

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

BUILDING AND ZONING COMMITTEE

Art Haywood - Chair
Morton J. Simon, Jr. - Vice Chair
Charles D. McKeown, Sr. - Member
Daniel B. Norris - Member
Ann L. Rappoport - Member
J. Andrew Sharkey - Member
Harvey Portner - Ex-Officio Member

**Tuesday, February 11, 2014
8:00 PM
Curtis Hall**

AGENDA

1. Review of the Zoning Hearing Board Agenda for February 10, 2014 (see attached).
2. Review of the Zoning Hearing Board Agenda for February 18, 2014 (see attached).
3. Review of the Planning Commission Minutes dated January 27, 2014 (see attached).
4. Review of recent Decision(s) of the Zoning Hearing Board (see attached).
5. Report of the Building Inspector for January, 2014 (see attached).
6. Old Business
7. New Business
8. Citizens' Forum
9. Adjournment



Bryan T. Havir
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

FEBRUARY 10, 2014

NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 8306 High School 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, January 27, 2014, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park PA.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, February 5, 2014 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, February 10, 2014 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

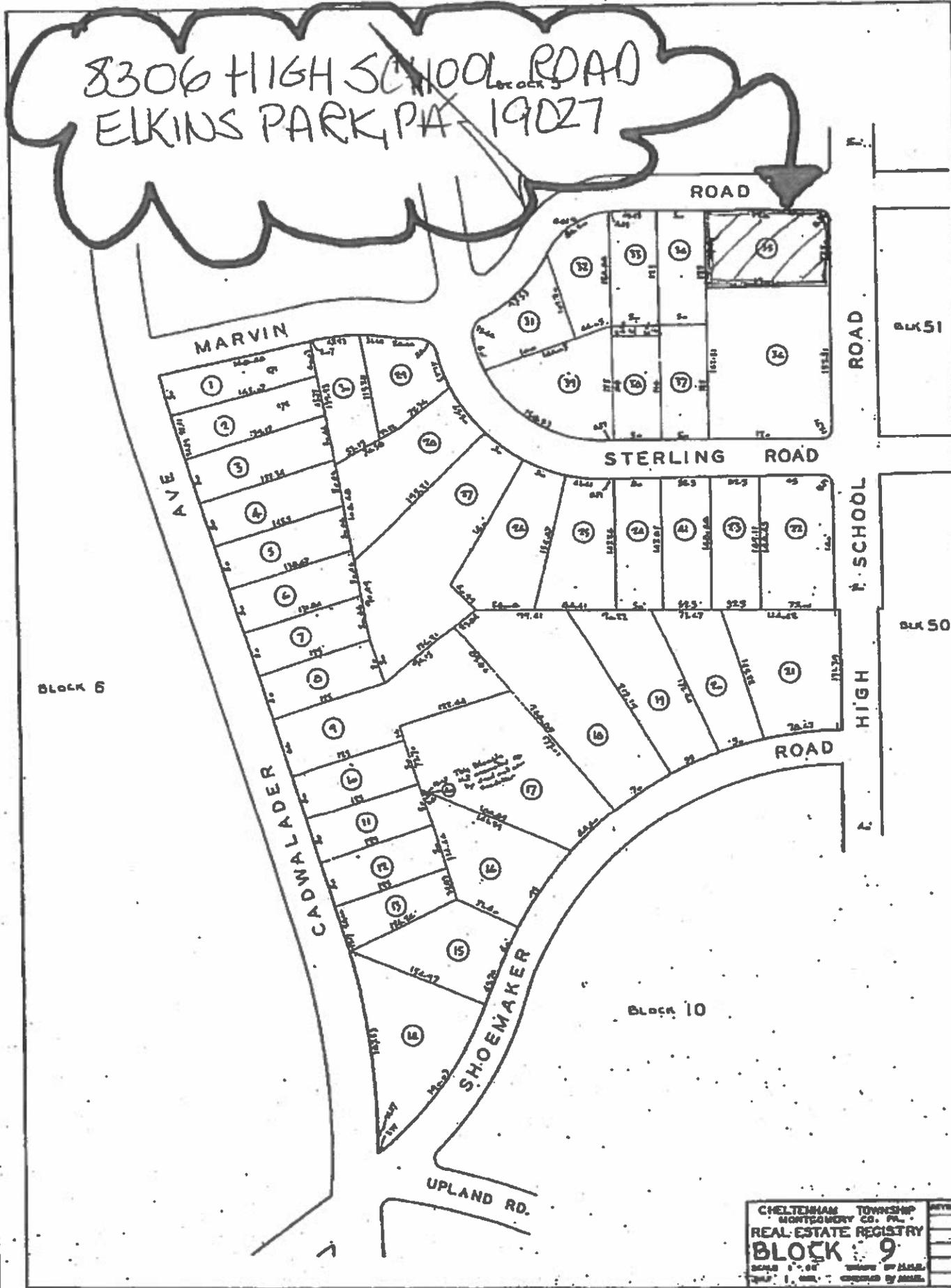
APPEAL NO. 3480: Appeal of Paul B. Johnson, owner of premises known as 8306 High School Rd., Elkins Park, PA, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-39.C for a lesser rear yard setback of 10'-4" instead of the minimum required 25' and CCS 295-39.A.(2) for a lesser front yard of 19'-10" instead of the required 40' in order to build a one storey bedroom and bathroom addition for a disabled family member.

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 # 3480
Zoning Officer**

8306 HIGH SCHOOL ROAD
ELKINS PARK, PA 19027



CHELTENHAM TOWNSHIP
MONTGOMERY CO. PA.
REAL ESTATE REGISTRY
BLOCK 9
SCALE 1" = 40'
DRAWN BY [unclear]
CHECKED BY [unclear]

24B-3480-4.1

NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 450 S. Easton Road, Glenside, PA 19038 will be reviewed by the following Township Committees which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, January 27, 2014, 2013, at 7:30 P.M. at the Township Administration Building Boardroom.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, February 5, 2014 at 8:00 P.M. at Curtis Hall, 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, February 10, 2014 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3481: Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief :

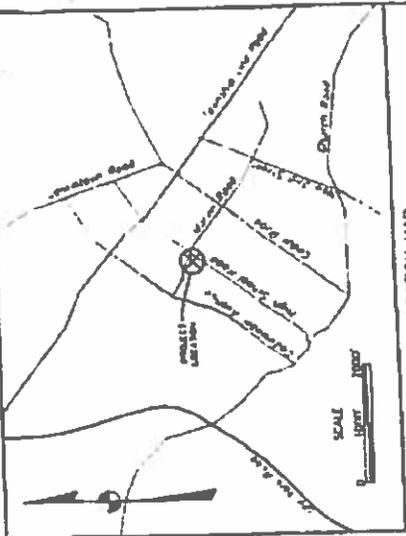
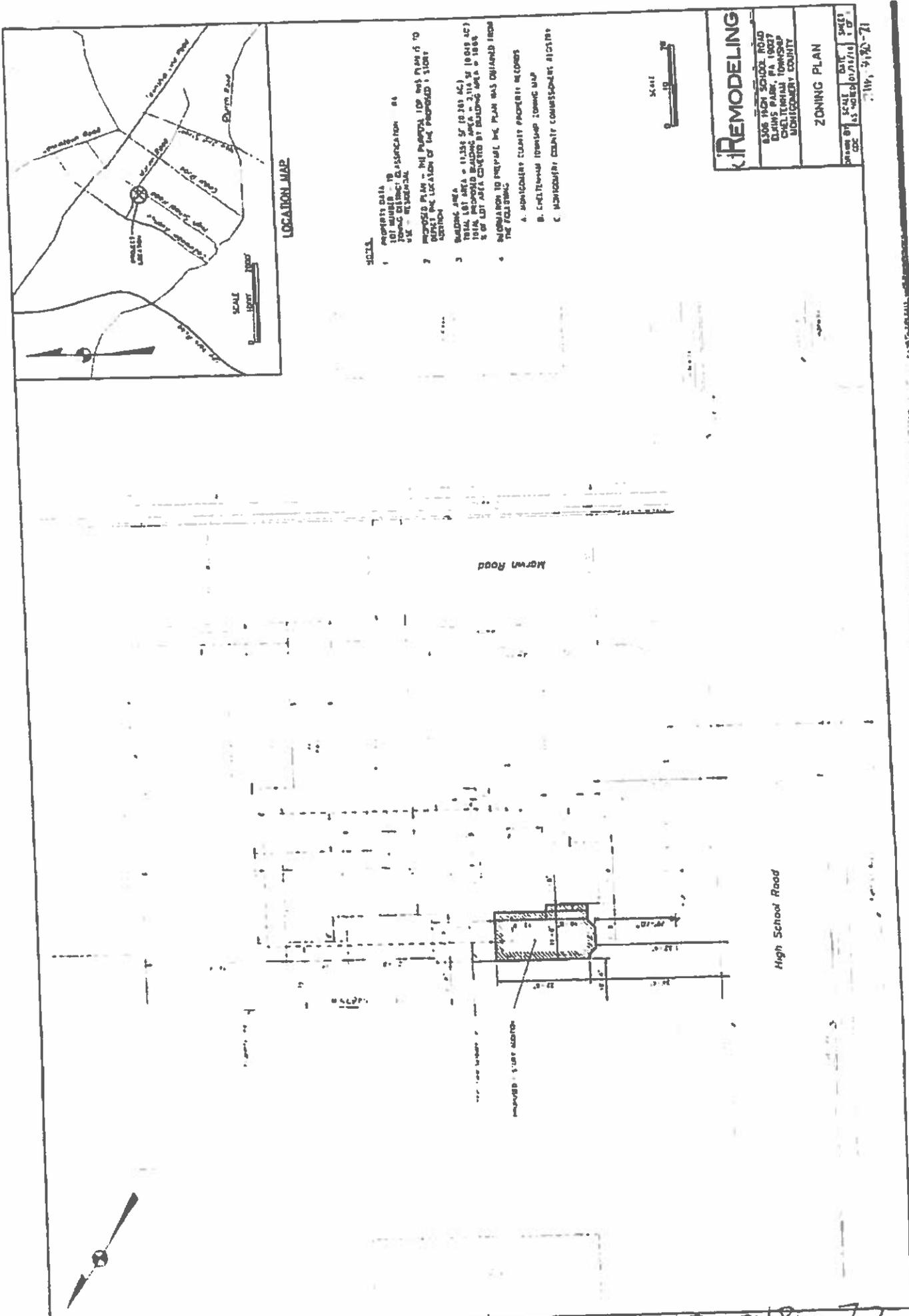
- a. A Special Exception from the Rules and Regulations of a CCS 295-227 B. for rebuilding a Storage and Maintenance Building in a Class R-3 Residential District on the premises (CTRERP Block 137, Units 043) by making the following improvements:
 - i. Construction of a new 7251 +/- S.F., (22' high) maintenance and storage building replacing the existing 10,663 +/- S.F. building.****
- b. Variance from CCS 295-251 B.(1.) for rebuilding new / proposed structures in the Riparian Corridor Conservation District smaller than existing structures and clear of Riparian Buffer Zone I.**

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. Gihson at 215-887-1000 at least 5 work days prior to the meeting.

ZHB #3481

Zoning Officer



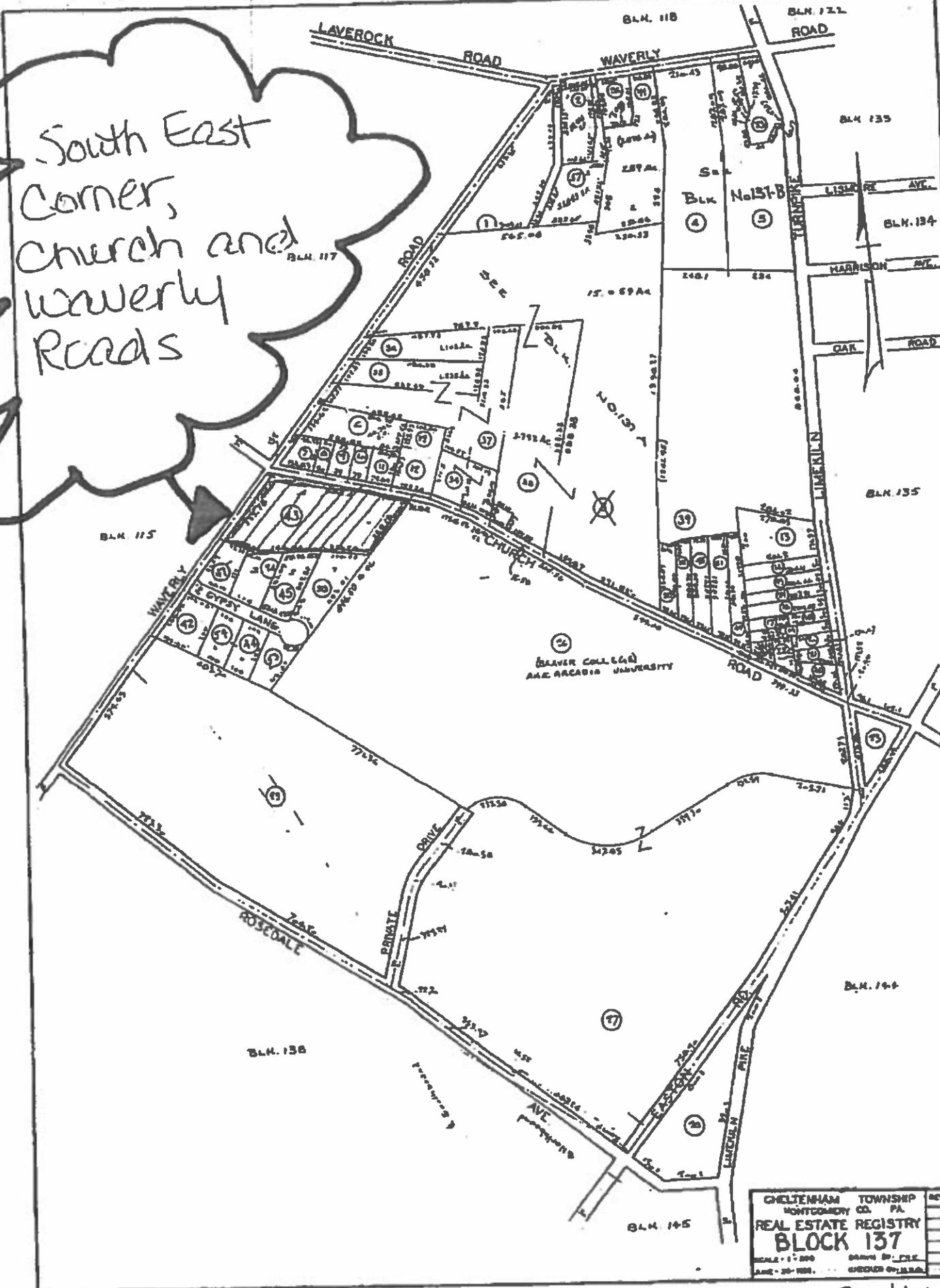
- NOTES**
- PROPERTY DATA
 1. ZONING DISTRICT CLASSIFICATION: R-6
 2. USE - RESIDENTIAL
 - PROPOSED PLAN - THE PURPOSE OF THIS PLAN IS TO
 SHOW THE LOCATION OF THE PROPOSED 1 STORY
 ADDITION
 - BUILDING AREA
 TOTAL LOT AREA = 11,338 SF (0.261 AC.)
 TOTAL PROPOSED BUILDING AREA = 3,118 SF (0.071 AC.)
 % OF LOT AREA COVERED BY BUILDING AND DRIVE
 - REGULATION TO PREPARE THIS PLAN WAS OBTAINED FROM
 THE FOLLOWING:
 A. MONROESVILLE COUNTY PROPERTY RECORDS
 B. CREIGHTON TOWNSHIP ZONING MAP
 C. MONROESVILLE COUNTY COMPREHENSIVE ZONING



REMODELING			
6008 HIGH SCHOOL ROAD BLOOMSBURG, PA 17007 CHESTER TOWNSHIP MONROESVILLE COUNTY			
ZONING PLAN			
DATE	SCALE	SHEET	OF
11/14/72	AS SHOWN	1/10	1/10

1112-2481-72

South East
 Corner,
 Church and
 Waverly
 Roads



CHELTENHAM TOWNSHIP
 MONTGOMERY CO. PA.
 REAL ESTATE REGISTRY
BLOCK 137
 SCALE: 1" = 500' DRAWN BY: P.L.C.
 DATE: 10-1988 CHECKED BY: J.S.A.

2HB 3481-4.1 12

NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for Hopkins Center, 8100 Washington Lane, Wyncote, PA 19095 will be reviewed by the following Township Committees which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, January 27, 2014, at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, February 5, 2014 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, February 10, 2014 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3479 (Continued) – Appeal of Hopkins Center, owner of premises known as 8100 Washington Lane, Wyncote, PA, from the Decision of the Zoning Officer in order to expand the existing parking field by 15 spaces and shift the location of the recyclable/trash enclosure.

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

- 1. A variance from CCS 295-221.B(5).(a) (Location of surface parking) to allow surface parking between the existing building and Washington Lane.**
- 2. A variance from CCS 295-220B. (Side yard projections) to allow recyclables/trash and landscape wall to project within the side yard.**
- 3. A variance from CSS 295-163 (Steep Slope Conservation District) to allow disturbance of slopes 15% or greater.**
- 4. A variance from CCS 295-24A. (2) (Front Yard Setback) to allow construction of a landscape wall with railing 18' from the Right of Way instead of the allowed 50'.**

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 # 3479 (Continued)
Zoning Officer**



Hopkins Center

Genesis HealthCare™

8100 Washington Lane
Wyncote, PA 19095-1600
215-576-8000
215-887-3659

January 13, 2014

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

Re: Genesis Hopkins Center – Zoning Hearing Relief Request

Dear Zoning Board Members:

On behalf of Hopkins Center, I request a continuance of this hearing until next month's agenda.

Sincerely,

Brian Huntoon
Property Manager
Genesis HealthCare
610-637-3907

Cc: Hibbeln Engineering Company, LLC

A-1

Rec'd 01/13/14 ... ZHB # 3479.

ZONING HEARING BOARD

AGENDA

FOR

FEBRUARY 18, 2014

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for Good Pro Cheltenham, L.P. c/o Goodman Properties, 636 Old York Rd, 2nd Floor, Jenkintown, PA 19046 will be reviewed by the following Township Committees which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, January 27, 2014 at 7:30 P.M. in Curtis Hall at Greenwood Avenue and Church Road, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, February 5, 2014 at 8:00 P.M. in Curtis Hall at Greenwood Avenue and Church Road, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Tuesday, February 18, 2014 at 7:30 P.M. at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3468: (Continued) 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.

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 A.M. to 4:30 P.M.

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 days prior to the meeting.

The monthly meeting of the Cheltenham Township Planning Commission ("PC") was held on January 27, 2014 at 7:30 PM at Curtis Hall. The following Planning Commission members were present: Messrs. Cross, Harrower, Winneberger, Laughlin, Leighton, Goldfarb, and also present was Carmen G. Reitano, Assistant to Director – Planning, Zoning and Inspections and Joseph V. Nixon from Montgomery County Planning Commission.

1. Acceptance of the minutes of the December 23, 2013 Meeting.

Members questioned why the acceptance of minutes was listed third on the agenda. A motion was made and approved to accept the meeting minutes of December 23, 2013 by all present.

2. Review of Zoning Hearing Board Applications for February 10, 2014 Zoning Hearing Board Meeting.

APPEAL NO. 3480: Appeal of Paul B. Johnson, owner of premises known as 8306 High School Rd., Elkins Park, PA, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-39.C for a lesser rear yard setback of 10'-4" instead of the minimum required 25'; and CCS 295-39.A.(2) for a lesser front yard of 19'-10" instead of the required 40' in order to build a one story bedroom and bathroom addition for a disabled family member.

Mr. Cross asked if neighbors were consulted in regards to this proposed addition. Mr. Reitano produced two names of each of the adjacent neighbors, both of which had no objection to the proposed the addition.

Mr. Cross asked if there was an elevation of the proposed addition. A site plan had been submitted; however, there was no elevation in the submittal. On the basis of a lack of information the Planning Commission recommended denial.

APPEAL NO. 3481: Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief:

- a. A Special Exception from the Rules and Regulations of a CCS 295-227 B. for rebuilding a Storage and Maintenance Building in a Class R-3 Residential District on the premises (CTRERP Block 137, Units 043) by making the following improvements:
 - i. Construction of a new 7251 +/- S.F., (22' high) maintenance and storage building replacing the existing 10,663 +/- S.F. building.
- b. Variance from CCS 295-251 B. (1.) for rebuilding new / proposed structures in the Riparian Corridor Conservation District smaller than existing structures and clear of Riparian Buffer Zone 1.

Mr. Hal Lichtman of GLP Architects presented a proposal to replace the greenhouses at the corner of Waverly and Church Roads with a one story metal storage building. The greenhouses are currently used for storage by Arcadia University.

The reconstruction of the building would be on a slightly smaller footprint and be located further away from Waverly Road and out of the riparian buffer Zone 1.

The Commission asked if the buildings would be used as greenhouses and Mr. Lichtman reported that the buildings would be used for storage and possibly as a batting cage for the students and/or storage of landscaping equipment for the campus. It was further reported that a footbridge would be put in place to access this building from the main campus.

The Planning Commission requested an elevation plan from Waverly Road. Mr. Lichtman said he would have one prepared in time for presentation at the Zoning Hearing Board meeting. The Planning Commission recommended no action for this Appeal.

3. Continuation of Appeal 3468

Mr. Reitano reported for the applicant that the Cheltenham Township Zoning Hearing Board will continue the public hearing of Appeal No. 3468 filed by Good Pro Cheltenham, L.P. for a proposed Wawa Convenience Store with a gas station and fueling pumps on 3.65+ acres of ground at the intersection of Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane in Cheltenham Township. The hearing will be held on Tuesday, February 18, 2014, at 7:00 PM at Curtis Hall, Church Road and Greenwood Avenue, Wyncote, PA 19095.

4. New Business

A review of a Conditional Use Application, CTCU-1301, for Swift and Choi, Development, LLC for the property at 1900 Ashbourne Road was presented by Mr. Hal Lichtman and the applicant's attorney, George J. Ozorowski, Esquire.

Mr. Hal Lichtman stated that because the subject property is greater than five (5) acres, the Preservation Overlay District takes effect even though the property is zoned M2. He stated that this district was created in 1993 to prevent overdevelopment and preserve historic sites and buildings in the Township. He further stated that the Commissioners can approve development under certain conditions.

Mr. Lichtman suggested that one condition would be that the property would suffer economic hardship as a reason that it should be developed. It is not the applicant's intent to go to the Zoning Hearing Board. Mr. Lichtman noted that the SALDO review will prove that the proposal complies with all appropriate environmental and stormwater management requirements. He stated that the land was originally part of the Lynnewood Gardens Tract and the surrounding uses are of no historic value.

Mr. Lichtman explained that surrounding uses are a post office zoned M2, Lynnewood Gardens zoned M1, Lynnewood Gardens swim club zoned M2, assisted living zoned R3 and residential R3 uses 250 feet from the corner of the proposed site and existing M2 adjacent zones. Mr. Lichtman expressed that development will not infringe on existing wetlands and that the wetlands will be protected. The area is not in any existing flood zones or riparian conservation districts.

Mr. Lichtman further reported that a residential use is a more appropriate than an institutional use and indicated that he agrees with prior recommendations from the Board of Commissioners, the Zoning Hearing Board and the overall Township Comprehensive Plan. The type of residential units will be up for discussion.

At this time, Mr. Michael Frolove from Frolove Realty Group Inc. appeared as a professional appraiser and broker in Pennsylvania and New Jersey. He was assigned the task of determining the highest and best use of this parcel based upon his site inspection, comparable sales in Elkins Park and other statistical data. The market value of eleven (11) single homes based on an R4 zoning district was considered along with a mid-rise four story condominium building with 146 units. Based on his analysis, the proposed use of a condominium complex was a "no brainer" as the best and highest use. A spreadsheet was submitted to the Planning Commission to verify his conclusions.

Mr. Frolove further stated that this would be a positive thing for the surrounding neighborhoods and with approval of the conditional use, the condominium proposal would be the highest and best use. He further expressed that it was his professional opinion that the development of single family residences would be an economic hardship for the developer.

Mr. Lichtman stated that this property has been for sale since 2002 and no one has found it attractive for development. It is anticipated the proposed four story condominium structure would be constructed to meet silver LEED design standards including green roofs and skylighting. Mr. Lichtman suggested that the condominiums are really the only kind of development that makes any economic sense and felt this would not be a burden on municipal services as there will be private trash pickup, leaf pickup and snow removal. The Township and school district will benefit from the addition to the tax base. Mr. Lichtman concluded his presentation.

Interested parties' comments on the presentation were as follows:

- The lot is attractive with the trees left as is. They would not like to see high-density housing. They expressed it would affect the quality of life in the Township.
- The Preservation Overlay District is appropriate and protects the natural and scenic features as well as a wildlife and bird sanctuary.
- The storm water runoff from proposed development of this property could be a problem for the neighborhood.
- Traffic is terrible on Ashbourne Road and 146 units could create an unsafe condition and an ever present danger.
- Two bedroom and bath condominiums will not sell in this Township.
- Ms Karin Helstrom requested that the Planning Commission answer a list of specific questions on the proposed development. The PC requested that she bring those questions to the Board of Commissioners hearing on February 19, 2014.

Township Response to Planning Commission Meeting Location Change:

- Mr. Reitano responded to residents asking about this meeting location being held at Curtis Hall. He stated that the relocation of the meeting from the Township Building to Curtis Hall was done quickly because of the anticipated number of individuals that may attend the meeting would not have been accommodated in the Township Board Room.

Comments by Planning Commission were as follows:

- Mr. Cross stated that on February 19, 2014 there will be a hearing to discuss this further with the Board of Commissioners. He further stated that there is nothing historic about this particular site. The stormwater situation is not a concern of the Planning Commission at this time, but is a land development issue.
- Mr. Cross stated that the economic hardship of this property was a known entity when the property was purchased.
- Mr. Winneberger stated that there are no historic structures on the property but that the wetlands may not remain wet very long. He further stated that four stories is a concern because nothing in the vicinity is that high. Traffic issues are also a concern and must be addressed. He further had a concern that the Zoning Hearing Board is not being considered in the decision process.
- Mr. Harrower stated that although it is not an historic property, he has a concern with the leap from eleven (11) single family homes to one hundred forty-six (146) condominiums. He felt it could put a strain on the already heavily traveled Ashbourne Road.
- Mr. Cross asked Joseph Nixon of (MCPC) if he had any comments. Mr. Nixon stated that the points made by the neighborhood were valid and should be considered. His only other concern was whether the intent of the Preservation Overlay District was being gutted by development of the property.

A motion was made by the Planning Commission to recommend denial of the proposal based on multiple reasons stated above. The motion was seconded and the vote was unanimous.

5. Old Business

Since there was no Old Business to be discussed, Mr. Winneberger made a motion to adjourn the meeting. The motion was seconded by Mr. Goldfarb at 9:50 P.M.

Submitted by,
Richard Parkes


Bryan T. Havir
Township Manager

**RECENT
ZONING HEARING BOARD
DECISIONS**

RECEIVED
JAN 13 2014
CHELTENHAM TOWNSHIP

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

APPEAL NO. 3476

Applicants: Raieda Eldabbas
552 E. Church Road
Elkins Park, PA 19027

Subject Premises : 552 E. Church Road

Owner of Premises: Raieda Eldabbas

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that use of the subject building for a two-family dwelling would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VII, Sections 295-43.

Applicant seeks a variance from the rules and regulations of the R-5 Residence District to allow use of the premises for a two-family dwelling.

Time and Place of Hearing: Monday, December 17, 2013 – 7:30 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant Raieda Eldabbas ("Applicant") is the owner of the premises known as 552 Church Road, Elkins Park, Pennsylvania (the "Property").
2. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.
3. The Property is located in an R-5 Residence District and is improved by a building last used for a single-family dwelling and office.

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. 3476;

ZHB-4. a location map marked as Real Estate Registry Block 13, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information dated November 15, 2013;

ZHB-7. a site plan of the Property;

ZHB-8. letter in support of Application authored by Raieda Eldabbas;

ZHB-9. a copy of the MEA Land Record Parcel Information dated November 19, 2013;

ZHB-10. aerial photograph;

ZHB-11. electronic correspondence dated November 21, 2013;

ZHB-12. three floor plans;

ZHB-13. letter from David Jones, Interim Director of Planning and Zoning, to Raieda Eldabbas;

ZHB-14. electronic correspondence from Raieda Eldabbas dated December 3, 2013;

ZHB-15. Township's Posting Certification; and

A-1. letter from Nada O'Neill, Realtor, dated December 17, 2013, multiple listing print-out, and zoning contingency to agreement of sale.

5. The Property is located on Church Road, one of Cheltenham Township's most heavily travelled roads.

6. The Property is improved by a single building which is currently vacant and which was most recently used as a single-family residence and office. The dwelling and the office are separated and cannot be accessed from within either unit. The building has three floors, the bottom floor being last used for the home office and the second and third floors as the single-family dwelling.

7. The block containing the Property is bordered by Church Road, Stahr Road and Old York Road. Most of the block is used for multi-family and commercial uses. Adjacent to the Property on the southern property line is a multi-family dwelling. To the north are two single-family dwellings, one of which is vacant and in deteriorating condition. Further to the north are a nail salon, driveway and parking field and commercial uses.

8. Across Church Road are the Elkins Park Library, parking fields and the Township's municipal services and office building. Across Stahr Road is a Church and across Old York Road are multiple commercial and utility uses.

9. The lot is irregular as its ground level is elevated above Church Road; the Property has no area for parking.

10. Applicant moved from the Property and put the Property up for sale in 2010. In the intervening 2 1/2 years, Applicant received no offer to purchase the Property.

11. On October 7, 2013, Applicant received an offer to purchase the Property which contained a zoning contingency. The buyer conditioned his offer for the Property upon Applicant's obtaining zoning relief in order to use the Property as a two-family dwelling.

12. Because the Property is located on Church Road, near the Church Road intersection with Old York Road, within a block dominated by multi-family and commercial uses and across Church Road from municipal uses, the Property cannot be reasonably used for a single-family dwelling.

13. Applicant has demonstrated unnecessary hardship.

14. The Property has a viable use as a two-family dwelling.

15. Because of the unique physical conditions of the Property and its location among multi-family, commercial and municipal uses, the Property cannot be developed for uses permitted in the zoning district.

16. A grant of relief to allow the use of the Property for a two-family dwelling will not alter the essential character of the zoning district and will not impair the appropriate use or development of adjacent property.

17. A grant of relief to allow the use of the Property for a two-family dwelling will not be contrary to the public interest.

CONCLUSIONS OF LAW

1. Use of the Property as a two-family residence is not permitted by the Cheltenham Zoning Code. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, Applicant has met her burden in establishing that, due to the unique physical circumstances of the Property and those imposed by surrounding properties, a failure to grant relief will result in an unnecessary hardship to the Property.

3. The grant of relief to allow use of the Property for a two-family dwelling is the minimum variance from the governing standards that will afford relief and the minimum modification of the applicable zoning regulation.

DECISION

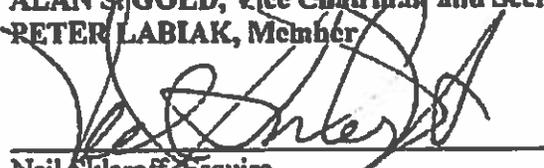
WHEREFORE, this 17th day of December, 2013, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants a variance to allow use of the Property for a two-family dwelling.

This grant of relief is conditioned upon Applicant providing to Cheltenham Township a copy of the recorded deed to the Property.

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

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 JANUARY 9, 2014.

January 30, 2014

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR JANUARY, 2014

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	35	5,587	279,350
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	3	3,676	183,800
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	0	0	0
FENCE	0	0	0
JANUARY, 2014	38	9,263	463,150
JANUARY, 2013	52	5,907	295,000
YEAR-TO-DATE 2014	38	9,263	463,150
TOTAL 2013	794	336,313	16,810,520
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HEATING & AIR CONDITIONING			
JANUARY, 2014	3	498	24,900
JANUARY, 2013	6	890	44,000
YEAR-TO-DATE 2014	3	498	24,900
TOTAL 2013	56	28,678	1,502,607
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ELECTRICAL			
JANUARY, 2014	4	1,256	62,800
JANUARY, 2013	4	220	10,000
YEAR-TO-DATE 2014	4	1,256	62,800
TOTAL 2013	98	37,164	1,843,207
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PLUMBING			
JANUARY, 2014	3	777	38,850
JANUARY, 2013	6	580	28,000
YEAR-TO-DATE 2014	3	777	38,850
TOTAL 2013	105	25,255	1,261,750
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FOG PERMITS, JANUARY 2014	12	6,000	6,000
GRADING PERMITS, JANUARY 2014	0	0	0
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 01/31/2014

For: David R. Jones
Interim Director - Zoning & Inspections