

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

Wednesday, October 1, 2014

8:00 PM

Curtis Hall

AGENDA

1. Action on Zoning Hearing Board Agenda items for October 20 and 28, 2014 (See attached).
2. Receipt of the Planning Commission Minutes dated September 22, 2014 (See attached).
3. Receipt of the Select Committee Minutes dated September 8 and 22, 2014 (See attached).
4. Review of the Economic Development Task Force Recommendations for issuance of Certificates of Appropriateness
5. Report of the Building Inspector for September, 2014 (See attached).
6. Review of Zoning Hearing Board Decisions
7. Old Business
 - a. Review and consider approval of Stipulated Settlement Agreement for the Dobson property of 429 Greenwood Avenue, Wyncote.
8. New Business
 - a. Review of Laverock a.k.a. Falcon Hill Concept Plan owned by Hansen Properties (See attached).

Building and Zoning Committee
Agenda
October 1, 2014

9. Citizens' Forum
10. Adjournment



Bryan T. Havir
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

OCTOBER 20, 2014

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 Committees which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, September 22, 2014, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park PA 19027.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, October 1, 2014 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, October 20, 2014 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., and FHI Ashbourne Land Holding, Inc, 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, Planning 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.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 5 days prior to the meeting.

ZHB #3457 (continued)
Zoning Officer

FRIEDMAN  SCHUMAN

Attorneys at Law • A Professional Corporation

Peter S. Friedman
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Main Office
101 Greenwood Avenue, Fifth Floor
Jenkintown, PA 19046
Phone: (215) 635-7200
Fax: (215) 635-7212

September 11, 2014

Via Email: hsekawungu@cheltenham-township.org

Mr. Henry Sekawungu
Director of Planning and Zoning
Township of Cheltenham
8230 Old York Road
Elkins Park, PA 19027-1589

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

Dear Henry:

On behalf of the Applicant in the above-referenced matter, please accept this letter as Applicant's request to have the above-referenced case listed for the next available hearing date.

Also, please allow this letter to serve as an addendum to the Application, as follows:

- "1.(a) Applicant's Name: 509 Ashbourne Road, L.P. and
FHI Ashbourne Land Holding, Inc.
3. Location of Property: Federation Housing Land Condominium, Unit 1
1509 Ashbourne Road
Elkins Park, PA 19027 and
Federation Housing Land Condominium, Unit 2
1509 Ashbourne Road
Elkins Park, PA 19027"

For your information, FHI Ashbourne Land Holding, Inc. is the owner of the parcel which contains the Mansion building.

{Client Files/005340/00003/00627628.DOCX;1}

FRIEDMAN  SCHUMAN

Attorneys at Law • A Professional Corporation

Mr. Henry Sekawungu
September 11, 2014
Page Two

Please contact me if you require any additional information.

Thank you.

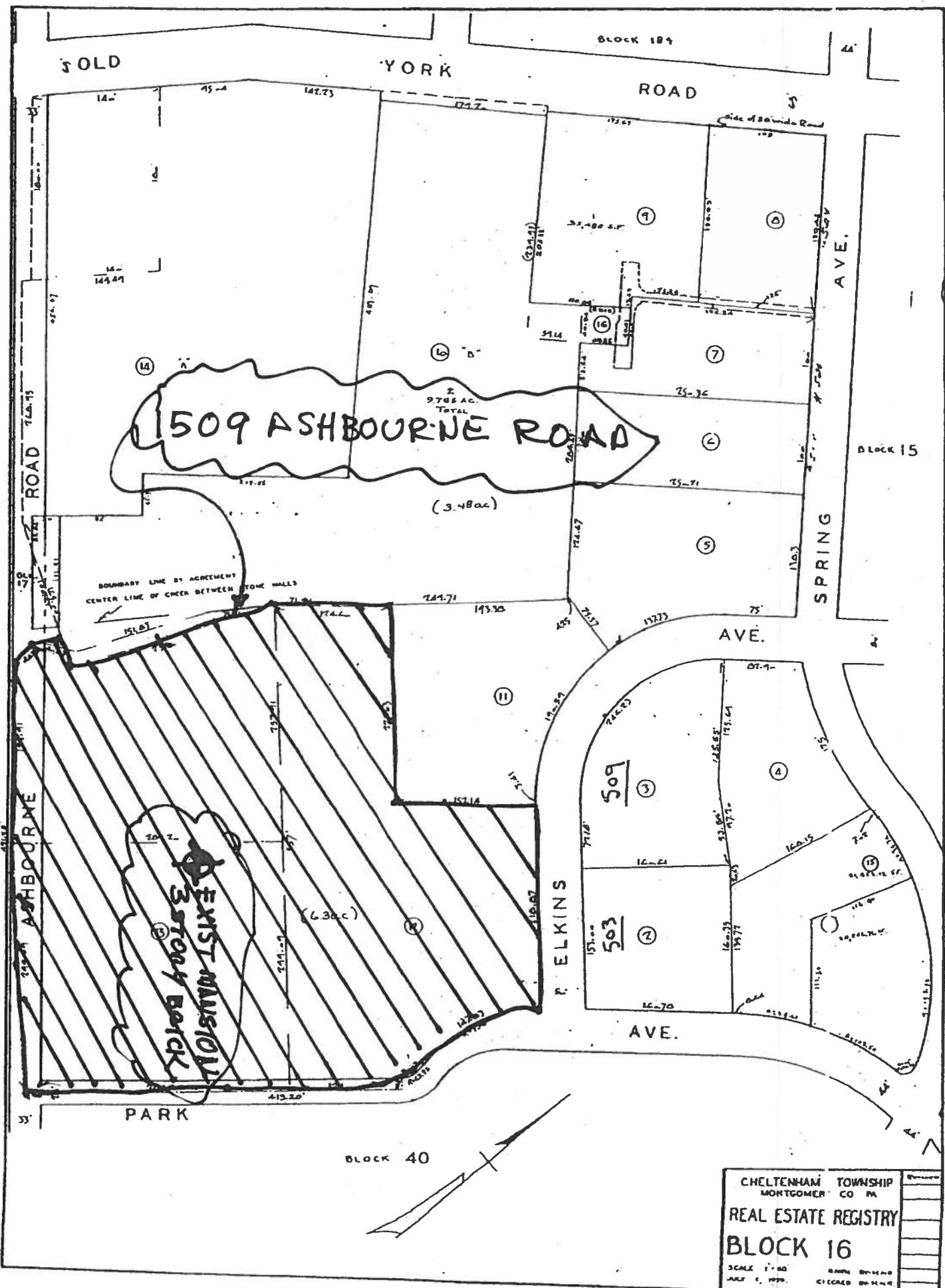
Sincerely,



Peter S. Friedman

PSF/msm

cc: Carol M. Lauchmen, Esquire, via email: cmlauchmen@comcast.net
Eric D. Naftulin, via email : eric.naftulin@federationhousing.org



CHELTENHAM TOWNSHIP
 MONTGOMERY CO PA
 REAL ESTATE REGISTRY
 BLOCK 16
 SCALE 1" = 80' DRAWN BY H.M.D.
 JULY 1, 1920. CHECKED BY H.M.D.

ZHB 3457-4 16

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

APPEAL NO. 3277

Applicant: 509 Ashbourne Road, L.P.
8900 Roosevelt Boulevard
Philadelphia, Pennsylvania 19115

Subject Premises : 509 Ashbourne Road
Elkins Park, Pennsylvania

Owner of Premises: 509 Ashbourne Road, L.P.

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction and operation of multiple dwelling housing for the elderly consisting of one three-story apartment building containing 84 apartment units for the elderly, one apartment for the manager of the building, and conversion of the existing mansion into eight apartment units would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article XXXIII, Sections 241 and 242, regulating uses in an Age Restricted Overlay District; Article XXXIII, Section 295-244, establishing performance standards; Article XXXIII, Section 295-245, regulating development requirements; Article XXII, Section 295-168, regulating uses permitted by special exception within a Steep Slope Conservation District; and Article XXII, Section 295-169, regulating prohibited uses within a Steep Slope Conservation District.

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

- (1) a special exception to Sections 295-241 and 295-242(B) for the Property having an area

of approximately 5.13 acres to the ultimate right-of-way lines of streets upon which it has frontage (Ashbourne Road, Park Avenue, and Elkins Avenue) and having a frontage on Ashbourne Road, a state road, of 485.61 feet. Said Property meets the basic requirements for a special exception set forth in Section 295-241, i.e., a parcel of land 5 acres or greater, being within a Residential, Institutional, or Commercial Zoning District, and having a frontage on a state road for parcels 5.0 to 8.0 acres of at least 450 feet;

- (2) a variance from Section 295-244 to allow for a distance between the proposed three story apartment building and the existing mansion being 15.92 feet instead of the minimum required 30 feet;
- (3) a finding from the rules and regulations of the Age Restricted Overlay District as outlined in Section 295-245 that the architectural design of the façade of the proposed three story apartment building is in substantial compliance with the Architectural Guidelines;
- (4) a special exception to Section 295-168(B) to permit sanitary or storm sewers and stormwater management facilities within a Steep Slope Conservation District;
- (5) a special exception to Section 295-168(C) to permit underground utilities transmission lines within a Steep Slope Conservation District;
- (6) a variance from Section 295-169(A)(1) to allow construction of a three-story apartment building, retaining walls and landscaping within a Steep Slope Conservation District;
- (7) a variance from Section 295-169(A)(2) to allow construction of access driveways and parking facilities within a Steep Slope Conservation District;

- (8) a variance from Section 295-169(A)(3) to allow the filling or removal of topsoil associated with the construction of a three-story apartment building, retaining walls, landscaping, access driveways, and parking facilities within a Steep Slope Conservation District; and
- (9) a variance from Section 295-169(B) to allow for the inclusion of areas whose slope is 25% or greater within any of the required yard areas within a Steep Slope Conservation District.

Time and Place of Hearing: Monday, May 21, 2008 – 7:30 p.m.
 Curtis Hall
 Church Road and Greenwood Avenue
 Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant 509 Ashbourne Road, L.P. (“Applicant”) is the owner of the premises known as 509 Ashbourne 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-4 Residence District and is improved by existing buildings;
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. 3277;
 - ZHB-4. a location map marked as Real Estate Registry Block 16, showing the location of the property;
 - ZHB-5. MEA Land Record Parcel Information on Property dated April 17, 2008;

important changes that ameliorate effects on the immediate neighborhood.

8. The project places the proposed new three-story building within 16 feet of an existing mansion house that is, itself, proposed for conversion to multiple dwelling use.

9. Mary M. Johannesen, AIA, of Kitchen & Associates Architectural Services, PA, was sworn and accepted as an expert in architecture on behalf of Applicant. The Board relied upon Ms. Johannesen's testimony.

10. Four buildings currently exist on the Property: the mansion, the carriage house, a greenhouse structure, and a building previously used as a gymnasium. Applicant proposes to demolish three of the four buildings, leaving the mansion to be renovated.

11. Properties adjacent to the Property include the Mandel Campus across Ashbourne Road, St. Thomas Church at the corner of York Road and Ashbourne, single-family homes across Park and Elkins Avenues and one single-family dwelling fronting on Elkins Avenue immediately adjacent to the Property.

12. The proposed three-story multiple dwelling is positioned as illustrated at Appeal 3208 except that a rear wing has been relocated to an easterly portion of the Property along Park Avenue.

13. The proposed building is three stories in height and will include 84 apartments for the elderly plus one live-in manager's apartment. Parking will be provided in the front of the proposed building with the primary access off of Ashbourne Road and a secondary exit from the site onto Park Avenue.

14. No accessory driveway will circulate around the entire site, and the existing driveway off of Elkins Avenue will be removed.

15. Applicant added covered drop-off area to the main entrance to the proposed three-story building.

16. Architect Johannesen testified that the proposed construction meets the standards for special exception under Age Restricted Overlay District.

17. Architect Johannesen testified that the proposed construction meets all dimensional requirements except the minimum distance requirement between the mansion and the proposed three-story building. Since the common areas for the converted mansion units will be located in the proposed three-story building, increasing the distance between the mansion and the new building would create a burden to the elderly residents of the converted mansion. While conforming with the required separation distance might be achievable, such a distance would be an unwise planning decision.

18. The location of the proposed three-story building allows a deeper rear yard setback between the building and the nearest neighbor adjacent to the Property.

19. Architect Johannesen testified that the proposed three-story building meets the standards for maximum building wing length and maximum building façade length.

20. Architect Johannesen testified that the proposed plan meets off-street parking requirements, providing adequate parking on the Property.

21. Architect Johannesen testified that the proposed design of the three-story building meets the architectural guidelines of the Ordinance, providing a uniformed architectural design around all façades of the building. The exterior walls contain a minimum of 75 percent brick stone or stucco on all façades, architectural grade asphalt shingles in a brownish charcoal

color on all pitched roof areas, and synthetic stone masonry around the base of the building under all windows and dormers on the Park Avenue side of the building.

22. The footprint of the proposed building is 15¼ percent of the lot.
23. Architect Johannesen testified that the proposed construction and renovation of the existing mansion will not be registered with a lead agency..
24. John H. Leapson was sworn and accepted as an expert in civil engineering on behalf of Applicant. The Board relied upon Mr. Leapson's testimony.
25. Engineer Leapson testified that steep slope areas on the westerly side of the Property leading down to the stream and in the proposed parking areas would be disturbed. In addition, a steep slope area located along Ashbourne Road near the driveway entrance would be disturbed.
26. Engineer Leapson testified that the sanitary sewer will discharge into the existing interceptor along the creek area.
27. Applicant proposes constructing underground storm water detention systems under the present driveways with an overflow pipe directing overflow to the creek.
28. Engineer Leapson testified that, to construct the proposed three-story building, the foundation of an old building must be removed, creating a disturbance of steep slope area.
29. Engineer Leapson testified that, to achieve proper site distance from the driveway, it is necessary to modify an existing retaining wall and some of the steep slope areas along Ashbourne Road.
30. Engineer Leapson testified that the proposed construction will result in the filling or removal of topsoil within steep slope conservation areas.
31. Engineer Leapson testified that 25 percent of the steep slopes are steeper than 25 percent; others are between 15 and 25 percent and are located within yard areas.
32. Engineer Leapson testified that, during construction, strict temporary erosion control measures will be taken such as an erosion control fence around the project. In addition, when disturbing steep slopes, the contractor will be required to back fill or fill in with wood chips until the disturbance is permanently fixed. Erosion control netting will be placed on top of topsoil until stable grass is applied.
33. Engineer Leapson testified that no new steep slopes will be created by the proposed construction.
34. Engineer Leapson testified that no other feasible alternative locations for retaining walls, roads, accessways, parking facilities, storm water management systems or sewers are available.

35. Engineer Leapson testified that the proposed project once completed will meet steep slope requirements.

36. Use of the Property for age restricted residences is preferred because of its proximity to the train station, public transportation, and shopping areas.

37. Applicant stated that the average resident for this project are widowed females approximately 82 years of age.

38. Applicant will provide housekeeping and maintenance, and arts and crafts and socialization programs. In addition, a visiting nurse will provide blood pressure screenings and health and wellness programs. No nursing care is provided.

39. Applicant stated that it met with neighbors in the community, receiving positive feedback regarding the concessions, setbacks and landscape buffers proposed for the project.

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

41. A grant of relief to permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of the existing mansion into 8 dwelling units and creating a frontage on a state road of 485.61 feet will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

42. A grant of relief to permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of the existing mansion into 8 dwelling units and creating a frontage on a state road of 485.61 feet will result in premises consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

43. A grant of relief permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of the existing mansion into 8 dwelling units and creating a frontage on a state road of 485.61 feet will not be contrary to the public interests.

44. A grant of relief to allow the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 apartment units and resulting in distance between the proposed three story building and an existing mansion being 15.92 feet instead of the minimum required 30 feet will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

45. A grant of relief to allow the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 apartment units and resulting in distance between the proposed three story building and an existing mansion being 15.92 feet instead of

the minimum required 30 feet will result in premises consistent with the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

46. A grant of relief to allow the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 apartment units and resulting in distance between the proposed three story building and the existing mansion being 15.92 feet instead of the minimum required 30 feet will not be contrary to the public interests.

47. The architectural design of the façade of the proposed three-story building is in substantial compliance with the Architectural Guidelines.

48. A grant of relief to permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units with sanitary or storm sewers and stormwater management facilities within a Steep Slope Conservation District will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

49. A grant of relief to permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units with sanitary or storm sewers and stormwater management facilities within a Steep Slope Conservation District 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 permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units with sanitary or storm sewers and stormwater management facilities within a Steep Slope Conservation District will not be contrary to the public interests.

51. A grant of relief to permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units with underground utility transmission lines within a Steep Slope Conservation District will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

52. A grant of relief to permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units with underground utility transmission lines within a Steep Slope Conservation District 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 permit the construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units with underground utility

transmission lines within a Steep Slope Conservation District will not be contrary to the public interests.

54. A grant of relief to allow the construction of one three-story multiple dwelling, retaining walls, and landscaping within a Steep Slope Conservation District 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 the construction of one three-story multiple dwelling retaining walls, and landscaping within a Steep Slope Conservation District 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 the construction of one three-story multiple dwelling, retaining walls, and landscaping within a Steep Slope Conservation District will not be contrary to the public interests.

57. A grant of relief to allow the construction of access driveways and parking facilities within a Steep Slope Conservation District 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 the construction of access driveways and parking facilities within a Steep Slope Conservation District 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 the construction of access driveways and parking facilities within a Steep Slope Conservation District will not be contrary to the public interests.

60. A grant of relief to allow the filling or removal of topsoil associated with the construction of a three-story apartment building, retaining walls, landscaping, access driveways, and parking facilities within a Steep Slope Conservation District will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

61. A grant of relief to allow the filling or removal of topsoil associated with the construction of a three-story apartment building, retaining walls, landscaping, access driveways, and parking facilities within a Steep Slope Conservation District 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 grant of relief to allow the filling or removal of topsoil associated with the construction of a three-story apartment building, retaining walls, landscaping, access driveways, and parking facilities within a Steep Slope Conservation District will not be contrary to the public interests.

63. A grant of relief to allow construction of a three-story multiple dwelling, retaining walls, landscaping, and access driveways where the slope is 25% or greater within any of the required yard areas and within a Steep Slope Conservation District will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

64. A grant of relief to allow construction of a three-story multiple dwelling, retaining walls, landscaping, and access driveways where the slope is 25% or greater within any of the required yard areas and within a Steep Slope Conservation District 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.

65. A grant of relief to allow construction of a three-story multiple dwelling, retaining walls, landscaping, and access driveways where the slope is 25% or greater within any of the required yard areas and within a Steep Slope Conservation District will not be contrary to the public interests.

CONCLUSIONS OF LAW

1. Construction of one three-story multiple dwelling containing 84 dwelling units for the elderly plus one apartment for a live-in building manager, and conversion of an existing mansion into 8 dwelling units which create a frontage on a state road of 485.61 feet is permitted only by special exception in accordance with the Cheltenham Township Zoning Ordinance.

2. Construction of one three-story multiple dwelling and conversion of an existing mansion resulting in distance between the proposed three story apartment building and the existing mansion being 15.92 feet instead of the minimum required 30 feet is not permitted by the Cheltenham Township Zoning Ordinance.

3. Construction of one three-story apartment building and conversion of an existing mansion which creates a need for sanitary or storm sewers and stormwater management facilities within a Steep Slope Conservation District is not permitted as-of right by the Cheltenham Township Zoning Ordinance.

4. Construction of one three-story apartment building and conversion of an existing mansion which creates a need for underground utility transmission lines within a Steep Slope Conservation District is not permitted as-of -right by the Cheltenham Township Zoning Ordinance.

5. Construction of one three-story apartment building, retaining walls, and landscaping within a Steep Slope Conservation District is not permitted by the Cheltenham Township Zoning Ordinance.

6. Construction of access driveways and parking facilities within a Steep Slope Conservation District is not permitted by the Cheltenham Township Zoning Ordinance.

7. The filling or removal of topsoil associated with the construction of a three-story apartment building, retaining walls, landscaping, access driveways, and parking facilities within a Steep Slope Conservation District is not permitted by the Cheltenham Township Zoning Ordinance.

8. Construction of a three-story multiple dwelling, retaining walls, landscaping, and access driveways where the slope is 25% or greater within any of the required yard areas and within a Steep Slope Conservation District is not permitted by the Cheltenham Township Zoning Ordinance.

9. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship. Similarly, the Zoning Hearing Board is empowered to grant special exceptions where the application meets the criteria of the zoning ordinances.

10. Under the circumstances of this matter, Applicant has met its burden in establishing that its application to construct a multiple dwelling, use of which shall be age-restricted in accordance with Section 295-242(B) of the Cheltenham Zoning Code, will not result in any adverse effect to the community and meets the requirements of the Ordinance. Having met the requirements of the Ordinance, Applicant is entitled to a grant of special exception.

11. Under the circumstances of this matter, Applicant has met its burden in establishing that its application for special exception pursuant to the Steep Slope Conservation District meets the requirements of the Ordinance and Applicant is entitled to special exception to disturb areas designated as steep slopes for the installation of sanitary and storm sewers and stormwater management facilities as well as underground utilities and transmission lines.

12. Under the circumstances of this matter, Applicant has met its burden in establishing that, due to the physical circumstances of the property and those imposed by surrounding properties, a failure to grant variances from the strict application of the regulations of the Steep Slope Conservation District would result in unnecessary hardship. Accordingly, Applicant is entitled to variance to allow the construction of access driveways, parking facilities and the removal of topsoil to construct the improvements as proposed on the property.

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

14. The architectural design of the facade of the proposed three-story multiple dwelling complies with the Architectural Guidelines of the Ordinance.

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

DECISION

WHEREFORE, this 21st day of May, 2008, the Cheltenham Township Zoning Hearing Board, by a 2-0 vote, grants to Applicant the following:

- (1) a special exception to the rules and regulations of Article XXXIII, Sections 295-241 and 295-242(B), with frontage on Ashbourne Road, a state road, of 485.61 feet to allow age-restricted multiple dwellings;

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

NOTICE

NOTICE IS HEREBY GIVEN that an application for Stenton Property LLC, owner of premises known as 1627 W. Cheltenham Ave., La Mott, 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, September 22, 2014, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park PA 19027.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, October 1, 2014 at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, 1250 W. Church Road, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, October 20, 2014 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, 1250 W. Church Road, Wyncote, PA 19095.

Appeal No. 3499 (continued): Appeal of Stenton Property LLC, owner of premises known as 1627 W. Cheltenham Ave., La Mott, PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a four (4) bay automobile repair facility, measuring 60 feet by 60 feet (3600 square feet) on the vacant rear portion of the property, with 17 off-street parking spaces, as well as the installation of two (2) parallel wall signs, and a free standing sign at the front of the property. The following zoning relief is required in an R-6 Residence District:

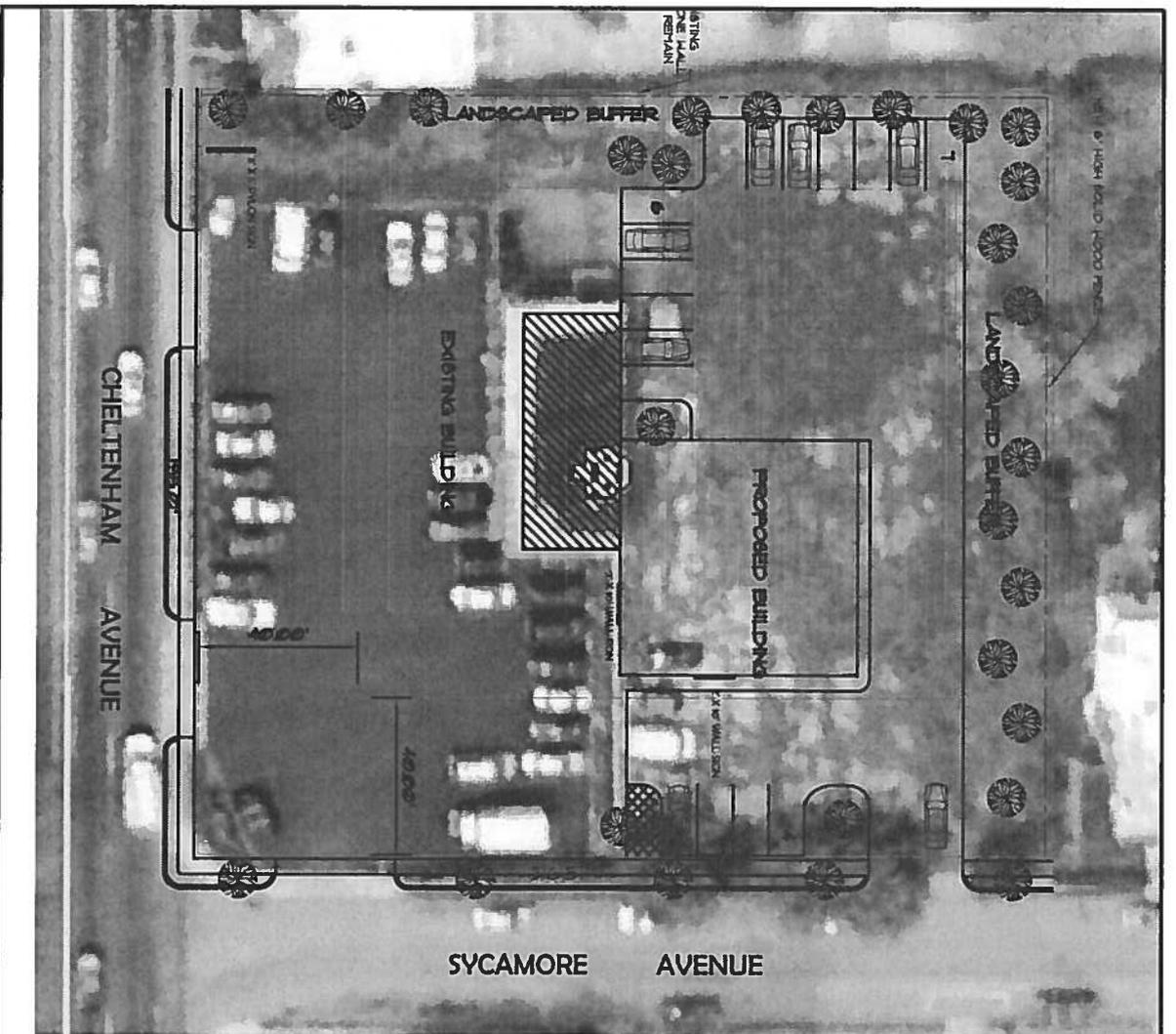
- a. A variance from CCS 295-50 to permit an automobile repair center in an R-6 Residence District.
- b. From CCS 295-221.B(5)(a) for a surface parking lot located between the building and the street.
- c. From CCS 295-221.B(5)(b) for the location of a surface parking lot on a corner lot on an arterial road (Cheltenham Ave.) as defined by the Cheltenham Township Comprehensive Plan.
- d. From CCS 295-163 to permit the disturbance of existing steep slope in conjunction with the construction of the proposed site improvements.
- e. From CCS 295-197A. in order to install:
 - i. One (1) freestanding 25' high internally lit sign with a maximum area of 40 square feet in addition to the existing free standing sign for the existing business, Enterprise Rent A Car and,
 - ii. Two (2) internally lit parallel wall signs with a maximum area of 20 square feet each with one sign facing Cheltenham Ave and one sign facing Sycamore Ave in addition to the existing wall sign for the existing business.

The above application, including site plans, is on file in the Township Administration Building, Planning 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.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 5 days prior to the meeting.

ZHB # 3499 (continued)

Zoning Officer



ZONING INFORMATION FOR PROPOSED BLDG

	REQUIRED	PROPOSED
ZONING	P3	
SITE AREA	5,000 SF	4,220 SF
FRONT STREET W.D.	60'	75'
MAX BLDG COV	30% MAX	10%
FRONT YARD	30'	40'
SIDE YARD	7.5'	NA
REAR YARD	20'	20'
MAX BLDG HEIGHT	40'	40'

PARKING

3 SPACE PER SERVICE BAY = 12 P3
 EMPLOYEES = 4 = 4 P3
 TOTAL REQUIRED = 16 P3
 TOTAL PROVIDED = 11 P3

ADDITIONAL SKIMAGE:
 TWO 2' X 10' WALL SIGNS
 ONE 8' X 5' Pylon SIGN - 25' HIGH

GTP
 ARCHITECTS, PC
 ARCHITECTURE
 PLANNING
 400 GREENWOOD AVENUE
 WYNCOTTE, PA 19389
 215.885.5000
 854.334.2395

1627
 Cheltenham
 Ave
 Cheltenham,
 PA

Proposed
 New Building

DATE: JULY 28, 2011
 SCALE: P = 3/8" = 1'-0"
 PROJ NO.: 2004

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pa1

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 100 Elm Ave. Cheltenham, PA 19012 will be reviewed by the following Township Committees which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, September 22, 2014, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park PA 19027.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, October 1, 2014 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, October 20, 2014 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

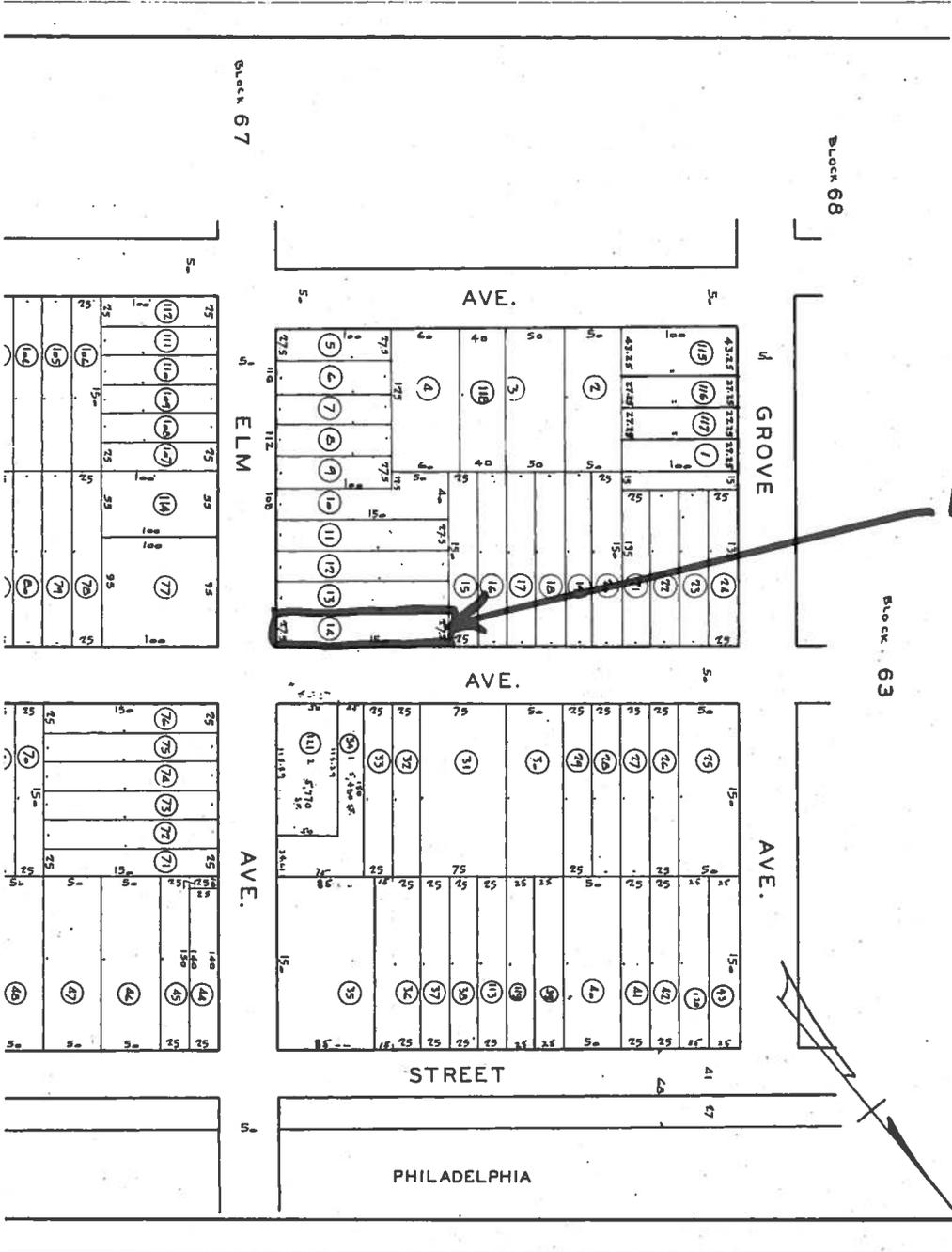
APPEAL NO. 3500: Appeal of Natalie Lernerman, owner of premises known as 100 Elm Ave., Cheltenham, PA 19012, from the Decision of the Zoning Officer for a Special Exception in accordance with the rules and regulations of the Class R-8 Residence District as outlined in CCS 295-67.A.(2) for a lesser front yard setback of 1'-4" instead of the minimum required 25' in order to install an 11' x 16' shed.

The above application, including site plans, is on file in the Township Administration Building, Planning 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.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 5 days prior to the meeting.

ZHB #3500

Zoning Officer



100 Elm Ave

ZHB 3500

PH 5500



NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 1116 Coventry Rd. Cheltenham, PA 19012 will be reviewed by the following Township Committees which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, September 22, 2014, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park PA 19027.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, October 1, 2014 at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, October 20, 2014 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

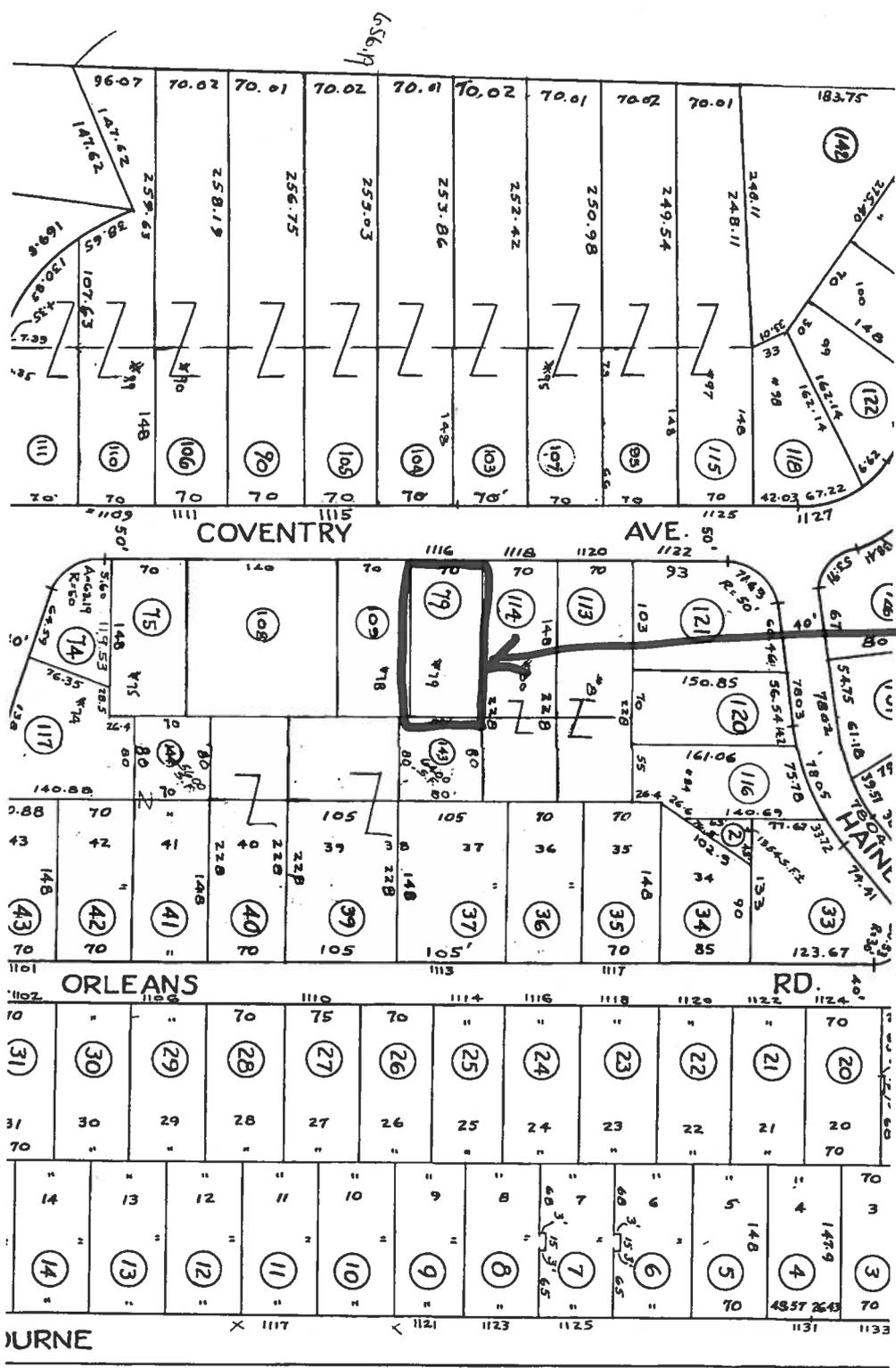
APPEAL NO. 3501: Appeal of Kieth and Nikki Kushin, owners of premises known as 1116 Coventry Rd., Cheltenham, PA 19012, from the Decision of the Zoning Officer for a Variance in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-39.B.(1) for a lesser side yard setback of 5' instead of the required 10' and CCS 295-220 C. for a lesser rear yard setback of 5' instead of the required 15' in order to install a 10' x 12' shed.

The above application, including site plans, is on file in the Township Administration Building, Planning 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.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 5 days prior to the meeting.

ZHB #3501

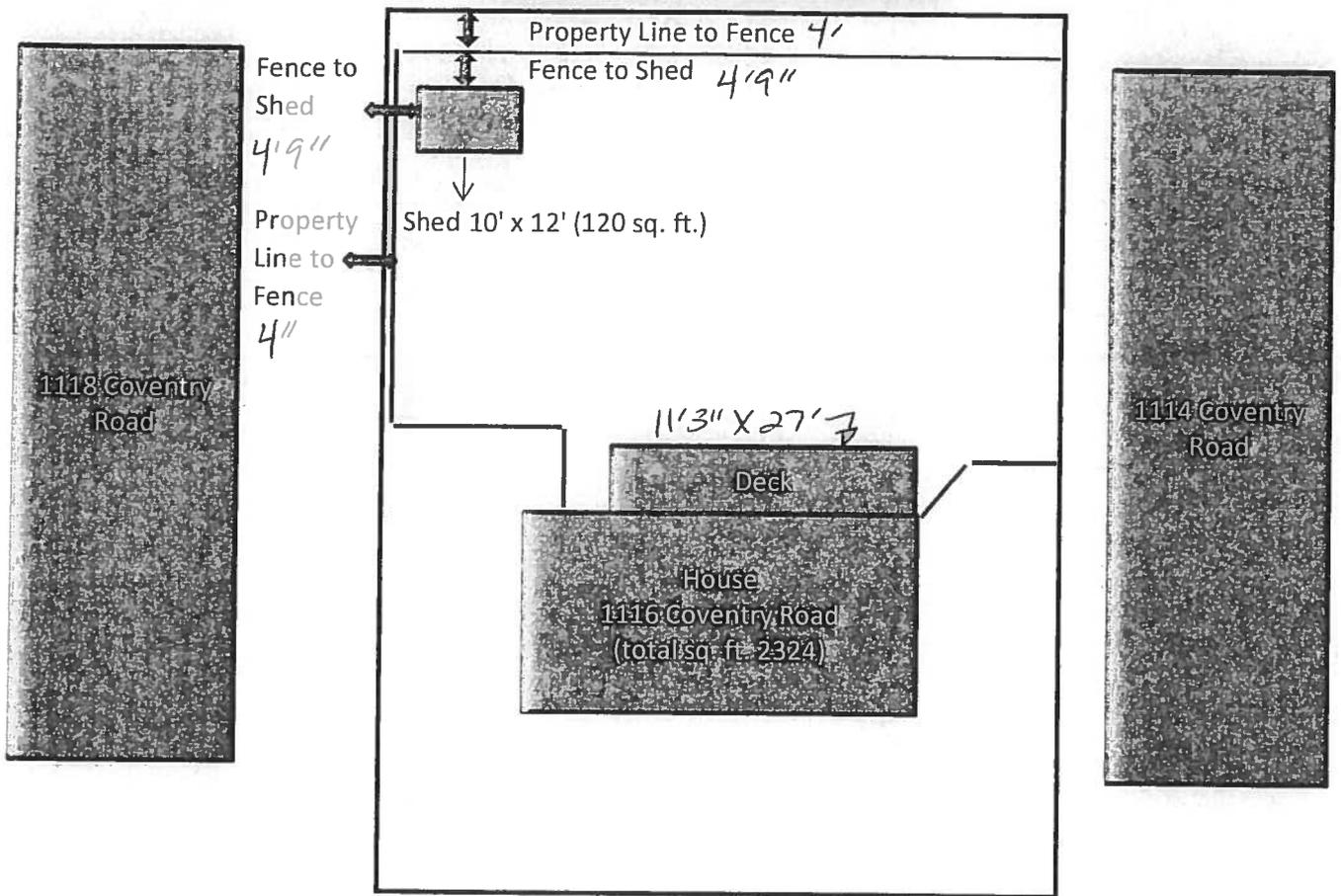
Zoning Officer



1116
Coventry

2HB 3501

1113 Orleans Road



ZAB 3501-7



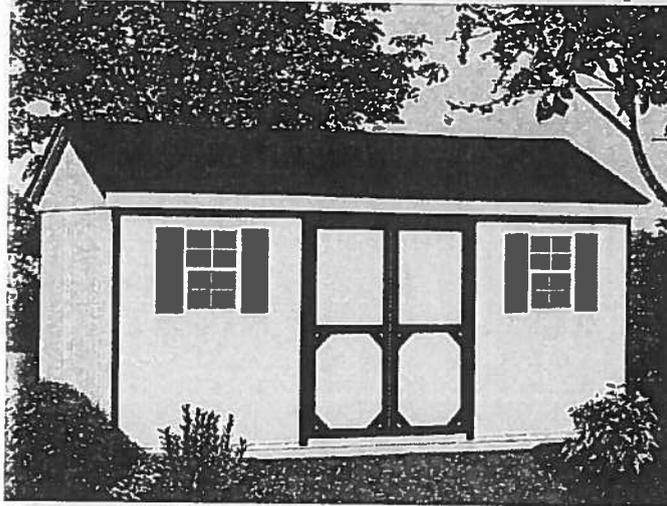
0 Item(s) = \$0.00 :: [VIEW CART](#) | [CHECKOUT](#) | [NEW CUSTOMER](#) | [LOG IN](#)



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- Products**
- :: In-Stock Sheds
 - :: Storage Sheds
 - :: Shed Kits
 - :: Garden Shed Elites
 - :: Single Car Garages
 - :: Double Wide Garages
 - :: Product Options
 - :: Pool Houses
 - :: Pergolas
 - :: Pavillions
 - :: Gazebos
 - :: Cabanas
 - :: EZShade Curtains & Canopy
 - :: Man Caves
 - :: Home Offices
 - :: Sunrooms
 - :: Concession Stands
 - :: Dog Kennels
 - :: Chicken Coops
 - :: Star Gazer Sheds
 - :: Photo Gallery
 - :: Financing Options
 - :: Shed Removal

AFrame Workshop Storage Sheds



(Shown with Optional Shutters)

10' x 12'

Our A-Frame sheds offer versatile storage space for lawn care equipment, tools or sports equipment. This shed can also be used as a convenient one-car garage or a modest handyman's workshop!

Choosing an A-Frame Shed

Caring for your home and yard takes a lot of tools and equipment. Where do you store all those items? Do you take up your garage space and park your cars outside? While many people do this, it doesn't seem to be the best or most practical solution. As you look to add to your storage space you want to something that both compliments your home and gives you the space that you need. The ideal solution is an A-frame style shed to give you the space you need.



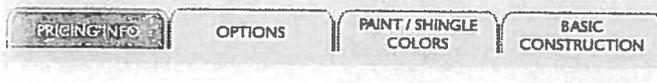
Whether you are looking to store lawn care equipment, bicycles, your tools, or all of the above, a-frame sheds are the way to go. With versatility and practicality, a-frame storage sheds are an attractive addition to any home. You just need to select an a-frame shed design that is right for you. You will be surprised to see the number of a frame shed plans that can be customized to meet your needs.



A-frame garden sheds and a-frame storage sheds will only work for you if they are large enough to be useful without overtaking your yard. If extra space is what you are really looking for but don't have the space to expand the size of the shed, consider a new a-frame 2 story shed. You can now build upward, allowing you to utilize your space more effectively. What a great way to store your lawn care equipment on the first floor and all of your extra boxes and totes on the second floor.

If style and appearance is a key factor for you, you will want to look at the elite a-frame sheds. With details not included in the basic models, you can select from a-frame sheds with windows, customize your paint and shingle colors, and select from many options of doors, floors, roof, and ramps. You can build a shed as practical or as unique as your style allows.

While building a shed may be a big decision, the options available make it a breeze. The finished product will make you glad you made the choice to add an a-frame shed. All of the extra space will be just what you are looking for.



PRICING INFO:

****Prices do not include delivery!**

Size:	Duratemp:	Vinyl OR Board & Batton (Includes Stain):	Lap Siding:
6 x 8	\$1,005	\$1,310	\$1,460
6 x 10	\$1,100	\$1,430	\$1,595
8 x 8	\$1,100	\$1,430	\$1,595
8 x 10	\$1,220	\$1,590	\$1,770
8 x 12	\$1,335	\$1,735	\$1,940



View Online Catalog

"I can't begin to tell you how beautiful the shed is and how well the guys put it up. I have never seen such coordinated work! We are really filling up and enjoying every minute of the rustic beauty it lends to our yard. I asked the gentlemen if they would allow me to take their photos of the work being done and they said it would be fine. They did such an amazing job and did not stop from the first board in to the last window closed. Thanks again- our shed is so beautiful, I can't believe it is for storage."

Victoria S., Lansdale, PA

ZAB 3501-8.1



8 x 14	\$1,460	\$1,900	\$2,120
8 x 16	\$1,580	\$2,055	\$2,295
10 x 10	\$1,525	\$1,985	\$2,215
10 x 12	\$1,650	\$2,145	\$2,395
10 x 14	\$1,790	\$2,330	\$2,595
10 x 16	\$1,950	\$2,535	\$2,830
10 x 18	\$2,070	\$2,695	\$3,005
10 x 20	\$2,190	\$2,850	\$3,180
10 x 22	\$2,310	\$3,005	\$3,350
10 x 24	\$2,440	\$3,175	\$3,540
10 x 26	\$2,675	\$3,480	\$3,880
10 x 28	\$2,920	\$3,800	\$4,235
10 x 30	\$3,165	\$4,115	\$4,590
12 x 12	\$1,950	\$2,535	\$2,830
12 x 14	\$2,070	\$2,695	\$3,005
12 x 16	\$2,195	\$2,855	\$3,185
12 x 18	\$2,310	\$3,005	\$3,350
12 x 20	\$2,435	\$3,165	\$3,535
12 x 22	\$2,615	\$3,400	\$3,795
12 x 24	\$2,800	\$3,640	\$4,060
12 x 26	\$2,985	\$3,885	\$4,330
12 x 28	\$3,165	\$4,115	\$4,590
12 x 30	\$3,345	\$4,350	\$4,855
12 x 32	\$3,530	\$4,590	\$5,120
12 x 34	\$3,835	\$4,985	\$5,565
12 x 36	\$4,015	\$5,220	\$5,825
12 x 40	\$4,625	\$6,015	\$6,710
14 x 20	\$3,160	\$4,110	\$4,585
14 x 24	\$3,770	\$4,905	\$5,470
14 x 28	\$4,140	\$5,385	\$6,005
14 x 32	\$4,690	\$6,100	\$6,800
14 x 36	\$5,230	\$6,800	\$7,585
14 x 40	\$5,715	\$7,430	\$8,290

Need more information?

Call (610) 593-7700 to get in touch with our knowledgeable sales staff!

- » See Skid Placement (.PDF)
- » Delivery Information
- » Warranty Information



Need your shed
BUILT ON SITE?
Check out these sheds!

[Click Here](#) for details...

Stoltzfus Structures: 5075 Lower Valley Rd. (Rte. 372) • Atglen, PA 19310
Phone: (610) 593-7700 Email: info@mysheds.com

©2014, Stoltzfus Structures. All Rights Reserved. [Terms and Conditions](#).

ZAB 3501-8.2

Irrevocable Letter of Agreement

The Signators of this writing hereby irrevocably state that they hold no objection and consent to the location and/or placement of the shed structure as it stands as of August 25, 2014, upon the property of Keith and Nikki Kushin, located at 1116 Coventry Road, Cheltenham, Pennsylvania, notwithstanding the fact that said shed may be in violation of statutes, regulations, and/or codes. The Signators further agree that they will raise no future objection, singularly or together, to the location and/or placement of said shed provided that said shed remains in the same location and/or place it is found as of August 25, 2014.

<u>Name</u>	<u>Address</u>	<u>Date</u>
<u>SKYL REIBSTEIN</u>	<u>1118 COVENTRY</u>	<u>8/25/14</u>
<u>[Signature]</u>	<u>1114 COVENTRY</u>	<u>8/28/14</u>
<u>Julien Miller</u>	<u>1114 Coventry</u>	<u>8/28/14</u>
<u>Clara Hobbs</u>	<u>1113 Orlean Rd</u>	<u>8/31/14</u>
<u>Juan Lopez</u>	<u>1113 ORLEANS RD.</u>	<u>8/31/14</u>
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24B 3501-9

ZONING HEARING BOARD

AGENDA

FOR

OCTOBER 28, 2014

NOTICE

(Corrected – please note Zoning Hearing Board Meeting is Tuesday, October 28, 2014)

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 140-142 S. Easton Rd., 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, September 22, 2014, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park PA 19027.
- b. Cheltenham Township Building and Zoning Committee on Wednesday, October 1, 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 Tuesday, October 28, 2014 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3486 (continued): Appeal of Dr. Shahid Ahmed d/b/a PITS Institute tenant of premises known as 140-142 S. Easton Rd., Glenside, PA from the Decision of the Zoning Officer for the following:

- a. An interpretation of Section 295-117.J. of the Cheltenham Zoning Ordinance of 1929, as amended, that the administrative offices currently occupied on the first floor of 140 S. Easton Road are permitted as part of the grandfathered school use on the second floor of 140 S. Easton Road; or
- b. A variance under Section 295-117.J. of the Cheltenham Zoning Ordinance of 1929, as amended, so as to permit the property to be used as a school and related administrative offices on the first and second floors of 140 S. Easton Road, respectively, and as training laboratories at 142 S. Easton Road.
- c. A variance under Section 295-221.H., Parking and Loading, of The Cheltenham Zoning Ordinance of 1929, as amended, to permit the Applicant to maintain the existing parking, given no expansion in the number of students attending the school.

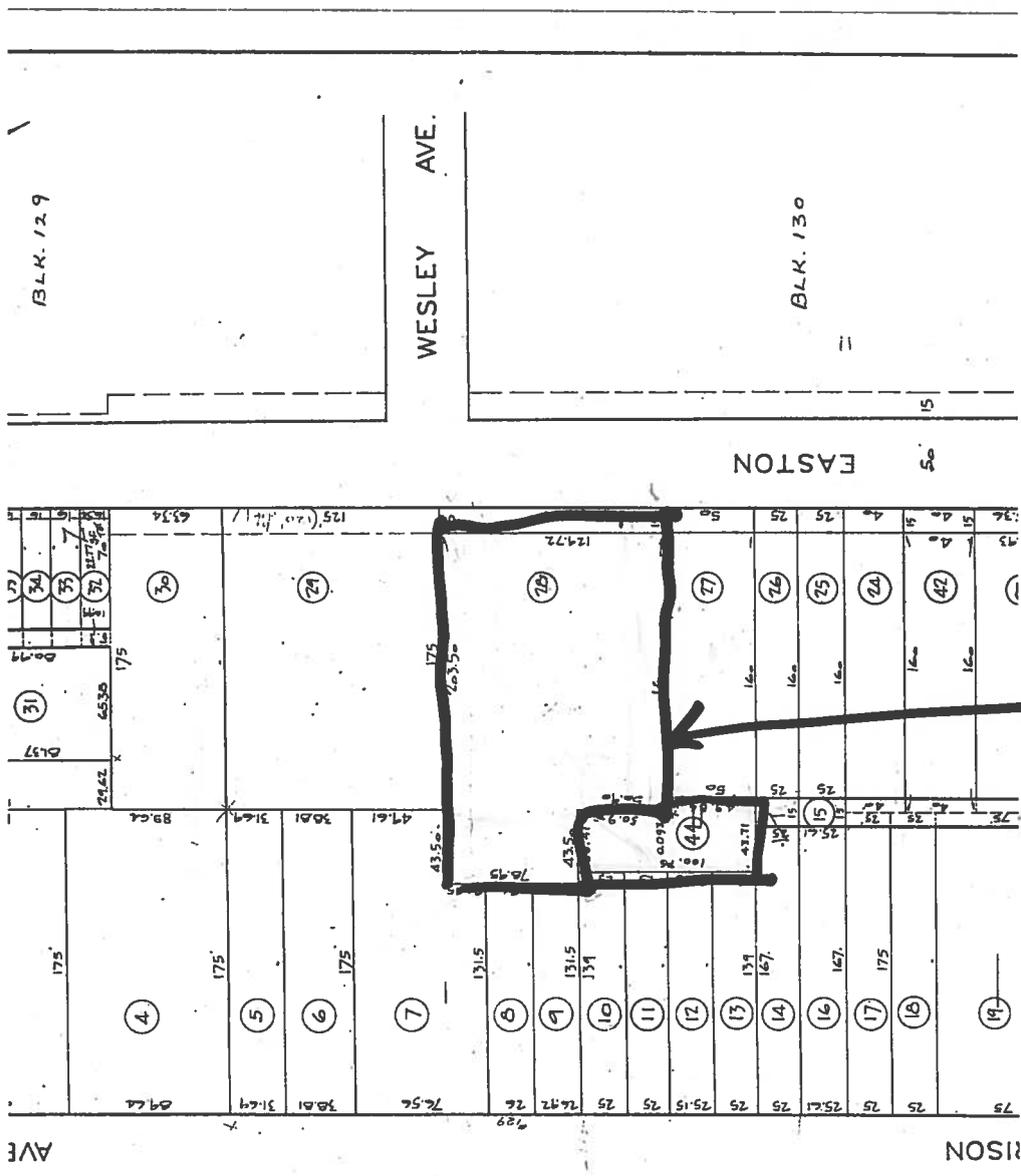
The above application, including site plans, is on file in the Township Administration Building, Planning and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 5 days prior to the meeting.

ZHB #3486 (continued)

Zoning Officer

3486

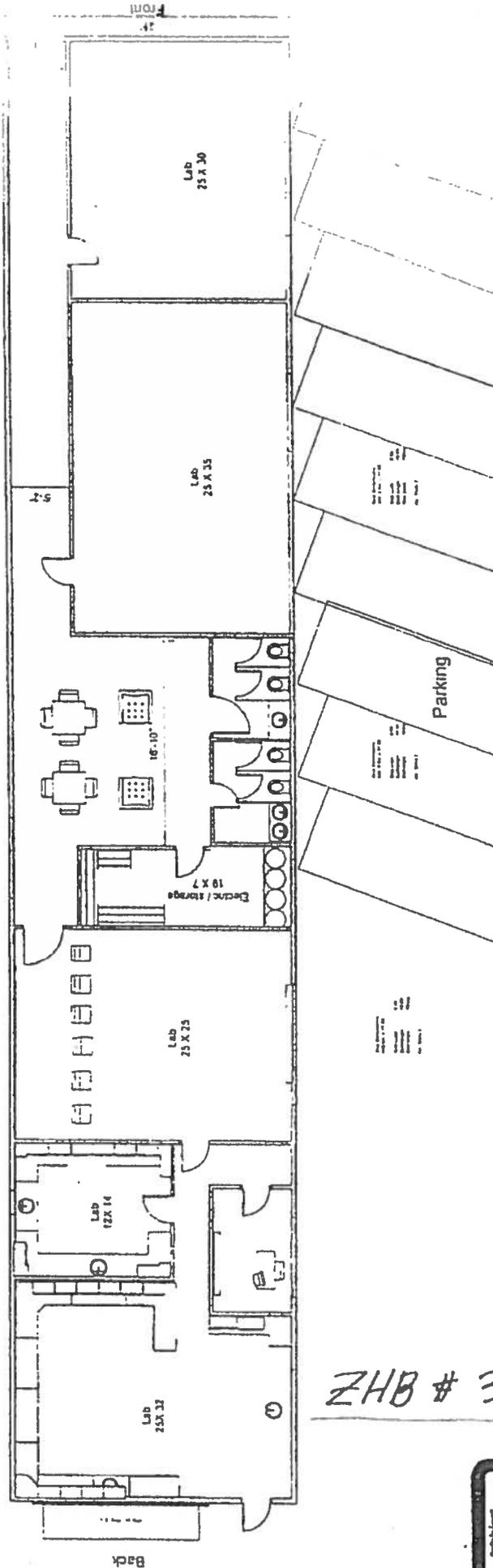


140
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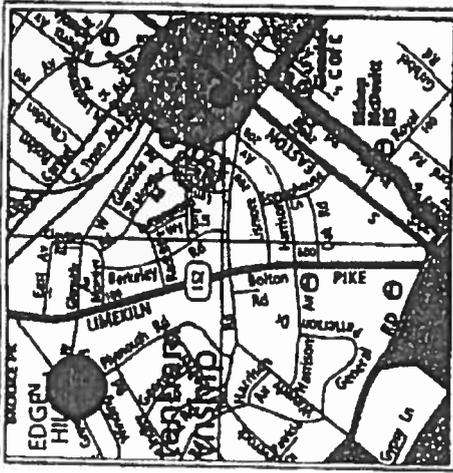
PITC

112



ZHB # 3486.80

EXHIBIT
Addendum - 1



VICINITY MAP

GENERAL NOTES

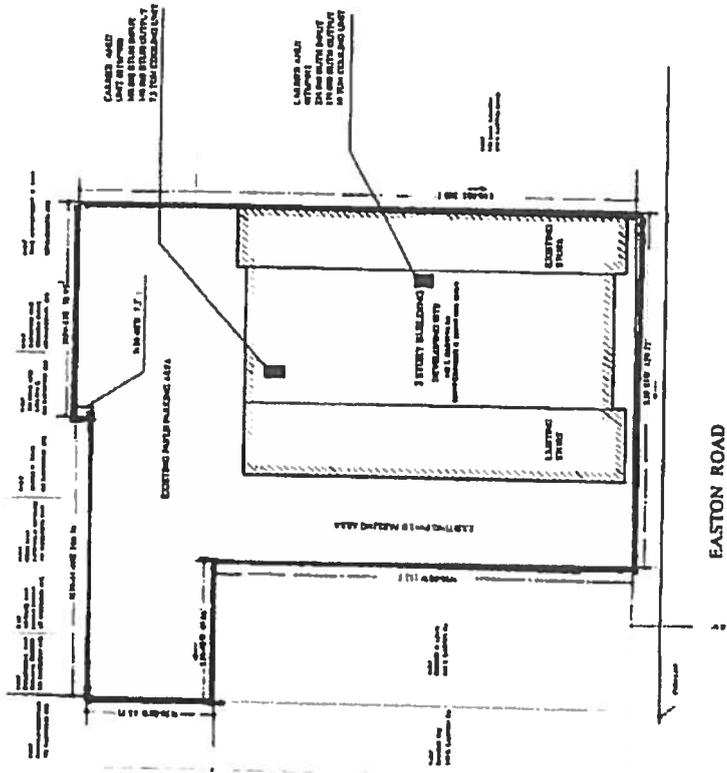
1. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
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20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

MOTC FILE NO. _____
 PREPARED BY: _____
 CHECKED BY: _____
 DATE: _____

RECORD PLAN
 THE TOWNSHIP ENGINEER HAS REVIEWED THIS PLAN AND APPROVES IT FOR RECORDATION IN THE RECORDS OF THE TOWNSHIP OF CHELSEA, PENNSYLVANIA.

CHELSEA TOWNSHIP DEVELOPMENT APPLICATION NO. 05-011

ZHB# 3486-7.1



U-509

NO.	DESCRIPTION	AMOUNT	TOTAL
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LAND DEVELOPMENT NOTES:

1. THE HVAC UNITS TO BE USED ON THIS PROJECT ARE CAPABLE OF WITHSTANDING 13 TONS COOLING AND CAPABLE OF PROVIDING 10 TONS COOLING.
2. NOTHER OF THE UNITS SHALL BE USED FOR HEATING OR COOLING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE UNITS SHALL BE INSTALLED WITH APPROPRIATE SOUND BARRIERS AND MATERIALS AS APPROVED BY THE TOWNSHIP ENGINEER.

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF MONTGOMERY
 ON THE _____ DAY OF _____ A.D. 20____, BEING ME IN THE SUBJECT, A NOTARY PUBLIC OF THE COMMONWEALTH OF PENNSYLVANIA, RESIDING IN _____ PERSONALLY APPEARED _____

WITNESSE MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 20____, AT _____ PENNSYLVANIA.

NOTARY PUBLIC
 MY COMMISSION EXPIRES _____
 NOTARY PUBLIC
 MY COMMISSION EXPIRES _____

APPROVAL NOTATION
 EXECUTED BY THE BOARD OF COMMISSIONERS OF THE CHELSEA TOWNSHIP ON THIS _____ DAY OF _____ A.D. 20____, AT _____ PENNSYLVANIA, IN WITNESS WHEREOF, THE BOARD OF COMMISSIONERS HAS HEREUNTO SET THEIR HANDS AND AFFIXED THEIR SEALS.

ATTEST
 RECORDED IN THE OFFICE OF THE TOWNSHIP ENGINEER OF CHELSEA TOWNSHIP, PA. ON _____ DAY OF _____ A.D. 20____.

CTWP-EXHIBIT SITE PLAN

NOTICE

(Corrected – please note Zoning Hearing Board Meeting is Tuesday, October 28, 2014)

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, September 22, 2014, at 7:30 P.M. at the Township Administration Building Boardroom.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, October 1, 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 Tuesday, October 28, 2014 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3502: Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for a modification of relief previously granted on Appeals 3473 and 3490 and additional relief required based upon a detailed review of the final land development plans.

- a. **Variance from CCS 295-220: Front yard parking projections, to allow for a front yard setback area other than a lawn area or landscaped area and or more than one driveway opening per street frontage. (No. 3490)**
- b. **Variance from CCS 295-221.B.(5)(b): Corner lots to allow for surface parking between a building and the street. (No. 3490)**
- c. **Variance from CCS 295-249.B: Zone designation adjustment for steep slopes in the Riparian Corridor Conservation District. (No. 3490)**
- d. **Variance from CCS295-251: For electrical, sewer and water utility crossings of the riparian area. (No. 3473)**
- e. **Interpretation and confirmation that the underground storm water collection system for the maintenance building was approved as a component of the parking lot approval within the riparian zone; alternatively a variance from CCS 295-251 and/or 252. (No. 3473)**

The above application, including site plans, is on file in the Township Administration Building, Planning 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.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 5 days prior to the meeting.

ZHB #3502

Zoning Officer



HIGH SWARTZ
Attorneys At Law LLP

40 EAST AIRY STREET, P.O. BOX 671, NORRISTOWN, PENNSYLVANIA 19404
(610) 275-0700, Fax (610) 275-5290, main@highswartz.com, www.highswartz.com

ESTABLISHED 1914

Gilbert P. High, Jr.
Thomas D. Rees
Mary Cushing Doherty
Joel D. Rosen
Eric B. Smith
Richard C. Sokoral
James B. Shrimp
Melissa M. Boyd
William F. Kerr, Jr.
F. Arnold Heller
Mark R. Fischer, Jr.
Joo Y. Park
Kerl A. Schantz
Kevin Cornish
Stephanie A. Henrick
Sireen I. Tucker

SPECIAL COUNSEL
David J. Brooman

OF COUNSEL
Marlyn F. Smith
John P. Gregg
Kenneth R. Myers

William F. Kerr, Jr.
DIRECT EMAIL
wkerr@highswartz.com

September 16, 2014

Via e-mail and US Mail

Henry Sekawungu, Director of
Engineering, Zoning & Inspections
Cheltenham Township
8230 Old York Road
Elkins Park, PA 19027

Re: Arcadia University- Appeals No. 3473 and 3490

Dear Henry:

As we discussed, Arcadia University is requesting a merger of the above captioned appeals, and a modification of the relief previously granted by the Cheltenham ZHB in these cases.

Based on a detailed review of the final plans, Arcadia requests the following additional relief in each case:

- a. Variance from CCS 295-220: Front yard parking projections, to allow for a front yard setback area other than a lawn area or landscaped area and or more than one driveway opening per street frontage. (No. 3490)
- b. Variance from CCS 295-221.B.(5)(b): Corner lots to allow for surface parking between a building and the street. (No. 3490)
- c. Variance from CSS 295-249.B: Zone designation adjustment for steep slopes in the Riparian Corridor Conservation District. (No. 3490)
- d. Variance from CSS 295-251: For electrical, sewer and water utility crossings of the riparian area (No. 3473)
- e. Interpretation and confirmation that the underground storm water collection system for the maintenance building was approved as a component of the parking lot approval within the riparian zone; alternatively a variance from CSS 295-251 and/or 252. (No. 3473)

HIGH SWARTZ LLP

Mr. Henry Sekawunga, Director of
Engineering, Zoning & Inspections

Cheltenham Township

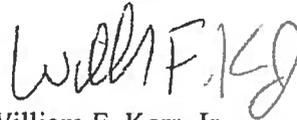
September 16, 2014

Page 2

Per our discussions, I am enclosing a check for \$300, for the modification fee.

It is my understanding that this request will be heard by the ZHB at their October 20, hearing, and that we will not be required to attend the Planning Commission or Building and Zoning Committee meetings.

Very truly yours,

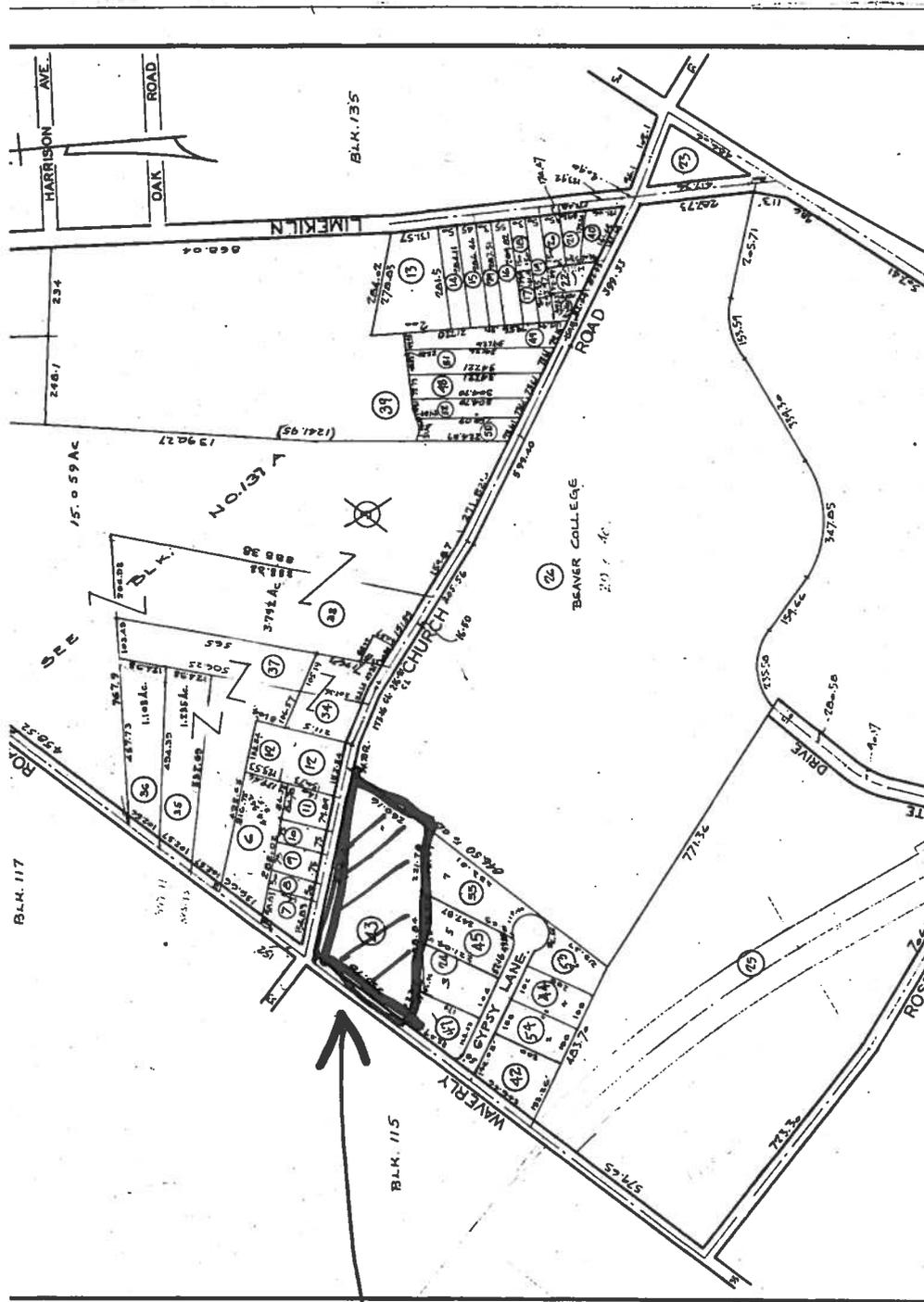


William F. Kerr, Jr.

WFK/cln

Enclosures

cc: Mr. Hal Lichtman AIA (w/o enc.)
Michael J. Korolishin, Esquire, General Counsel (w/o enc.)

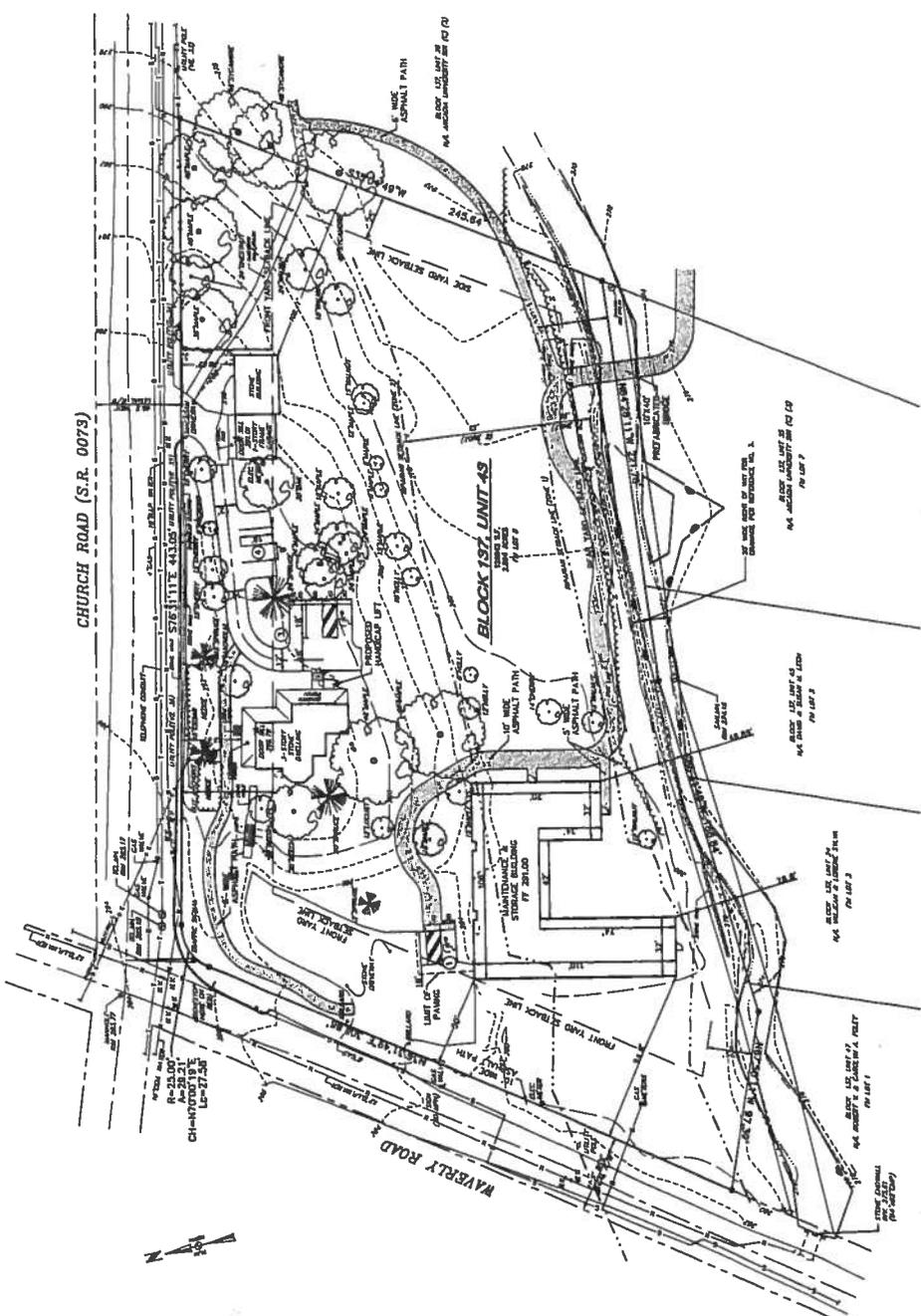


2556 Church Rd

ZHB 3490
3502

GENERAL NOTES

1. THE BOUNDARY AND INTERIOR LINES SHOWN ARE BASED ON A FIELD SURVEY.
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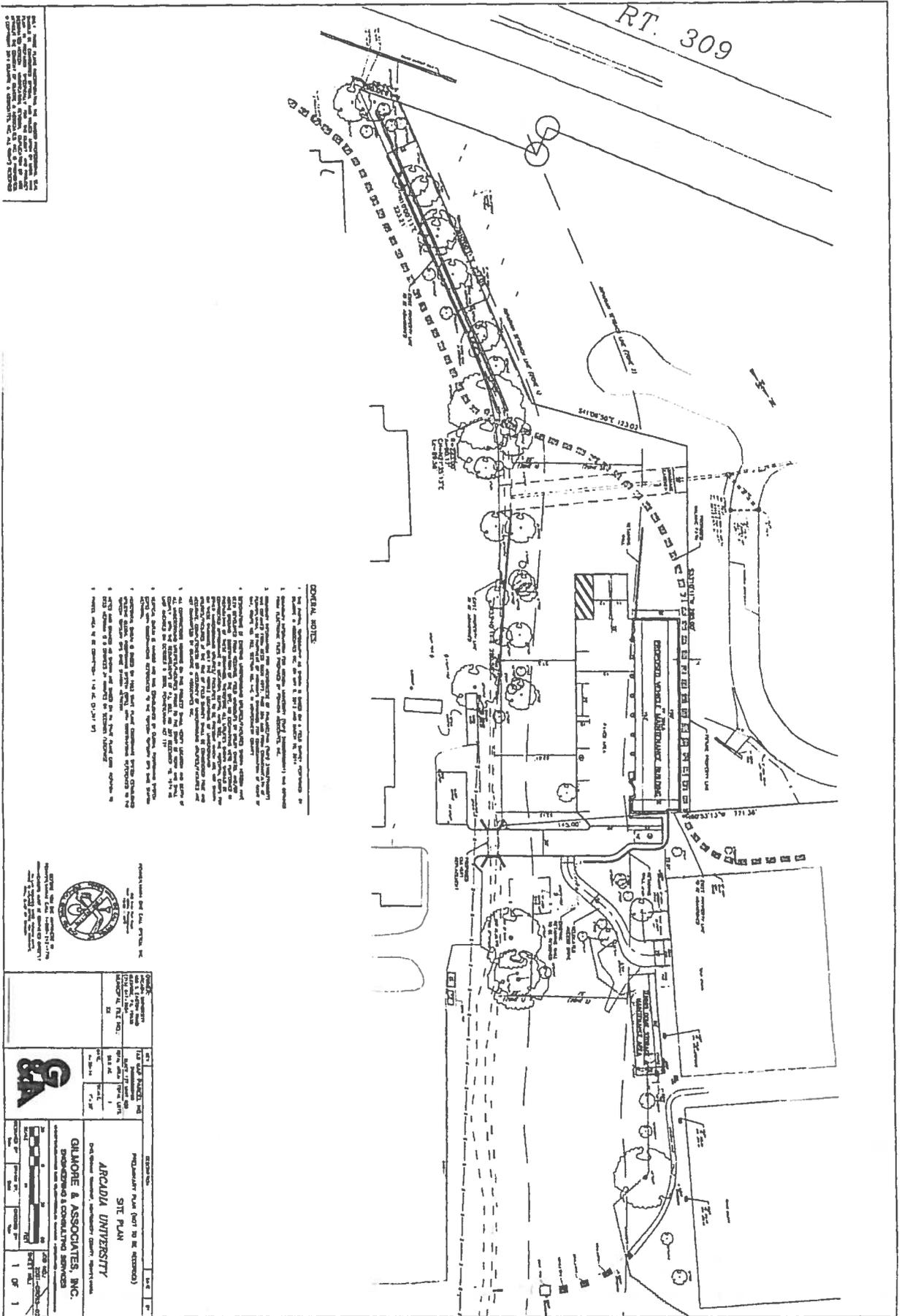
PROJECT NO.	100-111	DATE	01/11/11
CLIENT	KANAWAS TRACT	SCALE	AS SHOWN
DESIGNER	GILMORE & ASSOCIATES, INC.	PROJECT NO.	100-111
ENGINEER	GILMORE & ASSOCIATES, INC.	SHEET NO.	1 OF 1

GILMORE & ASSOCIATES, INC.
 ENGINEERING & CONSULTING SERVICES
 1000 WEST 10TH AVENUE, SUITE 1000, DENVER, CO 80202
 (303) 733-1111
 www.gilmoreandassociates.com

PROFESSIONAL SEAL
 I, **GILMORE & ASSOCIATES, INC.**, a professional engineering corporation, do hereby certify that the undersigned is a duly licensed professional engineer in the State of Colorado, and that the work shown on the foregoing drawings was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Colorado.

PROFESSIONAL SEAL
 I, **GILMORE & ASSOCIATES, INC.**, a professional engineering corporation, do hereby certify that the undersigned is a duly licensed professional engineer in the State of Colorado, and that the work shown on the foregoing drawings was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Colorado.

3502
 100-111-01-01-01
 SUR 100-111-01-01-01



GENERAL NOTES

1. See General Notes on sheets 1001 through 1004 for a full description of the project and site conditions.
2. All construction shall conform to the latest editions of the International Building Code and the International Fire Code.
3. All construction shall conform to the latest editions of the Pennsylvania Department of Transportation (PennDOT) Specifications for Road and Bridge Construction.
4. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Stormwater Management.
5. All construction shall conform to the latest editions of the Pennsylvania Department of Agriculture (PA DA) Regulations for Agricultural Land Use.
6. All construction shall conform to the latest editions of the Pennsylvania Department of Public Safety (PA DPS) Regulations for Fire Safety.
7. All construction shall conform to the latest editions of the Pennsylvania Department of Transportation (PennDOT) Regulations for Traffic Control.
8. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Air Quality.
9. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Noise.
10. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Wetlands.
11. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Cultural Resources.
12. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Historic Resources.
13. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Archaeology.
14. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Paleontology.
15. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Geology.
16. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Seismicity.
17. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Energy.
18. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Global Climate Change.
19. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Air Quality.
20. All construction shall conform to the latest editions of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations for Noise.



	PROJECT: PROSECUTOR'S PLAN (NOT TO BE REPRODUCED) SHEET NO. 1 OF 1 DATE: 04/10/2014
	PREPARED BY: GILMORE & ASSOCIATES, INC. CONSULTING SERVICES
CLIENT: ARCADIA UNIVERSITY 1000 UNIVERSITY DRIVE ARCADIA, PA 19003	SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name]

2HB-3473.-7.0

2HB#3473-7.0
3502

GENERAL NOTES:

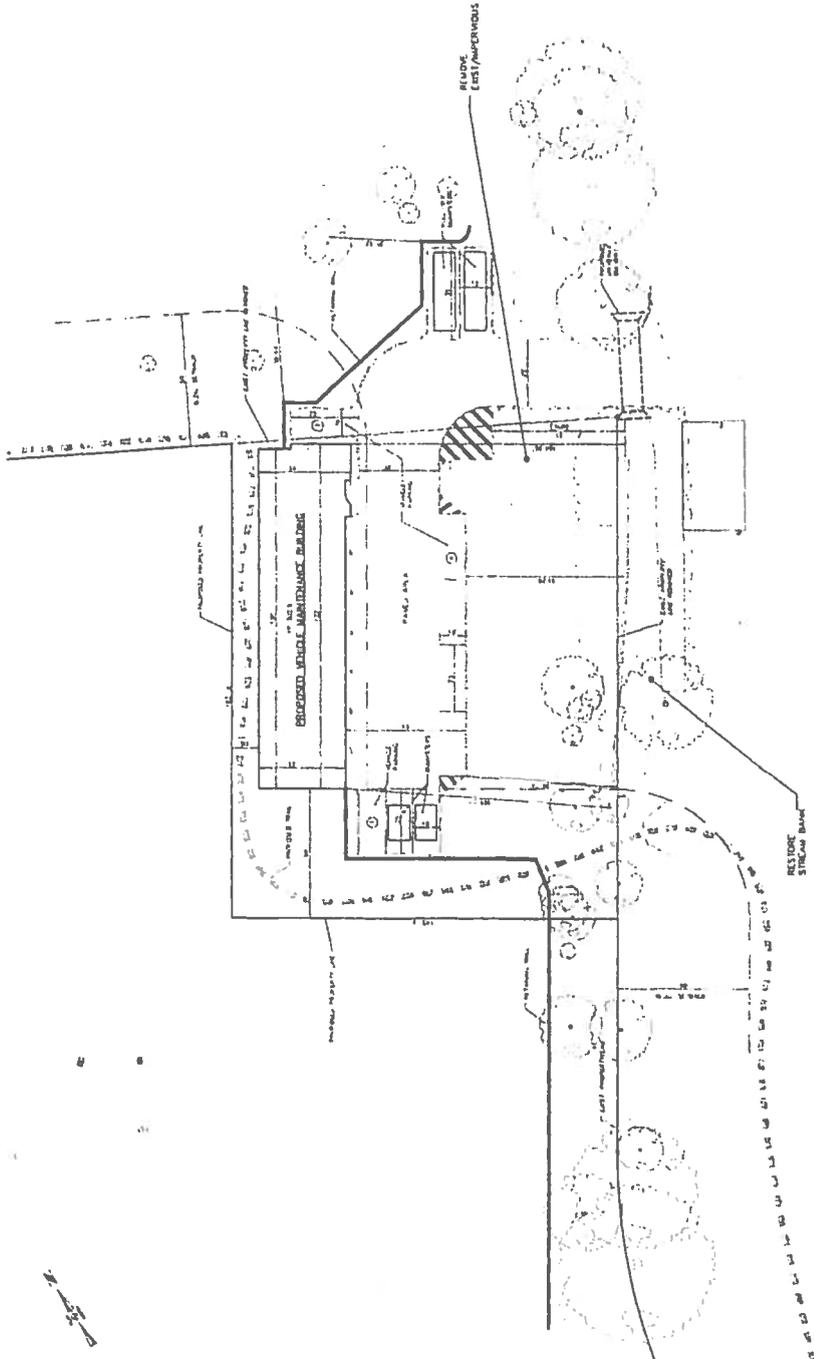
1. The owner, contractor and architect are to be held responsible for the accuracy of the information provided in this plan set.
2. The owner, contractor and architect are to be held responsible for the accuracy of the information provided in this plan set.
3. The owner, contractor and architect are to be held responsible for the accuracy of the information provided in this plan set.
4. The owner, contractor and architect are to be held responsible for the accuracy of the information provided in this plan set.
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9. The owner, contractor and architect are to be held responsible for the accuracy of the information provided in this plan set.
10. The owner, contractor and architect are to be held responsible for the accuracy of the information provided in this plan set.

PA ONE-CALL STATUS

1. All work to be performed shall comply with applicable codes and regulations.

LEGEND

- EXISTING IMPROVEMENTS TO BE REMOVED
- NEW WORK TO BE INSTALLED



ZHB 3473-7.1

<p>PROJECT NO. 3473-7.1</p> <p>DATE 07/2007</p>	
<p>PROJECT NAME</p> <p>VEHICLE MAINTENANCE BUILDING</p> <p>ARCADIA UNIVERSITY</p> <p>GILMORE & ASSOCIATES, INC.</p> <p>ARCHITECTS & CONSULTING SERVICES</p>	<p>SCALE</p> <p>AS SHOWN</p>
<p>OWNER</p> <p>ARCADIA UNIVERSITY</p>	<p>PROJECT NO.</p> <p>3473-7.1</p>
<p>DATE</p> <p>07/2007</p>	<p>SHEET NO.</p> <p>1 OF 2</p>

NOTES:
 1. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
 3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

ZHB# 3473-7.1
 3502

GENERAL NOTES:

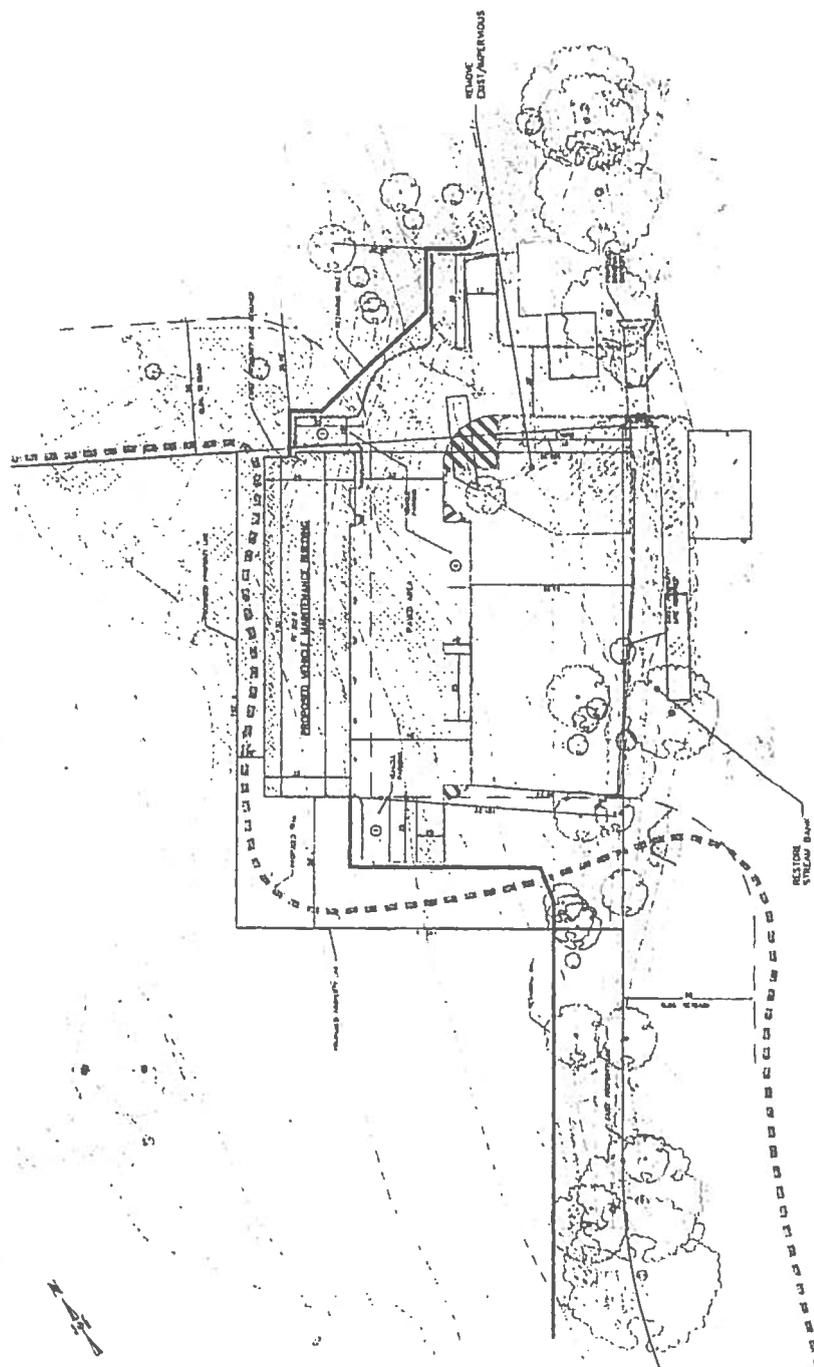
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ARCADIA SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ARCADIA AND THE CALIFORNIA CIVIL ENGINEERING BOARD.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

PAVING-SPECIAL STAINS

1. ALL PAVING SHALL BE IN ACCORDANCE WITH THE CITY OF ARCADIA SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.

LEGEND

- EXISTING DRIVEWAY
- EXISTING DRIVEWAY (1" WIDENING)
- EXISTING DRIVEWAY (2" WIDENING)
- EXISTING DRIVEWAY (3" WIDENING)
- EXISTING DRIVEWAY (4" WIDENING)
- EXISTING DRIVEWAY (5" WIDENING)
- EXISTING DRIVEWAY (6" WIDENING)
- EXISTING DRIVEWAY (7" WIDENING)
- EXISTING DRIVEWAY (8" WIDENING)
- EXISTING DRIVEWAY (9" WIDENING)
- EXISTING DRIVEWAY (10" WIDENING)



ZHB 3473-7.2

DATE	2/1/72
PROJECT	VEHICLE MAINTENANCE BUILDING
CLIENT	ARCADIA UNIVERSITY
DESIGNER	GILMORE & ASSOCIATES, INC.
ENGINEER	GILMORE & ASSOCIATES, INC.
SCALE	AS SHOWN
SHEET NO.	2 OF 2



ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GILMORE & ASSOCIATES, INC.

ZHB #3473.7.2
3502

PLANNING COMMISSION

MINUTES

DATED

SEPTEMBER 22, 2014

A regular meeting of the PLANNING COMMISSION was held this evening at the Township Administration Building. The following Planning Commission members were present: Chairman Thomas Cross, Eric Leighton, Scott Laughlin and William Winneberger. Also present were Joe Nixon, County Planner, Henry Sekawungu, Director of Planning & Zoning and Carmen Reitano, Assistant to the Director of Planning & Zoning.

Mr. Cross called the meeting to order at 7:30 p.m.

1. Acceptance of the Minutes of the August 25, 2014 Meeting.

Mr. Laughlin motioned to accept the minutes; Mr. DiBenedetto seconded, and the motion passed unanimously.

2. Review of the Zoning Hearing Board Agenda for October 20, 2014.

APPEAL NO. 3457 (continued): Appeal of 509 Ashbourne Road, L.P., and FHI Ashbourne Land Holding, Inc, 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:

- a. Modification of Condition #1 of the Decision, so as to eliminate the retention of the three-story mansion.
- b. 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.
- c. Modification or elimination of Finding of Fact #41, which provided for the conversion of the existing mansion into eight (8) dwelling units.
- d. 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.
- e. Modification or elimination of Conclusions of Law #1 through #4 which referenced the conversion of the existing mansion.

Mr. Sekawungu stated that he received an email today from Peter Friedman, Esquire and agent representing the applicant, requesting that this appeal be rescheduled to the next month's cycle of meetings due to scheduling conflicts. Mr. Reitano gave some background on the appeal - that there is already a ZHB decision that does permit demolition of the three-story mansion, and as such this appeal is in conflict with that decision.

Mr. Cross recommended that the previous denial of this application be reaffirmed. There was no formal motion.

Appeal No. 3499 (continued): Appeal of Stenton Property LLC, owner of premises known as 1627 W. Cheltenham Ave., La Mott, PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a four (4) bay automobile repair facility, measuring 60 feet by 60 feet (3600 square feet) on the vacant rear portion of the property, with 17 off-street parking spaces, as well as the installation of two (2) parallel wall signs, and a free standing sign at the front of the property. The following zoning relief is required in an R-6 Residence District:

- a. A variance from CCS 295-50 to permit an automobile repair center in an R-6 Residence District.
- b. From CCS 295-221.B(5)(a) for a surface parking lot located between the building and the street.
- c. From CCS 295-221.B(5)(b) for the location of a surface parking lot on a corner lot on an arterial road (Cheltenham Ave.) as defined by the Cheltenham Township Comprehensive Plan.
- d. From CCS 295-163 to permit the disturbance of existing steep slope in conjunction with the construction of the proposed site improvements.
- e. From CCS 295-197A. in order to install:
 - i. One (1) freestanding 25' high internally lit sign with a maximum area of 40 square feet in addition to the existing free standing sign for the existing business, Enterprise Rent A Car and,
 - ii. Two (2) internally lit parallel wall signs with a maximum area of 20 square feet each with one sign facing Cheltenham Ave and one sign facing Sycamore Ave in addition to the existing wall sign for the existing business.

The attorney for the applicant requested a continuation at the last appearance before the Zoning Hearing Board. Mr. Cross recommended that the previous denial of this appeal be reaffirmed. There was no formal motion.

APPEAL NO. 3500: Appeal of Natalie Lernerman, owner of premises known as 100 Elm Ave., Cheltenham, PA 19012, from the Decision of the Zoning Officer for a Special Exception in accordance with the rules and regulations of the Class R-8 Residence District as outlined in CCS 295-67.A.(2) for a lesser front yard setback of 1'-4" instead of the minimum required 25' in order to install an 11' x 16' shed.

The applicant was not present so Mr. Reitano provided some background on the appeal. The purpose of the shed is to store the belongings of her children while they are working overseas. There is already a shed on the premises that would be removed once the children returned from overseas. The applicant felt that installation of a storage shed would be more cost-effective than using a storage unit. A discussion ensued among the members about the various outbuildings already in place, and that there would be no one to monitor the removal of the old shed once the children returned from overseas.

Mr. Cross objected to the size of the shed in relation to the size of the narrow lot; he was skeptical that the old shed would be removed. Mr. Laughlin objected to the possible precedent it would set.

Mr. DiBenedetto made a motion to recommend denial of the appeal; Mr. Goldfarb seconded. The motion to recommend denial passed unanimously.

APPEAL NO. 3501: Appeal of Keith and Nikki Kushin, owners of premises known as 1116 Coventry Rd., Cheltenham, PA 19012, 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.B.(1) for a lesser side yard setback of 5' instead of the required 10' and CCS 295-220 C. for a lesser rear yard setback of 5' instead of the required 15' in order to install a 10' x 12' shed.

The applicant, Mr. Keith Kushin, was present. The shed is already in place. Mr. Kushin had had it installed before he was made aware that there were possible zoning ramifications, but now wanted to make sure that it complied with current zoning requirements. There was some discussion on the need for further clarity in the drawings. Mr. Cross recommended obtaining an accurate survey of the property so that the fence (which is 4' from the property line) does not define the property line.

Mr. Cross recommended approval of the appeal; Mr. Laughlin seconded. The motion passed unanimously.

2. Review of the Zoning Hearing Board Agenda for October 28, 2014.

APPEAL NO. 3486 (continued): Appeal of Dr. Shahid Ahmed d/b/a PITC Institute tenant of premises known as 140-142 S. Easton Rd., Glenside, PA from the Decision of the Zoning Officer for the following:

- a. An interpretation of Section 295-117.J. of the Cheltenham Zoning Ordinance of 1929, as amended, that the administrative offices currently occupied on the first floor of 140 S. Easton Road are permitted as part of the grandfathered school use on the second floor of 140 S. Easton Road; or
- b. A variance under Section 295-117.J. of the Cheltenham Zoning Ordinance of 1929, as amended, so as to permit the property to be used as a school and related administrative offices on the first and second floors of 140 S. Easton Road, respectively, and as training laboratories at 142 S. Easton Road.
- c. A variance under Section 295-221.H., Parking and Loading, of The Cheltenham Zoning Ordinance of 1929, as amended, to permit the Applicant to maintain the existing parking, given no expansion in the number of students attending the school.

Mr. Sekawungu stated that the ZHB held a hearing at their September 8, 2014 meeting but due to time constraints, continued the hearing. Mr. Cross reaffirmed the Planning Commission's previous recommendation to deny.

APPEAL NO. 3502: Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for a modification of relief previously granted on Appeals 3473 and 3490 and additional relief required based upon a detailed review of the final land development plans.

- a. Variance from CCS 295-220: Front yard parking projections, to allow for a front yard setback area other than a lawn area or landscaped area and or more than one driveway opening per street frontage. (No. 3490)
- b. Variance from CCS 295-221.B.(5)(b): Corner lots to allow for surface parking between a building and the street. (No. 3490)

- c. Variance from CCS 295-249.B: Zone designation adjustment for steep slopes in the Riparian Corridor Conservation District. (No. 3490)
- d. Variance from CCS295-251: For electrical, sewer and water utility crossings of the riparian area. (No. 3473)
- e. Interpretation and confirmation that the underground storm water collection system for the maintenance building was approved as a component of the parking lot approval within the riparian zone; alternatively a variance from CCS 295-251 and/or 252. (No. 3473)

The applicant was not present, so Mr. Sekawungu gave some background that these individual appeals were already reviewed and approved by the Zoning Hearing Board and that the project is now in the land development review process. The current appeal was for variances that were not covered in the original appeals that came up as part of the land development review process. The land development plan under review merged both ZHB appeals as part of the land development review process.

Mr. Cross recommended that the appeal be tabled for lack of information. The Planning Commission agreed and requested more clarification and a site plan.

3. Old Business

- a. **Genesis Health Care – Hopkins Center, 8100 Washington Lane, Wyncote, PA 19095
CTDA #14-0512-02 (Revised)**

Anthony Hibbeln, Engineer, for the applicant, Genesis Health Care, stated that after addressing concerns raised by the Fire Marshal, the plans are slightly different than originally presented, but that the Fire Marshal had reviewed the changes and had no further objections. These changes had created a need for an additional setback variance, requiring relief from the Zoning Hearing Board.

Mr. Cross recommended approval for zoning; Mr. Goldfarb seconded. The motion passed unanimously. The Planning & Zoning staff clarified that the zoning application would be before the Planning Commission next month and was not the main subject of the land development application. After discussing the land development plan, as submitted, Mr. Laughlin made a motion to recommend approval for the land development plan; Mr. Goldfarb seconded. The motion was approved unanimously.

b. Local Landmark Ordinance

Mr. Sekawungu reported that the Board of Commissioners had recommended that the Ordinance come back before the Planning Commission for more specific feedback. Mr. Cross requested that the complete text of the ordinance be emailed to him and that he would gather comments from the Commission and pass them on.

4. New Business

None.

5. Adjournment

Mr. Goldfarb made a motion for adjournment; Mr. Cross seconded the motion. The meeting adjourned at 8:45 p.m.



Bryan T. Havir
Township Manager

as per Diana Jordan

SELECT COMMITTEE

MINUTES

DATED

SEPTEMBER 8, 2014

AND

SEPTEMBER 22, 2014

The regular meeting of the SELECT COMMITTEE to review comments from the Public meetings on the proposed Zoning Ordinance was held this evening at the Township Administration Building, 8230 Old York Rd, Elkins PA. The following Select Committee members were present: David Cohen, Eric Leighton, Brad Pransky, Ameer Farrell, Joseph Nixon and Henry Sekawungu. The Select Committee convened at 5:45 p.m., and continued with reviewing the summary notes from the Public Meetings held on March 26 and April 23, 2014 as follows:

March 26, 2014 Public Meeting

Q21: What is the land use map, and how different is it from the proposed map?

Select Committee Response:

- The current land use will not be affected by the new zoning. New zoning will identify the highest and best use of land. Additionally, the new Zoning will allow for incremental changes over the years.

Q23: There are concerns about some of the districts and buildings coming up to the sidewalk. Would rather have or see more green space. What is the thinking and trade off?

Select Committee Response:

- The Select Committee will look into options for parking on corner lots and limitations and also consider the original intent in light of the existing ordinance.

April 23, 2014 Public Meeting

Q1: What could be done to include impact fees in the Ordinance for developers, considering our aging infrastructure and its sustainability?

Select Committee Response:

- This could be cost prohibitive and may deter development. It can be based on the number of units proposed but will allow for infrastructure and transportation improvements. It also requires a number of studies. There are specific fees that the State requires you to include in the SALDO but cannot be separate. Improvements have to be on the property. Need to have design guidelines and standards for developers to adhere to or seek relief, and this would be one way of incorporating and mitigating impacts.

Q2: There was concern about a sustainability bonuses leading to increasing of impact leading to more stormwater. There was a suggestion to modify or provide bonuses so that improvements are related to sustainability.

Select Committee Response

- The Select Committee agreed that this would be best managed through the SALDO and the Stormwater Management Ordinance. Bonuses are currently only in the mixed use district and cluster districts, but the Committee will take a closer look at it and come up with suggestions for improvements.

Q3: What are the standards for traffic impact studies?

Select Committee Response

- A Traffic Impact Study may be different from a Traffic Study but standards are set nationally. These are generally reviewed and approved by the Township Engineer.

Q4: There were concerns in general about the proposed Ordinance for a predominantly residential town. There are existing commercial areas, but this ordinance proposes an arbitrary 10-acre minimum to create commercial districts. Potential sites include the seminary and Arcadia. A commenter thought the overlay should just focus on the existing commercial districts as opposed to allowing commercial uses in residential areas. The Township/residents should be the ones to regulate the process and reduce the options for developers.

Select Committee Response:

- The Select Committee discussed this issue earlier in the process, and had come up with a recommendation to reduce the acreage from ten (10) to seven (7), and also mapping out the affected parcels. The Committee will be revisiting the different overlays and will be amending them to mixed uses, not as overlays, but as part of the underlying zoning. These will include the Federation Property, Elkins Estate, Temple Tyler, Widener Estate, etc., for a total of about 10 in number. There could be the option of allowing limited townhomes as opposed to the traditional mixed use of apartments above commercial properties. There could also be the consideration of utilizing a percentage ratio between residential and commercial.

Q10: Adding building and parking coverage in overlay districts to the 65% cap appears to negate best management practices and defeats the open space and sustainability argument.

Select Committee Response:

- The Committee will explore this issue further and make recommendations.

Q12: There was concern about the arbitrary nature of 10 acres. There is a need to balance the proposed zoning with the needs of those that live in the area. Would it be appropriate to have a referendum from the residents living in an area and also have them pay for the process?

Select Committee Response:

- The Committee will take a closer look at parcels that are seven (7) acres or more and make recommendations.

Q13: If an overlay allows a use, then what impact would the public hearings have? It seems like this would defeat the purpose.

Select Committee Response:

- The Committee will be recommending eliminating overlays in the proposed Ordinance.

Q14: We are looking at this overlay option in a crisis economy, with a potentially huge impact, especially with no controls. If places like Arcadia or other sites like it close 10 years from now, this Zoning could create an issue.

Select Committee Response:

- Campus Development could be changed so it is no longer an overlay but a mapped district. The Committee will look at Institutional uses and make a case for a variation of uses depending on the location and size. As part of the process, a new map will be developed by the County showing large properties over seven (7) acres and consider remapping them. In regards to existing schools, only Cedarbrook School could potentially be developed as a Commercial property, since the rest are wedged into neighborhoods.

Q15: Are there other communities with overlays and a balance between Commercial and Residential uses that are livable?

Select Committee Response:

- The Committee will relook at the age restricted overlay and may recommend removing the preservation overlay.

The meeting adjourned at 7:08 p.m.



Bryan T. Havir
Township Manager

as per Henry Sekawungu

The SELECT COMMITTEE held their meeting this evening at the Township Administration Building, 8230 Old York Rd, Elkins PA. The following Select Committee members were present: David Cohen, Eric Leighton, Ameer Farrell, Brad Pransky and Henry Sekawungu. The Select Committee convened at 5:45 p.m., and continued with reviewing the summary notes from the Public Meeting held on April 23, 2014 as follows:

Q16: Do we still have age-restricted overlays?

Select Committee Response:

At a minimum, the age restricted overlay should be mapped or eliminated altogether. One of the benefits of having it in place is that it limits school age students and allows for more open space. Over all, the general trend is that age restricted housing is being replaced by assisted living. In the alternative the Select Committee may consider changing the larger parcels covered by the age restricted overlay, to commercial uses. The Committee will consider mapping these districts, while reducing the density and height. The focus with this process will be on the smaller properties that are 20 acres or less.

Q17: A commenter recommended consideration of pedestrian uses but requested more consideration of bicycle uses as well. Use of bicycle facilities like racks and the like could be addressed as well.

Select Committee Response:

This consideration is not a Zoning issue but more of a Subdivision and Land Development Ordinance issue and could be addressed as part of that review process.

Q18: Can questions be posted about why properties are proposed to be zoned a certain way?

Select Committee Response:

The Committee opined that the vision of the community was reflected in the Cheltenham Township Comprehensive Plan which was based on input from citizens. The Comprehensive Plan is the backbone of what is being reflected in the proposed Zoning Ordinance.

Q21: Best management practices and sustainability plan goals do not seem to appear much in the proposed zoning ordinance. You need to look at the plan and incorporate these concepts into the proposed ordinance.

Select Committee Response:

The Sustainability Plan and the Zoning process are not always going to be in tandem. The best approach for these goals and issues is to handle them as part of the Subdivision and Land Development process.

Q24: Have we looked at the existing capacity of the School District and capacity to expand the student body? Has the School District been involved in this process and are those assumptions included?

Select Committee Response:

The Select Committee stated that based on the most recent studies by the School District, there were no projections for increase in the student body. The Planning and Zoning Staff will be following up on accessing the School District Capacity Plan.

Having concluded the overview review on the four Public meeting summary notes, the Select Committee proceeded to review additional comments received from Ted and Edie Cerebi regarding the Wyncote Historic District and comments from Cedarbrook Plaza Inc.

Per the Cerebi comments, the R2 proposed designation is a more appropriate designation for the residential areas in the Wyncote Historic District, as highlighted in their letter, and they requested that the ordinance be amended to reflect this change.

After extensive review of the existing and proposed Zoning Ordinance map for the area, the Select Committee agreed to this suggestion, but recommended feedback from the Wyncote BHAR. The proposed Zoning of R2 would still allow for low impact home businesses. However, the only setback would be that the existing twin homes would now become non-confirming uses. Staff agreed to follow up with the Wyncote BHAR at its next meeting on October 6, 2014 and will provide feedback to the Select Committee.

The Select Committee reviewed comments from the owners of Cedarbrook Plaza, and determined that the request was for more flexibility and a broader definition for uses that could be permitted, including re-examining the definition of "Shopping Center". The trend is for different types of non-traditional retailers occupying spaces in shopping centers.

The Select Committee discussed this subject at length and as part of their conclusions, recommended that under the definition for Shopping Centers, Commercial schools should not allow kindergarten and grades 1 through 12 and should be limited to professional and business schools, and that there should be a limit in size for self storage facilities. However, it was also determined that the market will generally self regulate these limitations, negating the need to put any limits on square footage.

The meeting adjourned at 7:00 p.m., with a recommendation to reconvene on October 6, 2014 at 5:30 p.m.



Bryan T. Havir
Township Manager

as per Henry Sekawungu

**REVIEW OF THE
ECONOMIC DEVELOPMENT
TASK FORCE
RECOMMENDATIONS**

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Harvey Portner, *President*
Morton J. Simon, Jr., *Vice President*
Art Haywood
Charles D. McKeown
Daniel B. Norris
Ann L. Rappoport
J. Andrew Sharkey

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: Henry Sekawungu, Director of Planning & Zoning

FROM: Bryan T. Havir, Township Manager

RE: Signage Application

DATE: September 18, 2014

The following signage permit application filed with your department was reviewed on September 16, 2014 at the Economic Development Task Force (EDTF) meeting and below is a summary of the discussion:

- 1.) 560 Church Road, Elkins Park, (Salon Tiffany) - for directional signage.** The EDTF had concerns about the size of the proposed sign and whether it really met the terms of the Zoning ordinance. The EDTF opined the sign may be too large and out of character for placement in front of the building. It recommended the applicant consult with you and your staff for further review of the zoning code regarding the size of directional signage; and if it does comply with the current zoning code, the EDTF would recommend acceptance of the proposed sign as submitted and issuance of a Certificate of Appropriateness. The EDTF would further recommend that the Board of Commissioners consider review of the existing sign ordinance in terms of the issue of directional signage definition, location, size and materials and that design regulations be developed by the Select Zoning Code Committee or Planning Commission to govern signage in the commercial districts.

Thank you.

BTH/km 

cc: Richard Parkes, Planning and Zoning Department
Sue Drucker, Planning and Zoning Department
David Kratzer, EDTF Design Committee

**BUILDING INSPECTOR'S
REPORT
FOR SEPTEMBER, 2014**

September 23, 2014

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR SEPTEMBER, 2014**

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL	55	11,934	613,650
RENOVATIONS / ALTERATIONS			
MULTI-FAMILY	0	0	0
RENOVATIONS / ALTERATIONS			
COMMERCIAL	4	4,016	200,800
RENOVATIONS / ALTERATIONS			
INSTITUTIONAL	1	139	6950
RENOVATIONS / ALTERATIONS			
FENCE	3	339	339
SEPTEMBER, 2014	63	16,428	821,739
SEPTEMBER, 2013	64	12,790	639,500
YEAR-TO-DATE 2014	686	168,279	9,351,046
TOTAL 2013	794	336,313	16,810,520

HEATING & AIR CONDITIONING

SEPTEMBER, 2014	3	857	42,850
SEPTEMBER, 2013	15	3,772	188,600
YEAR-TO-DATE 2014	81	22,649	1,129,000
TOTAL 2013	56	28,678	1,502,607

ELECTRICAL

SEPTEMBER, 2014	12	3,114	155,700
SEPTEMBER, 2013	6	5,238	261,900
YEAR-TO-DATE 2014	109	32,794	1,639,700
TOTAL 2013	98	37,164	1,843,207

PLUMBING

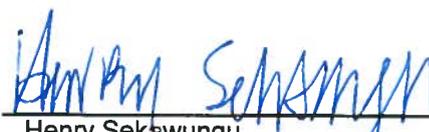
SEPTEMBER, 2014	11	1,674	83,700
SEPTEMBER, 2013	12	1,788	89,400
YEAR-TO-DATE 2014	126	29,007	1,416,043
TOTAL 2013	105	25,255	1,261,750

FOG PERMITS, SEPTEMBER 2014

3 1,500 1,500

GRADING PERMITS, SEPTEMBER 2014

0 0 0


Henry Sekawungu
Director - Planning and Zoning

**REVIEW OF
ZONING HEARING BOARD
DECISIONS**

**IN AND BEFORE THE ZONING HEARING BOARD
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

**IN RE: Application of Westminster Theological Seminary
 NO. 3491**

FINDINGS OF FACT, OPINION AND ORDER

I. PETITION

This matter is before the Board on the application of Westminster Theological Seminary for property located at 2960 Church Road, Glenside, PA 19038. Applicant requested the following relief:

A. An interpretation that the front setbacks are legal and non-conforming and existing parking is legal and non-conforming;

B. A variance from the Rules and regulations of the Cheltenham Township Zoning Code for the following:

i. From CCS 295-21 (Use Regulations” to allow the conversion of a single family dwelling unit to a two unit dwelling with two distinct living spaces.

ii. In the alternative, a variance from CCS 295-221 “Parking and Loading” requirements; and

iii. In the alternative, an interpretation of CCS 295-227 “non-conforming uses” that the existing residential use is a non-conforming use.

The property is located in the R3 Residential Zoning District.

II. HEARING

Hearing on the subject application was held on July 14, 2014.

The Hearing was held before Anee Farrell, Esq., Chairperson; Alan S. Gold, Vice Chairperson; Peter R. Labiak, Board Member; Carol M. Lauchmen, Esq., Solicitor, Carmen Reitano, Assistant Township Zoning Officer and Zoning Board Secretary.

Throughout the proceedings the Applicant was represented by Michael Yanoff, Esquire.

III. FINDINGS OF FACT

The following findings were made following competent testimony before the Board.

1. The Applicant, Western Theological Seminary, owns almost nineteen (19) acres on which the subject building is located. (Exhibit ZHIB #3, ZHB#2)
2. The subject building on Church Road is one of two (2) old gatehouses, which have been used as residences. Since 1937, they have been occupied by employees and students. (N.T. p 6, 7)
3. The Township Zoning Officer, by letter of May 27, 2014 acknowledges that the parking is non-conforming. There is, however, more than adequate parking within 100 feet of the subject building and there are ADA compliant parking spaces and access to the building. (N.T. p. 4, 11, 12)
4. The Applicant proposes to utilize the second floor for three two-person bedrooms and the first floor as a two-room apartment for guests or a visiting scholar of the seminary. Kitchen and bathroom renovations will be done, but there will be no changes to the building's exterior. (N.T. p. 7-9)

IV. DISCUSSION

The variance provisions of the Cheltenham Township Zoning Ordinance provide for an escape valve so that when regulations which apply to all are unnecessarily burdensome to a few because of certain unique circumstances, means of relief from mandates of the ordinance is provided: National Land and Dev. Co. vs. Kohn, 419 Pa. 504 (1965).

Section 910.2 of the Municipalities Planning Code provides in part as follows:

"The Board may grant a variance provided the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship has not been created by the appellant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue."

This is a longstanding school use in the R-3 district for which the parking at least is non-conforming. The gatehouses have been used as employee and student housing since 1937. Given that dormitories exist on the subject site and row houses are permitted in the R-3 district, they Applicant should be permitted to utilize the Church Road gatehouses as proposed.

V. ORDER

WHEREFORE, on July 14, 2014, the Cheltenham Township Zoning Hearing Board granted the following:

A. It is agreed that the front setbacks are legal and non-conforming and existing parking is legal and non-conforming.

B. (i) The variance from CCS 295-21 "Use Regulations" to allow the conversion of a single family dwelling to a two unit dwelling with two distinct living spaces is granted.

(ii) and (iii) A variance from CCS 295-221 "Parking and Loading" and an interpretation of CCS 295-227 "non-conforming uses" that the existing residential use is a non-conforming use are denied given the above interpretation and grant of variance.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD



AMEE FARRELL, CHAIRPERSON



ALAN S. GOLD, VICE CHAIRPERSON

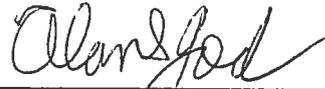


PETER R. LABIAK, MEMBER

The property involved is 1801 Erlen Road, Elkins Park, PA and is located in the Class R-5 Zoning District.

CHELtenham TOWNSHIP ZONING HEARING BOARD

PETER R. LABIAK, ACTING CHAIRPERSON



ALAN S. GOLD, VICE CHAIRPERSON

**IN AND BEFORE THE ZONING HEARING BOARD
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

**IN RE: Application of William R. May Funeral Home, Inc.
 NO. 3497**

FINDINGS OF FACT, OPINION AND ORDER

I. PETITION

This matter is before the Board on the application, as amended, of William R. May Funeral Home, Inc., equitable owner of 6 Royal Avenue, Glenside, PA 19038. Applicant requested the following relief:

- a. From CCS 295-21 for a use as a Funeral Home other than the permitted enumerated uses for an R-3 Residential District.
- b. From CCS 295-24.C for a lesser rear yard of 10 feet instead of the required twenty-five feet.
- c. From CCS 295-221.B(5)(a) for surface parking located between the building and the street with a lesser setback from the right-of-way of eight feet rather than the required ten feet.
- d. From CCS 295-221.B(5)(b) for the location of a surface parking lot on a corner lot located on an arterial road (Easton Road) as defined by the Cheltenham Township Comprehensive Plan.

- e. From CCS 295-221.B(5)(c) to permit a surface parking lot extending more than seventy feet in width along a pedestrian street frontage without an outdoor café, urban garden, plaza, square, courtyard or landscaping feature with seating.
- f. From CCS 295-163 to permit the disturbance of existing steep slopes in conjunction with the construction of the proposed site improvements.
- g. From CCS 295-197.A to permit the installation of an external illuminated monument sign with a maximum height of four feet above adjacent grade and with a total sign area of not greater than twenty square feet.
- h. From CCS 295-197.A to permit the installation of a backlit parallel wall sign with a total sign area of not greater than fifty square feet.
- i. A special exception from CCS 295-24.A(2) for a lesser front yard of five feet rather than the minimum fifty feet required for the installation of a monument sign.
- j. From CCS 295-223 to have a six foot high solid fence parallel to Easton Road to replace the existing post and rail fence.

The property is located in the R-3 Zoning District.

II. HEARING

Hearing on the subject application was held on August 11, 2014.

The Hearing was held before Peter Labiak, Acting Chairperson; Alan S. Gold, Vice Chairperson, Carol M. Lauchmen, Esq., Solicitor, and Carmen Reitano, Assistant Township Zoning Officer and Zoning Board Secretary.

Throughout the proceedings the Applicant was represented by Michael Yanoff, Esquire.

III. FINDINGS OF FACT

1. The subject site has 27,413 square feet and is located at the southeast corner of Royal Avenue and Easton Road. The building faces Royal Avenue. (Exhibits A-1G, A-2; N.T. pg. 13, 49).

2. North along Easton Road are two residences and a large commercial area containing Produce Junction as its main tenant; both sides of Easton Road are commercial being downtown Glenside. Adjacent to the south and to the rear are single family residences. Across Easton Road are C-3 and a C-4 district going either direction on Easton Road. Going East on Royal Avenue one block is the Bishop McDevitt High School. (Exhibit A-2; N.T. pg. 15, 21, 22).

3. The subject site being a corner lot has two front yards and two rear yards. (Exhibit A-1G).

4. The building on the site had originally been a single family dwelling. Some fifteen years ago, the Cheltenham Township Zoning Hearing Board granted a variance for office use. There was then a parking lot with twelve spaces constructed that was used by eleven persons who worked in the offices plus the persons who came to the offices. (N.T. pg. 15-17, 39, 117).

5. Since the grant of the variance to office use, the commercial use along Easton Road has been extended. (N.T., pg. 44).

6. The Township Comprehensive Plan of 2005 designates all of Easton Road from Waverly Road to Arcadia University to be commercial and mixed use residential and commercial. According to the Applicant's expert land planner, the proposed use

would be permitted under the Township Comprehensive Plan. (Exhibit A-3; N.T. pg. 16, 17, 61.)

7. The grounds for the variance fifteen years ago was because there was absolutely no market for the property as a single family dwelling. It had been on the market for over two years. As stated above, at its peak of use by the current owners, eleven people came and went to the offices each day. To the present time, the owner holds many community meetings on site, such as the Rotary Board of Directors, Chamber of Commerce and downtown merchants. It is oft times over parked so that the cars have to be stacked up because they do not all fit into the existing parking lot that was installed on the site. (N.T. pg. 116-118).

8. The problems with the property being marketed as a residence is that there would be a huge cost to convert it back to residential use that would include removing the huge parking lot, installing a new kitchen, and rebuilding the area that had been converted into offices back to residential use. (N.T. pg. 119).

9. The current owner, being very active in the community and well connected, put the word out to many businesses and business organizations that it was for sale. It was then listed for sale for office use on May 1, 2014. No one was interested in the property as an office use. There were no inquiries and no interest at all expressed by any commercial brokers or interested parties for use as office space or even as a residence. (N.T. pg. 120, 122, 127).

10. The proposed use is as a funeral home (Exhibit ZHB-3).

11. There would be a new parking area added, adding nine spaces; and the new parking area would be located between the building and Easton Road. (Exhibit A-1G; N.T. pg. 17).

12. By Township Ordinance, seventeen parking spaces are required and the Applicant proposes twenty spaces. (Exhibit A-1G).

13. The current Township Zoning Ordinance makes almost all parking lots existing in the older parts of the Township non-conforming because the Ordinance requires that there be no parking between the building and the street and no parking on a corner lot on an arterial road. (N.T. pg. 25)

14. The application was amended during the hearing to include a request for a variance for a six foot high solid fence parallel to Easton Road and perpendicular to Royal Avenue between the subject property and the neighbor on the corner of Bickley and Royal. That neighbor requested the fence and additional landscaping, and the applicant is therefore requesting same. (N.T. pg. 28-30, 43).

15. The Applicant's current location of his funeral home is on Easton Road in Abington Township. It has been immediately adjacent to residential properties since 1948 and there have been no problems with the neighbors since that time. There have also been no problems with parking interfering with the neighborhood in Abington Township because the Applicant always has attendants on duty for every service to be able to manage the parking issues. (N.T. pg. 63, 67, 68, 71, 74).

16. The Applicant will not continue to work at his Abington site, but he himself, Mr. May, would be located at the subject site. He wants to stay on Easton Road, not to expand, but just to continue operating a funeral home. There would be parking

attendants at every service on site which would include valet parking to park the cars closer in. (N.T. pg. 71).

17. For persons attending services at the site who would need to be closer to the door, the parking attendants would insure that vehicles carrying these folks would be able to park or drop off persons close to the door. (N.T. pg. 71, 106).

18. The Applicant has permission to utilize the parking lot at Bishop McDevitt High School if needed. If required by the Township going through the Land Development process, the Applicant agrees he would enter into a written contract with Bishop McDevitt High School providing same. (Exhibit A-5; N.T. pg. 72-74).

19. In the event there would be overflow parking, the parking attendants would also be on site on the Bishop McDevitt High School lot. (N.T. pg. 87, 90, 92, 94).

20. There would be four full time employees, including the Applicant, Mr. May, all of whom are licensed funeral directors. There would also be one part time employee working one day per week. (N.T. pg. 68, 79).

21. Funeral directors and the operation of funeral homes are regulated by the FTC, OSHA, and by the Pennsylvania State Board of Funeral Directors. (N.T. pg. 78).

22. The Applicant did not intend to perform cremations on site. He uses an off-site crematory which services a number of funeral homes. Further, the Applicant accepts as a condition that the proposed site would never be used as a crematory. (N.T. pg. 78, 84).

23. No hazardous chemicals whatsoever would be stored on site. (N.T. pg. 76).

24. The proposed addition would be a one-story room that would increase the square footage to 3,838 which is within the building coverage requirements of the R-3 Zoning District. This room would be where the bodies would come in. There would be no view of bodies being brought into the building from either Easton Road or Royal Avenue. The proposed addition would be in the yard opposite Royal Avenue. It would be a side yard so to speak but a rear yard for Royal Avenue. There would be ten feet between the proposed addition and the lot line. There is an existing solid wood fence which would remain. (Exhibit A-1G; N.T. pg. 18, 103).

25. The proposed addition would be constructed of the same materials as the existing building so that it would blend in with the existing building. The room would be used for viewings and funeral services. This room must be placed where noted above so that more parking can be placed on the site. (Exhibit A-1H; N.T. pg. 20-23, 55).

26. There would be two signs, one a monument at the corner of Easton Road and Royal Avenue four feet high with twenty square feet of signage. The other sign would be a back lit, in good taste, wall sign facing Easton Road of approximately fifty square feet. Both these sizes are consistent with the most restrictive level of commercial signage. (Exhibit ZHB-3; N.T. pg. 26).

27. There are steep slopes on site which would have to be disturbed for the construction of the proposed parking lot between Easton Road and the building. Because of the slopes from the portion of the lot facing east and compared to the opposite of the lot from Easton Road, all of the parking cannot be put in one area because of that slope. There would be some disturbance for construction that, of course, would be restored and

landscaping would be installed between the parking lot and Easton Road. (N.T. pg. 24, 52-54).

28. For funeral processions leaving from the site, vehicles would be lined up on site and then exit to Royal Avenue and Easton Road. In the event the Bishop McDevitt High School lot has been utilized for overflow parking, there may be vehicles on Royal Avenue for at most five minutes in getting the funeral procession with vehicles under way. (N.T. pg. 95, 97, 105).

29. There are two trends now with regard to funeral services and viewings. One trend is that both the viewing and service occur all in one day rather than evening viewings and then funeral services the next day. The other trend is that both the viewing and funeral services are held at a church, and this is so especially for funerals anticipated to be large because the churches have much more adequate space and parking for large services. For such services where both viewing and services are held at the church, the funeral home itself is then only used for meeting with the family and preparation of the deceased. (N.T. pg. 65, 66).

30. The average number of church viewings and services per month for the proposed funeral home as it has been at Mr. May's funeral home in Abington would be sixty-five to seventy per month occurring at the church. (N.T. pg. 82).

31. In 2013, the average number of evenings per month that there were services held at the Abington funeral home was 2.3, and the average day time service per month for 2013 was 2.9. For 2014, year to date as of mid-August, the average evening services were 1.6 per month, and 2 services per day per month. (Exhibit A-4; N.T. pg. 64-65).

32. Evening services are generally between 7:00 p.m. and 9:00 p.m. These are usually viewings where people come, spend a few minutes and then leave. (N.T. pg. 74)

33. Applicant presented a witness who was qualified and accepted by the Zoning Hearing Board as an expert in land planning, and the Board accepts this expert's opinions as follows:

a. That the proposed use meets the criteria of Section 295-209.C in that the proposed use meets the requirements of the MPC and is not contrary to the public interest. (N.T. pg. 32, 33).

b. That there is no adverse impact by the proposed use. (N.T. pg. 27).

c. That the proposed use is less intensive than office use on the site could be, and that the proposed use is a natural extension of the commercial use on Easton Road. (N.T. pg. 22-23, 27, 31, 35).

34. Persons from the neighborhood attended the hearing and they were in opposition to the proposed use. The objectors had various concerns. They were:

a. That the use of public sidewalks by persons parking in the Bishop McDevitt High School lot and walking to the funeral home may present a security or safety hazard. (N.T. pg. 99, 109, 134).

b. That parking on neighborhood streets where permitted in general was not good for the neighborhood. (N.T. pg. 100, 135, 144, 147, 148).

c. That traffic was already congested in the area, and the proposed use would make traffic worse and that a funeral procession could affect school bus schedules. (N.T. pg. 135, 136, 139, 145, 146).

- d. That property values are going to negatively affected. (N.T. pg. 136-138).
- e. That people would congregate after a viewing. (N.T. pg. 139).
- f. That there would be some unspecified psychological effect on young children living next to a funeral home. (N.T. pg. 143).

35. The objectors' concern with regard to property values was speculative and, in fact, an adjacent neighbor told the Zoning Hearing Board that her house prior to her purchase had been on the market for eighteen months. Obviously during the time that the subject site was being used for offices. (N.T. pg. 141).

36. There were some neighbors in support. There were two supportive letters entered into evidence. (Exhibits A-6, A-7). There was testimony from supportive neighbors that Mr. May would be a good neighbor and would work with neighbors with parking and any other concerns, and also that the location of the funeral home within Cheltenham Township is good for the Township by increasing tax revenue. (N.T. pg. 130-133).

IV. LEGAL DISCUSSION

The variance provisions of the Cheltenham Township Zoning Ordinance provide for an escape valve so that when regulations which apply to all are unnecessarily burdensome to a few because of certain unique circumstances, means of relief from mandates of the ordinance is provided: National Land and Dev. Co. vs. Kohn, 419 Pa. 504 (1965).

Section 910.2 of the Municipalities Planning Code provides in part as follows:

"The Board may grant a variance provided the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship has not been created by the appellant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue."

To establish the confiscatory nature of a zoning regulation, an applicant must prove that the land has no value or only distressed value, i.e., is "valueless," as a result of the regulation. To meet this burden, an applicant must demonstrate that: "(1) the physical features of the property are such that it cannot be used for a permitted purpose; or (2) that the property can be conformed for a permitted use only at a prohibitive expense; or (3) that the property has no value for any purpose permitted by the zoning ordinance." *Hertzberg v. Zoning Board of Adjustment*, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998); *see also, Allegheny West Civil Council, Inc. v. Zoning Board of Adjustment*, 547 Pa. 163, 689 A.2d 225 (1997).

Fifteen years ago, this property was not marketable as a residence and this Zoning Hearing Board granted a use variance so that the site may be used as offices. The owners removed the kitchen entirely and utilized the building as offices for eleven people.

The owner is very active in the local business community and has been hosting Chamber of Commerce, merchant, and Rotary Board meetings on site. Over one year ago, the owner put the word out to Arcadia and her contacts that she wanted to sell. The property was listed for sale on May 1, 2014 as office use. Throughout the informal and formal attempts to sell the property, there was no interest at all for an office use.

Further, Easton Road has over the years become more commercial. The zoning across the street, along Easton Road, is C-3, then C-4, and on the same side of Easton Road with a bit of residential in between. Apparently, there is no market for offices located in a large old former single family dwelling.

But it is not the only evidence which might be adduced to show that land cannot be sold for any use permitted by the ordinance. The Pennsylvania Supreme Court has, on numerous occasions, sustained findings of unnecessary hardship where no evidence of attempt to sell was recited. *Garbe v. Zoning Case*, 385 Pa. 328, 122 A.2d 682 (1956); *Nicholson v. Zoning Board of Adjustment*, 392 Pa. 278, 140 A.2d 604 (1958); *Forest Hills Borough Appeal (Re Dance Oil Service Co.)*, 409 Pa. 392, 187 A.2d 166 (1963).

The cost to convert it back to a single family dwelling would be prohibitive. A new residential owner of this white elephant would have to completely install a new kitchen, take out some/all of the twelve car parking lot and reconfigure the offices.

Therefore, the Zoning Hearing Board holds that the property cannot be used as zoned because the market indicated no interest in the site for office use and because the costs to convert back would be prohibitive.

Next, the Board addresses the other criteria the Cheltenham Zoning Ordinance for the grant of a variance. The crucial variance here is the use variance; the dimensional variances are not significant and are determined under the lower "Hertzberg" standards.

The Cheltenham Township criteria at Section 295-209(B) and (C) include with more specificity the Municipalities Planning Code standards.

The Board accepts the opinion of Applicant's expert land planner and has determined that the grant of the use and dimensional variances will not be contrary to the public interest. There was a worry expressed by the objectors that their property values would be negatively affected but no evidence of such was presented to the Zoning Hearing Board. The outside of the big beautiful white elephant building will remain attractive and the addition will blend in with the existing structure. The six foot fence and additional landscaping will uphold neighborhood aesthetics. There will be no noise, air quality concerns and drainage will be addressed through strict land development requirements. There was clear evidence of good relations between adjacent and surrounding neighbors and the funeral home at its present site in Abington Township.

There was extensive testimony concerning managing the vehicular traffic of those people coming to the site. It should be noted that the Applicant did not ask for parking relief but rather provides several places more than are required by the Township. There would be one to two evening viewings per month and two to three day services per months. The Zoning Hearing Board concludes that the Applicant will manage traffic using, when

necessary, the Bishop McDevitt High School parking lot, so that the neighborhood will not be negatively impacted.

Significantly, the proposed use is, per 295-209(c)(2), in accordance with the Cheltenham Township Comprehensive Plan. Also, the use does not adversely affect public services.

A brief discussion of the other variances follows: CCS 295-24.C for a lesser rear yard; CCS 295-221B(5)(a) for an eight foot setback, not ten foot; CCS 295-221B(5)(b) for a parking lot on a corner; CCS295-221B(5)(c) for a parking lot more than seventy foot long; and CCS 295-163 to perhaps having to disturb temporarily steep slopes are all granted because this corner property has two front yards and two rear yards; and a significant slope up toward Easton Road.

The three variances regarding signage accompany the use and are minimal.

The fence variance to six feet is at the neighbor's request (CCS 295-223).

V. ORDER

WHEREFORE, the Cheltenham Township Zoning Hearing Board grants the following variances:

- a. From CCS 295-21 for a use as a Funeral Home other than the permitted enumerated uses for an R-3 Residential District.
- b. From CCS 295-24.C for a lesser rear yard of 10 feet instead of the required twenty-five feet.
- c. From CCS 295-221.B(5)(a) for surface parking located between the building and the street with a lesser setback from the right-of-way of eight feet rather than the required ten feet.

d. From CCS 295-221.B(5)(b) for the location of a surface parking lot on a corner lot located on an arterial road (Easton Road) as defined by the Cheltenham Township Comprehensive Plan.

e. From CCS 295-221.B(5)(c) to permit a surface parking lot extending more than seventy feet in width along a pedestrian street frontage without an outdoor café, urban garden, plaza, square, courtyard or landscaping feature with seating.

f. From CCS 295-163 to permit the disturbance of existing steep slopes in conjunction with the construction of the proposed site improvements.

g. From CCS 295-197.A to permit the installation of an external illuminated monument sign with a maximum height of four feet above adjacent grade and with a total sign area of not greater than twenty square feet.

h. From CCS 295-197.A to permit the installation of a backlit parallel wall sign with a total sign area of not greater than fifty square feet.

i. A special exception from CCS 295-24.A(2) for a lesser front yard of five feet rather than the minimum fifty feet required for the installation of a monument sign.

j. From CCS 295-223 to have a six foot high solid fence parallel to Easton Road to replace the existing post and rail fence.

WITH THREE CONDITIONS:

(1) That the Applicant provide landscaping per land development requirements and to please immediate adjacent neighbors;

(2) That an Easement Agreement be entered into with Bishop McDevitt High School if required by the Board of Commissioners subject to approval of the Township Solicitor; and

- (3) That the premises not be used as a crematory.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD



PETER LABIAK, ACTING CHAIRPERSON



ALAN S. GOLD, VICE CHAIRPERSON

**IN AND BEFORE THE ZONING HEARING BOARD
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

IN RE: Application of Albert Einstein Medical Center

APPEAL NO. 3498

ORDER

AND NOW, this day of , 2014, upon consideration of the application of Albert Einstein Medical Center, Applicant, for the property located at 60 Township Line Road, Elkins Park, PA, Applicant seeks the following variance:

From CCS 295-197A.(4) in order to install:

- i. Three (3) freestanding 9' high internally lit signs instead of the allowed 4' high externally lit; and
- ii. Two (2) of those signs will be on the front entrance off of Township Line Road instead of the allowed one (1).

The Board approved Applicant's request with the condition that the Applicant, within sixty (60) days, provide documentation to the Township Director of Planning and Zoning that the signs are either not in the right of way or have permission to be so placed.

All material representations made by the applicant on the record at the hearing shall be treated as conditions of the grant and be binding on the Applicant. Material representations include, but are not limited to, lighting, size of buildings, construction material and grading. During any

subsequent land development/subdivision process, the Board of Commissioners may require or allow changes to these representations.

The property involved is 60 Township Line Road, Elkins Park, PA and is located in the R-4 Residence District. The house is an existing non-conforming structure.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD



AMEE FARRELL, CHAIRPERSON



ALAN S. GOLD, VICE CHAIRPERSON

DARYL CARRINGTON, ALTERNATE MEMBER

OLD BUSINESS

**Richard W. Berlinger, Esquire
Berlinger Law
Identification No. 08719
1494 Old York Road, Suite 200
Abington, Pennsylvania 19001
(215) 376-6500**

ATTORNEY FOR APPELLANTS

IN RE:

**APPEAL OF
DAVID DOBSON and ETHEL DOBSON, h/w
425 Greenwood Avenue
Wyncote, PA 19095**

from the

**DECISION, OPINION AND ORDER OF THE
ZONING HEARING BOARD OF CHELTENHAM
TOWNSHIP DATED DECEMBER 17, 2013**

**COURT OF COMMON PLEAS
MONTGOMERY COUNTY, PA**

NO. 2014 - 00899

COPY

STIPULATION

It is hereby agreed by the parties to this action, through their attorneys of record, that subject to the approval of the Court this Appeal is resolved as follows:

1. David Dobson and Ethel Dobson, h/w ("Dobsons"), are owners of the real property, a single parcel, located at 425 Greenwood Avenue, Wyncote, Cheltenham Township, Pennsylvania, which contains two principal single-family residential uses: a manor house and a two-story carriage house ("Premises").
2. The Premises is irregular in shape, containing 67,400 square feet of land and is bordered by Barker Road, Greenwood Avenue, Deaver Road, and two privately owned parcels.
3. The Premises was improved with the manor house and the carriage house in the beginning of the 20th century, and prior to the adoption of Cheltenham Township's first Zoning Code in 1929.

4. While originally designed and used an ancillary use to the manor house, the carriage house was permitted to be used as a separate dwelling by a Stipulation filed and approved by the Honorable Anita Brody in Zoning Appeal Docket No. 91-24308, by Order dated August 27, 1999 ("1999 Stipulation").

5. Dobsons seek to subdivide the Premises to permit the carriage house to be sold as a separate single-family residence.

6. The Premises is located in the R-3 Residence District, which requires a minimum lot size of 20,000 square feet, a side yard of no less than 15 feet with an aggregate of 40 feet, a front yard of no less than 50 feet and a lot width at street of 100 feet minimum.

7. The carriage house sits 3 feet from the closest property line, creating a non-conforming side yard.

8. The Dobsons' Subdivision Plan proposes the following:

a) Lot 1 - Carriage House: a lot size of 20,052.15 square feet, the lawful pre-existing non-conforming three-foot side yard, and 17 feet 11 inch yard fronting on Barker Road, a lot width on Barker Road of 296 feet 11-3/4 inches and a rear yard of 42 feet.

b) Lot 2 - Manor House: fully complies with the dimensional requirements.

A copy of the Subdivision Plan is attached hereto as Exhibit "A."

9. No exterior changes are proposed to either dwelling, each building has sufficient area for vehicle parking and would share portions of a driveway leading into the Premises from Deaver Road under a recorded non-exclusive driveway easement.

10. Believing that there was no change of conditions from the prior zoning application resulting in the 1999 Stipulation, the Board felt constrained to deny the Dobsons' requested relief on the principles of *res judicata*.

11. Post appeal settlement discussions established that there has been a change of conditions resulting from the 1999 Stipulation because the Cheltenham Zoning Ordinance permits only one principle use on a lot, and the Premises is non-compliant because it contains two principle uses on a single lot and, therefore, cannot be legally sold without the proposed subdivision.

12. The Zoning Board's denial of the requested dimensional variances in its Decision dated December 17, 2013, at Zoning Hearing Board of Cheltenham Township, Appeal No. 3475, is hereby vacated and withdrawn, and the requested variances are hereby granted and entered as an Order of the Cheltenham Township Zoning Hearing Board upon approval of this Stipulation by the Court.

13. This Stipulation constitutes the entire agreement between the parties and shall bind and inure to the parties, their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties through their attorneys have hereunder set their hands and seals and intending to be legally bound.

Date: 9-18-14

Richard W. Berlinger
Richard W. Berlinger
Attorney for Appellants

Date: Sept 18, 2014

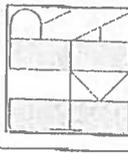
Carol M. Lauchmen
Carol M. Lauchmen
Solicitor, Cheltenham Township Zoning
Board

Date: _____

Joseph Bagley
Solicitor, Cheltenham Township

COPY

EXHIBIT "A"



CONVEYANCE

OFF (Name)

SUBJECT (Name)

PHONE (Number)

RECORDING

1. No. of

2. County of

PLAT

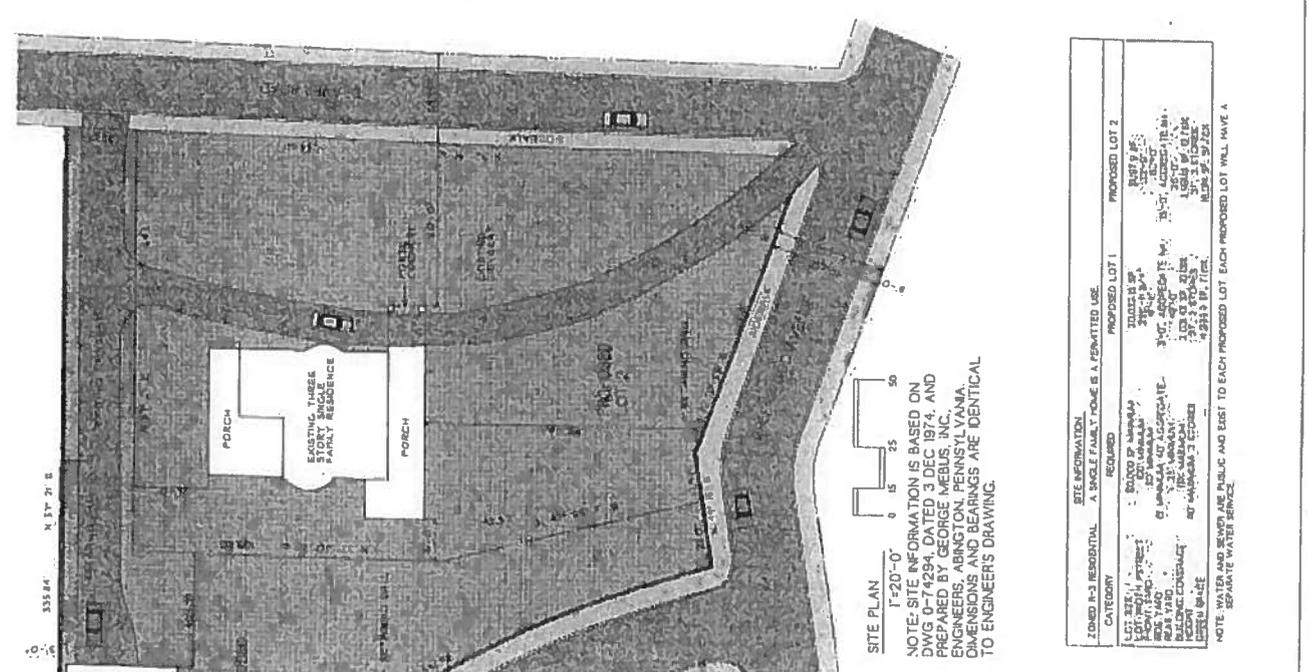
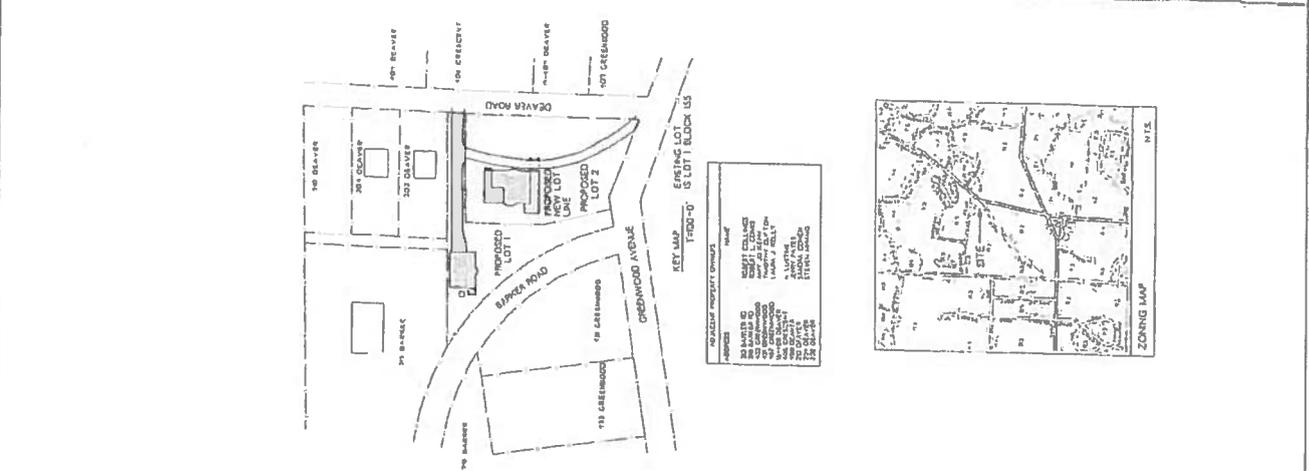
1. No. of

2. County of

PLAT

1. No. of

2. County of



NOTE: SITE INFORMATION IS BASED ON
 1. AERIAL PHOTOGRAPHS DATED 1974, AND
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 9. AERIAL PHOTOGRAPHS DATED 1974, AND
 10. AERIAL PHOTOGRAPHS DATED 1974, AND

COMMISSIONERS OF PENNSYLVANIA
 COUNTY OF MONTGOMERY

ON THE _____ DAY OF _____ 2000 BEFORE ME, THE SUBSCRIBER, A
 NOTARY PUBLIC OF THE COMMONWEALTH OF PENNSYLVANIA, PERSONALLY APPEARED
 _____, known to me to be the person whose name is subscribed to the
 FOREGOING PLANS AND ACKNOWLEDGED THAT HE IS THE OWNER OF THE
 OWNER OF THE DESCRIBED LAND THAT ALL NECESSARY APPROVALS OF THE
 ME AND THE DEEDS WERE FILED AND IS BOUND THEREON, AND THAT
 TO LAW, WITNESS MY HAND AND NOTARIAL SEAL, THE DAY AND YEAR
 AFORESAID.

CHIEF _____ (REAL)
 NOTARY PUBLIC
 MY COMMISSION EXPIRES _____

APPROVED BY THE BOARD OF COMMISSIONERS OF DELEGATED TOWNSHIP THE
 DAY OF _____ 2000, AND I, _____, CLERK OF THE BOARD OF
 COUNTY, WITHIN 90 DAYS FROM DATE THEREOF.

ATTEST: _____ SECRETARY
 RECORDS IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., HOBOKEN, PA.
 IN DEED BOOK _____, PAGE NO. _____, ON _____
 VOTING



NEW BUSINESS

SPRINGFIELD TOWNSHIP: 66 SINGLE-FAMILY HOMES
 CHELTENHAM TOWNSHIP: 18 SINGLE-FAMILY HOMES
 TOTAL: 84 DWELLING UNITS

66 SINGLE-FAMILY HOMES
 8,560 S.F. MIN. LOTS
 (SPRINGFIELD TOWNSHIP)

18 SINGLE-FAMILY HOMES
 MIN. LOT AREA: 11,250 S.F.
 (CHELTENHAM TOWNSHIP)

GLACKIN THOMAS PANZAK
 LAND PLANNING
 LANDSCAPE ARCHITECTURE

Glackin Thomas Panzak, Inc.
 Paoli Executive Green I
 Suite 300
 41 Leopard Road
 Paoli, Pennsylvania 19301
 610.408.5011
 Fax: 610.408.9477
 E-mail: plans@glackinplan.com

PROJECT #: 11-056
 DATE: 09/26/14 (cj)
 REV.:

FALCON HILL
 CONCEPT PLAN

SCALE: 1" = 100'
 Sept. 26, 2014

