013.

APPEAL NO. 3476: Appeal of Raieda Eldabbas, owner of premises known as 552 E. Church Rd., Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to convert his home/office single family residence into a two family dwelling,

- a. Variances from the Rules and Regulations of the Class R-5 Residence District as outlined in Article VIII of the Cheltenham Code per CCS 295-43 to use the premises as noted above instead of one of the enumerated permitted uses.

Mr. Reitano presented the application and introduced Mr. Gilbert Melhor the applicants authorized representative to speak on his behalf concerning this appeal.

The committee asked Mr. Melhor about the parking situation as it pertains to the existing building and its past use. Mr. Gilbert described the existing use of the property was an office and residence for Mr. Eldabbas. The parking was spread throughout the neighborhood from public parking lots, the parking area directly across the street and the also utilizing the Elkins Park Library parking lot.

Mr. Cross wanted to confirm that this property in this residential zoning district R-5 was to be considered as only a change of use.

Mr. Reitano responded to Mr. Cross and confirmed the property is considered a change of use. Therefore, an approval of a property for a change of use will also require additional building code reviews.

Mr. Cross asked what process would be required to bring this building up to current building and safety standards, given the fact that there are no renovations required to convert this building into a two-family residential unit.

Mr. Reitano stated that the change of use will require a certificate of occupancy to be issued prior to owner or tenant occupancy. This translates into all building codes, fire codes and related township ordinances, mechanical, plumbing and electrical inspections will be required.

Mr. Cross made a motion to take no action, but made a suggestion that if the relief requested is granted then the building be inspected and approved for its proposed use.

Mr. Goldfarb, seconded the motion as stated and the committee unanimously approved to take no action with the suggestion that it be inspected and approved prior to tenant occupancy.

3. Old Business

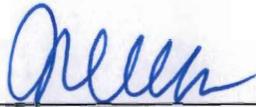
No old business discussed.

4. New Business

No new Business discussed.

5. Adjournment

Mr. Goldfarb made a motion for adjournment; Mr. DiBeneditto seconded the motion, the motion passed. The meeting adjourned at 8:10 P.M.



Bryan T. Havir
Township Manager

Per Carmen Reitano

**ECONOMIC DEVELOPMENT TASK FORCE
RECOMMENDATIONS FOR
ISSUANCE OF
CERTIFICATES OF APPROPRIATE SIGNAGE**

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 Applications

DATE: November 22, 2013

The following signage permit applications which were recently filed with your department were reviewed on November 19, 2013 at the Economic Development Task Force (EDTF) meeting:

- 1.) **8031 Old York Road, Elkins Park** – *for façade signage*. EDTF recommended approval of the channel letter, lighted facade sign as to appropriate scale and size and meeting zoning approval with the condition that the lights are not flashing lights. Based on the rendering submitted and said conditions, the EDTF concurred by majority and recommended approval. Two abstentions were recorded.
- 2.) **240 S. Easton Road, Glenside** – *for façade signage*. EDTF recommended unanimously the approval of the replacement sign based on corporate logos.
- 3.) **8339 Old York Road, Elkins Park** – *for signage*. EDTF had questions about the size of the existing free standing sign and requested photographs of the existing sign for review. Recommendation is withheld until photographs are reviewed.
- 4.) **300 S. Easton Road, Glenside** – *for canopy signage*. The EDTF understood that a free standing sign had been previously approved by the Zoning Hearing Board with the condition no other signage on the property would be permitted. The EDTF made a motion to deny recommendation for Certificate of Appropriateness based on the conditions set by the Zoning Hearing Board that no more signage be installed.
- 5.) **8080 Old York Road, Elkins Park** – *for façade signage*. EDTF made a motion to recommend approval of the signage. The motion was approved by majority. One abstention was recorded.
- 6.) **316 Central Avenue, Cheltenham Village** – *free-standing signage*. EDTF made a motion to recommend approval of the sign. The motion was unanimously approved.

Memorandum to David Jones

November 22, 2013

- 7) **45 S. Easton Road, Glenside** – *facade signage*. The EDTF recommended approval of two replacement channel letter wall signs on the condition that the text on the two new and one existing wall sign are all the same size. The motion was unanimously approved.

Please schedule Item #1, 2, 5, 6 and Item #7 for a consideration of issuance of a COA on the December 4, 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
David Kratzer, EDTF Design Committee

POST EDTF MEETING REVIEW:

Following the meeting, the Building and Zoning Staff and Zoning Officer verified the Zoning Hearing Board conditions imposed on 300 S. Easton Road were to remove all signs that were erected without permits. The Zoning Hearing Board did not preclude the owner from submitting applications for erecting future signage. Therefore, the proposed canopy sign and wall sign, submitted by the owner could be considered. The proposed new signs follows corporate logos and designs.

**RECENT
ZONING HEARING BOARD
DECISIONS**

**REPORT OF THE
BUILDING INSPECTOR
NOVEMBER 2013**

November 26, 2013

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

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

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	52	6,316	315,800
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	2	199	9,950
COMMERCIAL			
RENOVATIONS / ALTERATIONS	16	6,518	325,900
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	2	2,259	112,950
FENCE	2	145	145
NOVEMBER, 2013	74	15,437	764,745
NOVEMBER, 2012	44	29,189	1,459,450
YEAR-TO-DATE 2013	741	332,868	16,636,295
TOTAL 2012	604	224,950	11,247,500
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HEATING & AIR CONDITIONING			
NOVEMBER, 2013	4	1,738	86,900
NOVEMBER, 2012	5	1,939	96,950
YEAR-TO-DATE 2013	52	27,302	1,433,807
TOTAL 2012	48	20,671	1,033,550
<hr/>			
ELECTRICAL			
NOVEMBER, 2013	11	3,816	190,800
NOVEMBER, 2012	7	3,259	163,000
YEAR-TO-DATE 2013	95	36,387	1,804,357
TOTAL 2012	80	20,055	1,002,750
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PLUMBING			
NOVEMBER, 2013	12	2,877	143,850
NOVEMBER, 2012		NOT PREVIOUSLY RECORDED	
YEAR-TO-DATE 2013	96	24,384	1,218,200
TOTAL 2012		NOT PREVIOUSLY RECORDED	
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FOG PERMITS, NOVEMBER 2013	26	13,000	13,000
GRADING PERMITS, NOVEMBER 2013	1	400	400
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David R. Jones
Interim Director - Zoning & Inspections

**LOCAL LANDMARKS ORDINANCE
CHAPTER 175**

CHELTENHAM TOWNSHIP

ORDINANCE NO. _____

LOCAL LANDMARK ORDINANCE

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, ESTABLISHING CHAPTER 175, ENTITLED "LOCAL LANDMARKS"; PROVIDING CRITERIA FOR QUALIFICATION AS LOCAL LANDMARKS; PROVIDING FOR CERTIFICATES OF APPROPRIATENESS; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

SECTION 1. The Board of Commissioners hereby adopts the following as Chapter 175, entitled "Local Landmarks".

§ 175-1. Purpose.

- A. It is the purpose and intent of this ordinance to protect and enhance the special character and historic interest of the Local Landmarks in Cheltenham Township in the interest of the health, prosperity, safety, and welfare of the people. The additional purpose of this Chapter is to:
- (1) Accomplish the protection and enhancement of designated Local Landmarks which reflect the township's cultural, social, economic, political, and architectural history;
 - (2) Safeguard the Township's historic and cultural heritage as embodied within the Local Landmarks;
 - (3) Promote appreciation of Local Landmarks for the education and enjoyment of local residents;
 - (4) Encourage beautification and private investment in the Township's Local Landmarks to enhance the visual character of the community;
 - (5) Stabilize and improve property values; and
 - (6) Foster civic pride in the history and architectural integrity of the Township.

§ 175-2. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

CERTIFICATE OF APPROPRIATENESS (COA) - Document issued by the Board of Commissioners, following a prescribed review procedure, certifying that the proposed actions by an applicant related to demolition or relocation work are found to be

acceptable in terms of criteria relating to the individual Local Landmark, pursuant to the criteria enumerated in this Chapter.

DEMOLITION - The razing or destruction, whether entirely or in part, of a site or structure, impairing its structural, historic, and/or architectural integrity.

DEMOLITION BY NEGLIGENCE - The absence of routine maintenance and repair leading to a building's inability to be rehabilitated and reused or a structure's structural weakness, decay, and deterioration, and resulting in its demolition, whether by ordinary negligence or willful neglect, purpose or design, by the owner or any party in possession thereof. Demolition by neglect shall also include leaving a building or structure open to decay by the elements or vulnerable to vandalism.

DENIAL - The written rejection of an application for work that is determined to be inappropriate due to the fact that it adversely impacts a resource identified as a Local Landmark.

LOCAL LANDMARK - Any building, structure, site, object or district which possesses integrity of location, design, setting, materials, workmanship, and association and which has been included in the Cheltenham Township Cultural Resources Survey (Exhibit A, available at the Township), as updated and amended from time to time. Also includes any building, structure, site, object or district listed or considered eligible for listing in the National Register of Historic Places. Local landmarks may be located within designated Historical Districts (and regulated by Chapter 295, Article XX), or they may be on scattered sites located throughout the Township (regulated by this Chapter).

PRESERVATION - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

RECONSTRUCTION - The act or process of reproducing, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and/or in its historic location.

REHABILITATION - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

REPAIR - The act of restoring a decayed or damaged resource to a sound condition.

REPLACEMENT - The act of replicating any exterior architectural feature in order to substitute for an existing deteriorated or extensively damaged architectural feature.

RESTORATION - The act or process of accurately reproducing the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected.

SITE - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object of the location itself possesses historic, cultural, or archeological significance.

STRUCTURE – For the purposes of this Chapter, “Structure” shall mean: A construction for the purposes of occupancy, use, or ornamentation, having a fixed location on, above, or below the surface of land. Structures include, but are not limited to, buildings, flagpoles, fences, gazebos, pergolas, canopies, freestanding signs, permanent signs, walls, paved parking areas, and driveways.

§ 175-3. Designation of Local Landmarks. For the purpose of this Chapter, any Historic Resource on a scattered site meeting at least one of the following criteria shall be considered a Local Landmark:

- (1) each resource identified in the Cheltenham Township Cultural Resources Survey, as updated and amended from time to time;
- (2) each resource listed in the National Register of Historic Places;
- (3) each resource determined to be eligible for listing in the National Register of Historic Places.

§ 175-4. Planning Commission.

The “Planning Commission”, as described fully in the Cheltenham Township Charter, Article XIII, Citizens’ Groups, § C1305 PC, shall be responsible for reviewing and recommending to the Public Works Committee of the Board of Commissioners applications for demolitions or relocations of Local Landmarks as more fully described within this Chapter.

§ 175-5. Public Works Committee of the Board of Commissioners.

The Public Works Committee shall be responsible for reviewing and recommending to the Board of Commissioners actions to take regarding application for projects concerning Local Landmarks as defined within this Chapter.

§ 175-6. Certificate of Appropriateness review procedure for Demolition or Relocation of Local Landmarks located outside the Historical Districts:

- (1) Prior to submission of a permit application for the relocation or demolition, in whole or in part, of any building and/or structure designated as a Local Landmark, the applicant shall provide the following information, plans, photographs, and other supporting materials to the Cheltenham Township Department of Planning, Zoning, and Inspections:
 - a. Certificate of Appropriateness Application
 - b. Copy of deed showing ownership of property
 - c. 4" x 6" (or larger) labeled photographs showing:
 - All sides of existing buildings and/or structures
 - Site surrounding existing buildings of structures
 - Adjacent sites, buildings, and structures including adjacent properties and across streets and right of ways
 - d. Scaled drawings indicating all proposed changes, as applicable:
 - Site plan, including adjacent sites and buildings
 - Floor plans
 - All elevations
 - Details of all proposed work and new exterior elements
 - e. Samples or catalog cuts of any new materials to be used
 - f. Any additional information deemed necessary by the Planning Commission, in order to make a sound decision, after an initial consultation or review
 - g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.
- (2) The Cheltenham Township Department of Engineering, Zoning and Inspections shall notify the Planning Commission that a complete application for a Certificate of Appropriateness for a Local Landmark has been filed with the Township. The Township shall notify the applicant of the time and place of the next Planning Commission meeting when the application will be discussed.
- (3) The applicant, or designated representative, must appear to explain and present the application to the Planning Commission. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the Planning Commission. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department of Planning, Zoning and Inspections, the Planning Commission can recommend denial of the application.

- (4) The Planning Commission shall review a written report regarding the application as prepared by the Township's current Board of Historical and Architectural Review (BHAR) consultant (if applicable). The BHAR consultant may be asked to attend the Planning Commission meeting to provide input and advise Planning Commission members about the application.
- (5) In determining whether the preservation of the building or buildings is feasible, the following shall be considered:
- Whether the building or buildings is representative of a specific period of significance that is integral to the Township's history.
 - Whether the building or buildings can be preserved by protecting its location from disturbance.
 - Whether measures, such as rehabilitation, reuse, or restoration, can result in preservation of the structure.
 - Whether the steps necessary to preserve the building or buildings are feasible and do not create an economic hardship.
 - Whether the measures taken to preserve the building are long-term in nature.

In determining whether preservation of the building or buildings at another location is feasible, the following shall be considered:

- Whether the building or buildings can be moved and still retain its historic significance.
 - Whether the building or buildings are stable enough to permit relocation.
 - Whether it is feasible and practical to relocate the building or buildings without creating an economic hardship.
 - Whether relocation would result in the long-term preservation of the building or buildings.
- (6) The Planning Commission will review the application and evaluate the probable impact of the demolition or relocation of a building or buildings. The demolition or relocation will be considered based on the integrity of the building or buildings, the impact on the sites immediately adjacent to the proposed demolition or relocation site(s) and the impacts throughout the immediate neighborhood or area. The Planning Commission shall first consider whether preservation of the building or buildings in place is feasible, or failing that option, whether preservation is feasible at another location.
- (7) The Planning Commission, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the Planning Commission, would protect the distinctive historical character of the District and justify the granting of

- a Certificate of Appropriateness. The applicant shall be granted the opportunity to work with the Planning Commission to find an appropriate use for the property, to help find a buyer for the property, or to obtain grant or loan funding to complete rehabilitation work.
- (8) Upon recommendation for approval or disapproval of the application by the Planning Commission, the application will be forwarded to the Public Works Committee of the Board of Commissioners of Cheltenham Township, Montgomery County for review at their next regularly scheduled meeting. The Public Works Committee shall then submit to the Board of Commissioners in writing its counsel concerning the issuance of a Certificate of Appropriateness of authorizing a permit for the demolition of all or a part of any building designated as a Local Landmark.
 - (9) If the Board of Commissioners disapproves the COA for the work covered by the application, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the Local Landmark. Upon receipt of the written disapproval of the Board of Commissioners, the Director of Planning, Zoning and Inspections shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.
 - (10) The above required procedures pursuant to the granting of a permit for demolition of a Local Landmark will be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Office of the Director of the Department of Planning, Zoning and Inspections.
 - (11) The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the Demolition/Relocation application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying the Township Historical Commission at least thirty (30) days prior to public review of the application by the Board of Commissioners, so that the aforementioned group may have the opportunity to provide advisory comments regarding the application.

§ 175-7. Time limitations.

The Township shall have one hundred and twenty (120) calendar days to act on a complete application for a Certificate of Appropriateness, from the date the application is deemed complete by the Township. If no action has been taken after one hundred and twenty (120) days, such application shall be deemed to have been approved; and the issuance of any permit dependent upon the certification or appropriateness shall be so

authorized by the Township. This time limit may be waived at any time by mutual consent of the applicant and the Cheltenham Township Board of Commissioners.

§ 175-8. Expiration.

Any Certificate of Appropriateness issued pursuant to the provisions of this Chapter shall expire twenty-four (24) months from the date of issuance, except that under the following circumstances the COA shall continue to be in effect:

- (1) the authorized work is commenced within said twenty-four (24) month time period
- (2) an active building permit for the authorized work is on file with the Township.

§ 175-9. Exceptions to Certificate of Appropriateness Procedure.

A COA is not required for the routine repair, maintenance or replacement in kind of any exterior elements or features of any building or structure, in whole or in part, of any Local Landmark.

If the Director of Planning, Zoning and Inspections makes a determination that the proposed work is routine repair or maintenance or replacement in kind, the applicant may then make application for a building permit. If the Director of Planning, Zoning and Inspections makes a determination that the proposed work constitutes demolition, in whole or in part, or relocation of a Local Landmark, the applicant shall complete a Certificate of Appropriateness application.

§ 175-10. Documentation of Historic Resource Prior to Demolition or Relocation.

If the Township issues a permit for the demolition or relocation of a building or structure identified as a Local Landmark, the Board of Commissioners shall require the applicant to provide documentation of the historic resource proposed for demolition. Such documentation may include photographs, floor plans, copies of deeds, scaled site plans, archeological survey, summary descriptions, maps, and any other comparable form of documentation stipulated by the Board of Commissioners, in order to provide a record of the property for future generations. Copies of documentation shall be provided to the Township Office of Planning, Zoning and Inspections, the Cheltenham Township Historical Commission, and to any other research institution or document repository deemed appropriate by the Board of Commissioners.

§ 175-11. Demolition by Neglect.

Demolition by neglect shall be a violation of the provisions of this Chapter and shall be subject to the violation provisions and penalties provided for in the Cheltenham Township Zoning Code. In addition, unoccupied buildings within the Historical District shall be tightly sealed, weatherproofed, fenced or otherwise protected, and their utilities shall be shut off for safety, violation of which shall be subject to the violation provisions and penalties of the Cheltenham Township Zoning Code.

§ 295-12. Violations and Penalties.

Any person, partnership, corporation, unincorporated association or other entity who or which shall violate the provisions of this Chapter shall upon adjudication thereof in a civil enforcement proceeding commenced by the Township be subject to a civil penalty not to exceed \$600 per violation, plus costs of prosecution. Each day such violation shall occur shall constitute a separate violation.

SECTION 2. Disclaimer. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to effect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 3. Ratification. In all other respects, the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning," is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Cheltenham Township Board of Commissioners that this Ordinance would have been adopted if such legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

SECTION 5. Failure to Enforce Not a Waiver. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 6. Repealer. Except as otherwise expressly provided herein, any Ordinance or any part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force from and after it is approved as required by law.

ENACTED into an **ORDINANCE** this _____ day of _____, 2013.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

BY: _____
Art Haywood, President

ATTEST: _____
Bryan T. Havir, Township Manager

APPENDIX "A"

**A LIST OF ADDRESSES ARE AVAILABLE AT THE
TOWNSHIP ADMINISTRATION BUILDING**