

February 1, 2012
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, McKeown, Norris, and Sharkey. Also present was Ex-Officio member Haywood. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Director of Engineering, Zoning and Inspections; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Simon called the meeting to order.

1. The Zoning Hearing Board (“ZHB”) Agenda for February 13, 2012, was reviewed as follows:

APPEAL NO. 3413: (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

- a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.
- b. In the alternative to a, above, a Determination, pursuant to “Nonconforming Uses” as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

Mr. Lynch advised that the Zoning Hearing Board testimony has concluded on said appeal. No action was necessary by the Committee.

APPEAL NO. 3426: Appeal of Jason Silverman, owner of Premises known as 51-57 S. Keswick Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 4500 SF, 1 storey building (to replace a building damaged by fire in May 2007 and demolished in December 2007); the building is to be used for a Ceramics Studio (2700

SF) and a retail space (1800 SF). Said Premises being within the Class C-4 Commercial and Business District, in part, and with the Class R-7 Residence District, in part:

- a. A Variance from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127. for the manufacture of pottery instead of one of the enumerated permitted uses.
- b. In the alternative to a., above, a Special Exception in accordance with Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127.L. for the proposed Ceramics Studio.
- c. Variances from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of the Cheltenham Code for the proposed retailing building as follows:
 - i. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the SEPTA R/W line instead of the minimum required 15'.
 - ii. From CCS 295-132. for vehicular parking within the 15' wide vehicular parking setback area in which no vehicular parking is permitted.
 - iii. From CCS 295-133. for a lesser buffer area of zero feet (0') instead of the minimum required 11' along the C-4/R-7 District boundary line.
- d. A Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. for three (3) on-site parking spaces instead of the minimum required 11 parking spaces. (Applicant is concurrently asking for permission/waivers for the dedicated use of 8 angled parking spaces on the Keswick Avenue frontage of the premises and 3 parallel parking spaces on the Keswick Avenue frontage of the Premises from the Cheltenham Township Board of Commissioners; said parking spaces are wholly or partially within the public right of way. Parking for the recently demolished retail/office building was in the same location).

Mr. Lynch reviewed the appeal. Mr. Silverman was present, presented plans and discussed the vacant land, the property's previous fire, plans for a ceramic artist studio, and on-street parking.

Mr. Sharkey reported that the neighbors are agreeable to the proposal with certain conditions.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends approval of said appeal with the following conditions:

- The plan be in substantial conformance with the plan presented this evening
- There is to be a Land Development Plan
- There is to be a review by the Shade Tree Advisory Committee
- There are to be no signs on Paxson Avenue
- The hours of operation for the new building conclude at 10 p.m.
- The garages in the rear are to undergo exterior renovation, and are to be accessible between the hours of 8 a.m. and 8 p.m. only, and are to be used only for storage and not for repairs
- The three (3) rear parking spaces are for employee use only

APPEAL NO. 3429: Appeal of Miriam Szewczyk, owner of premises known as 7909 Park Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a restaurant tea room by renovating an interior basement for kitchen use and the first floor for dining use. The following Zoning Relief is required:

a. Variances from the Rules and Regulations of the Class R3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code as follows:

- i. From CCS 295-124. to provide zero percent Green Area instead of the required 7% green area.
- ii. From CCS 295-124. for providing no 15' wide landscape buffer area along the street frontage.

b. Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.H. for providing zero on-site parking spaces instead of the required four (4) parking spaces.

Mr. Lynch reviewed the appeal. Hal Lichtman, architect, was present. Mr. Lynch advised that this application received zoning relief in 2004 but said grant of relief has expired.

Mr. Lichtman reviewed the property's former use as a nail salon.

Upon motion of Mr. Simon, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of said appeal.

APPEAL NO. 3430: Appeal of Monica Varela, owner of Premises known as 1119 Stratford Avenue, Melrose Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to add an 20.67' x 16.67' carport to the front southwest corner of the house:

a. Variances from the Rules and Regulations of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:

- i. From CCS 295-38. for a greater building area of 23.9% instead of the maximum permitted 20%.
- ii. From CCS 295-39.A (1) for a lesser front yard setback of 25' to the carport instead of the minimum required 40' (the front yard setback to the main house is 20').
- iii. From CCS 295-39.B(2) for a lesser side yard setback of 8' instead of the minimum required 20'.

Mr. Lynch reviewed the appeal. He advised that the applicant has a mobility problem, and this will allow her to have easier access to her home.

In response to a question from Mr. Norris, the Committee was told that there is no opposition from neighbors. The Committee was presented with a petition from the neighbors in support of said appeal.

Upon motion of Mr. Norris, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of said appeal.

2. The Committee discussed the Planning Commission's lack of review of the draft age-restricted Ordinance.

The Committee discussed possible postponement of the Public Hearing scheduled for February 15, 2012. Mr. Simon supported a postponement of the Public Hearing. It was Mr. Sharkey's opinion that this Ordinance could be adopted without the Planning Commission's review, and if the commission reviews it in the future with viable suggestions, it could be amended. Mr. Sharkey felt that more than ample time has been spent in discussing and fine-tuning said Ordinance, and the Commissioners needed to take action.

The Committee decided not to postpone the February 15, 2012 Public Hearing for public comments and adoption of an Age-Restricted Overlay District (Ayes: Haywood, Sharkey, McKeown, Norris; Nays: Hampton, Simon).

3. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated January 23, 2012, were received.

4. Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Ad-Hoc Zoning Revision Committee Regular Meeting Minutes dated January 23, 2012, were received.

5. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3423: Appeal of Martin Roark, owner of the premises known as 651 Mulford Road, Wyncote, Pennsylvania 19095, from the determination of the Zoning Officer finding that the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a less than required rear yard setback would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-220, regulating yard setbacks.

Applicant seeks a variance from Section 295-220(C) of the rules and regulations of the C-3 Residence District to allow for the installation of a utility shed, measuring 8 feet by 12 feet, in the rear yard which creates a lesser rear yard setback of 3 feet instead of the minimum required 15 feet.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Haywood, and unanimously approved by the Committee, no action was taken

APPEAL NO. 3424: Appeal of Brian Brillman, owner of the premises known as 7501 Woodlawn Avenue, Elkins Park, Pennsylvania 19027, from the determination of the Zoning Officer finding that the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage where a 4 foot high 50% open fencing is permitted would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-223, regulating fences and walls.

Applicant seeks a variance from Section 295-223 of the rules and regulations of the R-4 Residence District to allow the installation of a solid fence, measuring approximately 123 feet in length and 6 feet in height, within the Stratford Avenue frontage of the Property, where only a 4 foot high 50% open fencing is permitted.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Norris, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3425: Appeal of Steven and Chagit Nusbaum, owners of the premises known as 120 Kingston Road, Cheltenham, Pennsylvania 19012, from the determination of the Zoning Officer finding that the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space) would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XIX, Section 295-135, regulating uses.

Applicants seek a variance from Section 295-135, of the rules and regulations of the G-6 Manufacturing and Industrial Districts to allow the conversion of the existing first floor commercial space into a first floor apartment instead of one of the enumerated permitted uses (there is one legal nonconforming apartment above the commercial space).

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, no action was taken.

6. Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Report of the Building Inspector for the month of January, 2012 was received.

7. Under Old Business: Mr. McKeown asked about the status of the development of the Matrix/Ashbourne site. Mr. Bagley advised that the applicant has changed counsel for both the appeal and for the citations. District Judge McHugh has not yet rendered a decision on the Township's citations.

There being no further business, upon motion of Mr. Haywood, and unanimously approved by the Committee, the meeting was adjourned.



David G. Kraynak
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Affairs Committee, 7:30 p.m.
Public Safety Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, February 1, 2012
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
WILLIAM SCHWARTZ	8309 JEROME ROAD	215-635-2349
Jordan Gwendolyn Davis	NA	215-880-5207
Jim M. Dean / Ray Johnson	106 Parkview Rd	215-635-9944
Steve + Deb McCarter	211 W. Waverly Rd	215-884-7306
RICH SUPREMANA	321 BRYANTON RD. N.V. 2P5	215-357-3451
May Pursell	Bowlers Park	215 635 2683