

June 5, 2013
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 David Jones, Interim Zoning Officer/Planner and Bryan T. Havar, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 9:10 p.m.

1. The Committee reviewed the Zoning Hearing Board ("ZHB") Agenda for June 10, 2013 as follows:

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

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

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

Mr. Jones updated the Committee and explained that the applicant has granted a 60-day extension of its offer letter to the Township for it to continue to explore utilizing the mansion for an adaptive reuse or look for a party that would be interested in it. Mr. Havar stated that the Township is assisting the Cheltenham Community Development Corporation (CDC) in finding an interested party, and there does seem to be one (1) interested party.

Mr. Simon was disturbed by the applicant's attorney stating in his letter that if an adaptive reuse cannot be found "...it is our *expectation* that the Township will not oppose Appeal No. 3457". Mr. Simon questioned the use of the term "expectation". It was Mr. Bagley's opinion that the usage was superfluous.

Upon motion of Mr. Simon, the Committee unanimously directed the Township Engineer to advise the Zoning Hearing Board that it recommends that a Continuance be granted, and if a Continuance is not granted, the Committee recommended denial of the application and directed the Township Solicitor that the issue of the mansion and said application be addressed by the Committee at its July 3, 2013 meeting.

Public Comments: David Cohen stated that this matter should not alleviate the responsibility of the property owner to maintain the mansion.

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

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

Mr. Sharkey reported that he spoke to neighbors, and he received no objection to this appeal from them.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Township Engineer to advise the Zoning Hearing Board that it recommends approval of said appeal.

APPEAL NO. 3465: Appeal of Elizabeth and Scott Rawes owners of premises known as 7801 Woodlawn Ave., Elkins Park, PA 19027 zoned R-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 26' x 24' garage with a second floor in-law suite on the northeast side of the premises.

The following Zoning Relief is required for the existing single family dwelling:

- a. A Variance from the rules and regulations of CSS 295-39.B.(2) to allow the construction of a 26' x 24' garage/in-law suite with a side yard setback of 5' which is less than the required 20' side yard setback width, and
- b. A Variance from "Fences and Walls" as outlined in CCS 295-223 in order to install 124' +/- of 6' high, solid fencing within the Glenwood Avenue frontage required front yard setback area of the Premises instead of the permitted 4' high 50% open fencing.

Mr. and Mrs. Rawes were present. Mrs. Rawes explained that they changed plans to a 1 ½ story cottage-style garage/in-law suite as recommended by the Planning Commission. She also stated that she and Mr. Rawes are agreeable to all of the Planning Commission's recommendations. She presented photos that were also distributed to neighbors.

Mr. Simon stated that an in-law suite could be assignable to a future property owner. Mr. Bagley stated that a Restricted Covenant would be requested. Mrs. Rawes agreed to it.

In response to a question from Mr. Norris, Mrs. Rawes stated that there are five (5) neighbors in close proximity who have reviewed the plans, and there are no objections to it.

Upon motion of Mr. Norris, the Committee unanimously directed the Township Engineer to advise the Zoning Hearing Board that it takes no action on said appeal but if relief is granted, the Committee recommends it be granted contingent upon all the recommendations of the Planning Commission at its May 14, 2013 meeting and a Restricted Covenant that would require that the kitchen be removed if the property is sold or if the relative no longer has need for it.

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

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

Present to represent the applicant were Allison Mathern, tenant and Debra Schlusky, Esq. Ms. Schlusky reviewed the requests for relief, size of the signage, the proposed use, and usage of adjacent businesses.

Mr. Haywood asked about the following: how the property will be used; planned renovations; the creation of bays; ingress; storage at the rear of the property; improvements to the property's exterior; the opinion of the Economic Development Task Force (EDTF); and landscaping.

In response, Ms. Mathern stated that Pep Boys has a new model business with limited service and a small retail store; there will be four (4) bay doors facing Easton Road, lifts will be inside the building; and there will be a customer waiting area. The entrance will be on Easton Road; for the rear of the building, there will be only a dumpster, there will be no storage, there are three (3) parking spaces and one (1) curb cut; there will be no outside overnight storage; all storage is inside the building; there are plans to paint the building (top in blue, bottom in tan).

Mr. Havar stated that the EDTF is scheduled to review the proposed signs at its June 18, 2013 meeting. He explained to the applicant the purpose of the EDTF's review. Ms. Mathern stated that Pep Boys is leasing the building, not buying it, and she was not aware of any landscaping plans. She felt there was very little space for any landscaping. Mr. Jones advised that landscaping will be a requirement of land development should the appeal need to go through that process. Mr. Sharkey noted the Gerhard Law Offices building on Easton Road as an example of landscaping a small property.

Mr. Sharkey was concerned about traffic, and in particular, customers turning onto Toxony Avenue and then onto Bickley Road to avoid Easton Road. He suggested a right-turn restriction. Mr. Sharkey asked about parking and the number of employees. Ms. Mathern stated

that the business is expected to average 17 customers per day, there are 17 parking spaces, and there would be four (4) employees. Mr. Sharkey felt the possibility existed of more than 17 vehicles at a given time possible causing additional traffic onto side streets. He did not want customers' cars parking on neighboring residential streets and was concerned about possible future issues about this since a similar issue presently exists with another auto repair in the Township. He suggested that the applicant reach out to neighboring businesses such as Produce Junction and Diamond Leasing to reach an agreement to allow Pep Boys additional parking if needed in the future.

In response to a question from Mr. McKeown, Ms. Mathern stated that no cars would be kept overnight for repairs. Most repairs are done while customers wait. The business does not have the equipment for large services such as transmissions.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township Engineer to advise the Zoning Hearing Board that it takes no action on said appeal.

2. Upon motion of Mr. McKeown the Planning Commission Meeting Minutes dated May 14, 2013 were received.

3. Upon motion of Mr. McKeown the Ad Hoc Zoning Revision Committee Meeting Minutes dated May 2, 2013, were received.

4. It was noted that discussion of a Continuance Request by Federation House for 1509 Ashbourne Road was discussed under Appeal No. 3457 earlier in the meeting.

5. Upon motion of Mr. Simon, the Committee unanimously granted a Certificate of Appropriateness for new signage to Charlie Kim Financial, Inc. 8029 Old York Road, Elkins Park, contingent upon the applicant agreeing to all the recommendation of the EDTF at its May 14, 2013 meeting.

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

Appeal No. 3449: Appeal of 1347 Cheltenham Avenue Associates, L.P., c/o David Ahn 89 Bruce Drive, Holland, Pennsylvania 18966, owner of the premises known as 1347 Cheltenham Avenue, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that construction of a restaurant with banquet facilities, measuring 24,240 square feet, with shared parking with 1330 Willow Avenue, 1355 Cheltenham Avenue, and 1349 Cheltenham Avenue, creating a less than required number of shared parking spaces during the mid-day hours, expansion of the parking non-conformance use in a residential district, and construction of a proposed parking lot (37 spaces) on a nearby vacant lot with less than required front, rear and side yard setbacks would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-221, regulating off-street parking, and Article X, Section 295-57, regulating uses.

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

Upon motion of Mr. Sharkey, the Committee unanimously agreed to take no action.

Appeal No. 3456: Appeal of The Pennsylvania Trust Company, Trustee of the Malik Finney Special Needs Trust, 5 Radnor Corporate Center, Suite 450, Radnor, Pennsylvania 19087, owner of the premises known as 521 Montier Road, Glenside, Pennsylvania, from the determination of the Zoning Officer finding that the installation of a wheelchair ramp, measuring 4 feet by approximately 20 feet, to the front of the Property which creates a less than permitted front yard setback would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Section 295-46, regulating yard setbacks.

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

Upon motion of Mr. Sharkey, the Committee unanimously agreed to take no action.

Appeal No. 3458 – Appeal of Calvary Assembly of God Church, 7904 Washington Lane Wyncote, Pennsylvania 19094-2209, owner of the premises known as 7904-7910 Washington Lane Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that construction of a new multi-purpose addition and sanctuary along with required parking as a nonconforming use would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-227, regulating nonconforming uses.

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

Upon motion of Mr. Haywood, the Committee unanimously agreed to take no action.

7. Upon motion of Mr. McKeown, the Report of the Building Inspector for the month of May, 2013, was received.

8. Old Business – None.

9. New Business: Mr. McKeown asked that Code Inspections inspect the parking lot of the Dunkin Donuts at the intersection of Township Line Road and Church Road for property maintenance due to complaints about large potholes in its parking lot.

10. Citizens' Forum – No comments.

There being no further business, upon motion of Mr. Simon, and unanimously approved by the Committee, the meeting was adjourned at 10 p.m., and the Commissioners commenced an Executive Session to discuss potential litigation matters.



Bryan T. Havir
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Safety Committee, 7:30 p.m.
Public Affairs Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, June 5, 2013
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
David L. Cohen	324 Grand Ave A.P.	610 348 6284
Arthur Alexander	7848 Spring E.P.	215 635 5240
Margaret P. Wayns	7316 Keenan St. LaMott	mebwayns@comcast.net
[Signature]	609 Central Ave	
Barb Duff	8 Hewitt Rd Wynote	
Bill McEann	331 PAXSON AVE	
Colanni Leland	Cheshire Pa	