

August 5, 2015  
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners McKeown, Norris, and Rappoport. Also present was Ex-Officio Member Portner.

Staff present were Alyson Elliott, Assistant Township Manager; Henry Sekawungu, Director of Planning/Zoning; and Bryan T. Havar, Township Manager. Also present was Andrew Freimuth, Esq., Solicitor's Office. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 8:00 p.m.

1. The Committee reviewed the Zoning Hearing Board Agenda items for August 10, 2015 as follows:

**APPEAL NO. 15-3526:** Appeal of Jacqueline Latronica, owner of the premises known as 100 Central Ave, Cheltenham, PA 19012 from the Decision of the Zoning Officer for a variance from Section 295-223, fences and walls in order to allow for the erection of a 6' high board on board solid fence in the front yard of the corner lot in place of the required 4' high open fence in the C-3 Commercial Zoning District.

Mr. Sekawungu noted that his appeal is the result of a violation notice, the fence has been erected, and the Planning Commission recommended approval.

Upon motion of Mr. McKeown, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that the Committee recommends approval of said appeal.

**APPEAL NO. 15-3527:** Appeal of Donald Spiller, owner of the premises known as 1313 Ashbourne Road, Elkins Park, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to use the single family dwelling as a multi-family use of two (2) apartments, with up to five (5) unrelated people, including the owner, in Apt. A & three (3) unrelated people in Apt. B in the R-5 Residential Zoning District:

- a.) A reasonable accommodation from Section 295-2, definition and word usages, to allow for two (2) disabled people to live at the premises and not be counted with the other unrelated people.
- b.) An appeal of the Zoning Violation letter dated May 15, 2015 regarding the total number of unrelated people that can live at the premises.
- c.) A variance from Section 295-43, use regulations, to allow for a multi-family use in place of the allowed single-family use.

- d.) A determination that the parking spaces are compliant per Section 295-221.H, parking and loading, which calls for one space for each bed, plus one for each eight beds for guest parking and in the alternate a variance.

Mr. Sekawungu advised that this appeal is the result of a violation notice; the property is being operated as a boarding house; he reviewed past variances that were granted; the Fire Marshal's issues with the property; and the complaints received by the Police Department.

Mr. Spiller addressed the Committee. He reviewed the variance granted and division of the property in 1956 into two (2) sections with three (3) apartments; the third apartment is on the third floor of Side A and is not being used since it is not practical; he pays a Business Privilege Tax; he purchased the property in 1968; some of his tenants include disable persons; one (1) family is living on Side B and all persons are related; there is sufficient off-street parking but one (1) tenant parks on the street due to his work schedule; he thought he was grandfathered into the 1956 variance; he thought he was helping a misfortunate young boy but did not know he was on marijuana until the police came; he reviewed basement conditions.

Ms. Rappoport asked what reasonable accommodation Mr. Spiller was seeking, to which he responded that he wanted a variance for five (5) unrelated persons (that includes himself and two (2) disabled) on Side A and one (1) family on Side B).

#### Public Comments

Mr. Simon asked if anyone present supported the application. There was no show of support.

William Daley, 1307 Ashbourne Road, wanted clarification on the definition of "disabled" persons. All kinds of people have been living in the house; the neighborhood has not had peace for a long time; neighbors do not want a boarding house.

Nick Scortino, 1267 Ashbourne Road, was confused about what the applicant was asking. Mr. Simon responded that the appeal was for legalization of the variance granted in 1956 but was abandoned and a special accommodation request for a typical family plus up to two unrelated people. Mr. Sekawungu stated that the 1956 variance was for three (3) units, and the applicant is not seeking two (2) units. Mr. Scortino did not believe the appeal met the definition of the "hardship clause"; the property lacks the appropriate sprinkler system; there is inadequate parking for the number of unrelated people living there; the owner is in violation of the Building Code; the property devalues the neighborhood.

Ryan Ott, 1306 Ashbourne Road, stated that the house and its occupants have been a problem for the neighborhood and the neighbors.

Maureen Doggett, 1310 Ashbourne Road, was concerned about the families with children since it is a family-oriented neighborhood that has had to deal with a lot of illegal activity from the occupants.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that it takes on action on this appeal.

**APPEAL NO. 15-3528:** Appeal of Marc & Amy Johnson, tenants of the premises known as 382 Church Road, Elkins Park, PA from the Decision of the Zoning Officer in order to allow for the installation of an above ground pool on the left side of the dwelling to encroach into the yard facing Church Road on the corner lot in the R-7 Residential Zoning District:

- a.) A variance from Section 295-60.A.(2), yard regulations, to allow for a 14' setback of the above ground pool in place of the required 25' for the front yard of the corner lot.
- b.) A variance from Section 295-220.B., yard regulations, to allow for a swimming pool to be erected within the side yard.

Mr. Sekawungu reported that said appeal is the result of a violation notice; the Planning Commission recommended denial due to it being on a major thoroughfare; and the pool has already been erected.

Mr. Simon stated that he has seen the pool and described the location. Also, there is no fence.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends denial of this appeal.

**APPEAL NO. 15-3529:** Appeal of Yulanda McAllister, owner of the premises known as 1719 Ashbourne Road, Elkins Park, PA from the Decision of the Zoning for a variance from Section 295-221.B.(5)(a), location of surface parking, to allow for an approximately 40' x 58' parking area in the front yard to remain between the front of the dwelling and the street in the R-4 Residential Zoning District.

Mr. Sekawungu reported that said appeal is the result of a violation notice; there is no storm water management for the parking area; the Planning Commission recommended denial.

Ms. McAllister was present and stated that her driveway is not large enough to turn around, especially in the winter, and she has to back up; it is easier to park in the front yard; she did not know this would be a problem; she was willing to install a storm water drain.

Mrs. Schieber, 1731 Ashbourne Road, the adjacent neighbor, stated how the previous owners reconfigured the property and that she was present to partially support and partially oppose the appeal.

Ms. McAllister stated that she is getting estimates to add a storm drain. Mr. Simon suggested that Ms. McAllister ask for a Continuance in order to modify her appeal, and if she does, the Township will not pursue the violation. Ms. McAllister agreed to seek a Continuance.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends the grant of a Continuance, and if a Continuance is not granted, the Committee takes no action on this appeal.

**APPEAL NO. 15-3530:** Appeal of AU 8000, LLC, owner of the premises known as 8000 Old York Road, Elkins Park, PA from the Decision of the Zoning Officer for a special exception from Section 295-36 use regulations, to allow for a dental office use in the existing building that was previously used as an accounting and legal office, including the removal of 221 sq. ft. of the existing building and construction of an 804 sq. ft. addition with a basement in the rear of the building for a total increase of 194 sq. ft. in the R-4 Residential Zoning District.

Mr. Sekawungu reported that a parking area will be added; only a use variance is being sought; EDU's will be needed.

The architect for the applicant reviewed the square footage increase and increase in impervious surface.

It was Ms. Rappoport's opinion that the condition for storm water management be imposed even though the added impervious surface is just under the lowest legal requirement of the Township Code that regulates storm water management. Mr. Portner believed that since the impervious surface being added was under the limits for storm water management was not necessary.

The applicant agreed to remove one (1) parking space, and reduce the parking from 10 to 9 spaces. Mr. Simon noted that this elimination would bring the amount of impervious surface far below the requirements of the Township Code. Mr. Sekawungu stated that said parking reduction satisfies the parking requirements. Parking reconfiguration was reviewed. Ms. Rappoport noted that when she was at a meeting in a nearby building, that building received water runoff during rain. She asked the applicant to plant street trees to hold back water runoff to nearby properties. The applicant agreed to decreasing the parking spaces and to put the change in writing, which included agreeing to planting trees.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends approval of this appeal contingent upon the applicant reducing the number of parking spaces from 10 (ten) spaces to nine (9) spaces.

**APPEAL NO. 15-3531:** Appeal of Michelle Ciarlo-Hayes & Martin Hayes, owners of the premises known as 606 Elkins Avenue, Elkins Park, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for a 10' x 14' shed to encroach within the minimum side and rear yard setbacks and to exceed the maximum allowable building coverage in the R-4 Residential Zoning District:

- b.) A variance from Section 295-39.B.(1), yard regulations to allow for a side yard setback of 8' in place of the required 10'.
- c.) A variance from Section 295-220.C., yard regulations, to allow for a rear yard setback of 1' in place of the required 15'.

Mr. Sekawungu advised of the Planning Commission's recommendation to denial this appeal.

Ms. Hayes was present and presented letters of support from neighbors.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends approval of this appeal.

2. Upon motion of Mr. Portner, the Planning Commission Meeting Minutes dated July 27, 2015 were unanimously received.

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

**APPEAL NO. 15-3518:** Appeal of AA Olympic Cheltenham LLC, owners of the premises known as 2385 W. Cheltenham Avenue, Philadelphia, PA 19150 (Cheltenham Mall) from the Decision of the Zoning Officer for Zoning Relief in order to allow for the subdivision of the existing 48.49 acre lot into seven (7) separate lots in the C-2 Commercial, R-3 and R-4 Residential Zoning Districts; For Lots #1, #4, #5, #6 and #7 the continuance of the variances previously granted under ZHB Appeal #3236; and new variances for Lots #1 through #7.

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

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

**APPEAL NO. 15-3520:** Appeal of Stonemor Partners, L.P., owner of the premises known as Holy Sepulchre Cemetery located at W. Waverly Road and Cheltenham Avenue, Glenside, PA 19038 from the Decision of the Zoning Officer for Zoning Relief in order to convert an existing maintenance building into a permanent sales office and construct a 1,302 sq. ft. addition to the existing building for use as further sales office in the R-1 Residential Zoning District.

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

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

**APPEAL NO. 15-3522:** Appeal of Midgard Properties, owner of the premises known as 827 Glenside Avenue, Wyncote, PA 19095 from the Decision of the Zoning Officer for Zoning Relief in order to erect two (2) non-illuminated monument signs along the same street frontage in place of the existing freestanding sign in the G Manufacturing and Industrial Zoning District:

**APPEAL NO. 15-3522:** Appeal of Midgard Properties, owner of the premises known as 827 Glenside Avenue, Wyncote, PA 19095 from the Decision of the Zoning Officer for Zoning Relief in order to erect two (2) non-illuminated monument signs along the same street frontage in place of the existing freestanding sign in the G Manufacturing and Industrial Zoning District:

The Zoning granted the applicant's request for relief.

Upon motion of Ms. Rappoport, the Committee unanimously agreed to take no action.

**APPEAL NO. 15-3525:** Appeal of MORE Shopping Center LP, owner of the premises known as 7320 Old York Road, Elkins Park, PA from the Decision of the Zoning Officer for Zoning Relief in order to allow for the construction of 31,000 sq. ft. addition for a Food Market and two level parking structure with 161 parking spaces and conversion of part of the existing shopping center into parking spaces in the C-4 Commercial Zoning District.

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

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

4. Upon motion of Mr. Portner, the Report of the Building Inspector for the month of July, 2015, was received.

5. Under Old Business: Mr. Simon noted that Montgomery County has notified the Township of certain properties in the County Repository for sale. Township Staff has determined that the Township has no interest in acquiring the properties but Mr. Simon felt that adjacent property owners might have interest. The Committee unanimously agreed that the Township Manager write letters informing adjacent neighbors of said properties for sale.

6. Under New Business: Ms. Rappoport believed there is confusion regarding which department the Property Maintenance staff is answerable since it is listed under the Planning and Zoning Department but is enforced by the Public Works Department under the supervision of the Public Works Coordinator. She believed there should be better clarification and consistency in the Township Directory in this regard, Property Maintenance should be specifically categorized, and the title of the Public Works Coordinator be clarified.

There being no further business, upon motion of Mr. Portner, unanimously approved by the Committee, the meeting was adjourned at 9:30 p.m.

  
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, August 5, 2015**  
**Curtis Hall**

<b>NAME</b> <i>(Please Print Clearly)</i>	<b>ADDRESS</b> <i>(Please Print Clearly)</i>	<b>E-MAIL and/or TELEPHONE</b> <i>(Please Print Clearly)</i>
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Chris Pransky		
Sciortino	1267 ASHBOURNE RD ELKINS PARK, PA	
RANDALL & ANITA WINGARD	1258 ASHBOURNE RD	



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