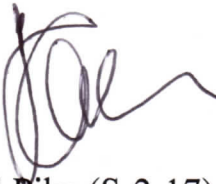


May 15, 2017

TO: Jim Blanch  
FROM: E. Van Rieker, AICP   
RE: 490 Penllyn Blue Bell Pike (S-2-17)

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This is basically a large flag lot consisting of 7.24 acres having a single access from Penllyn – Blue Bell Pike and having an existing barn and an existing dwelling along with other accessory buildings, which is proposed as a 4 lot subdivision. (Lot #5 basically exists but is being slightly reconfigured)

My comments are summarized below:

1. Access Drive

- a. The condition of the access drive should be reviewed by the Township Engineering Department regarding the proposed width, method of construction and reviewed regarding acceptable sight distance at its intersection with Penllyn-Blue Bell Pike.
- b. The details of the access easement including required participation and the legal description of the access easement as well as maintenance obligations, etc. should be noted on the Plan and the specific homeowners' document should be subject to the review and approval of the Township Solicitor.
- c. The width and configuration of the access drive relative to its suitability to safely serve four (4) single family dwellings should be reviewed by the Township Fire Marshall. In addition the requirement for a new fire hydrant should be evaluated.

“The Planning Commission suggested that the applicant take into consideration the width of the private drive so that it is wide enough for emergency and delivery vehicles to access.”

## 2. Zoning

- a. The subject property is Zoned R-1 Residential. The proposed lots are substantially larger than the minimum required lot for the district of 30,000 sf. Therefore, a note should be provided on the Plan and a restriction added to each Deed of Conveyance indicating a prohibition of future subdivision for the purpose of creating new or additional building lots.
- b. The note regarding variance requests should also be positioned on the Record Subdivision Plan (sheet 3 of 14). In addition, Zoning Hearing Board Application should be reformulated to represent the Application Number, the Decision and Order of 1-19-17 and all relevant conditions that were required as a part of the items approved: there are 4 conditions noted in the attachment to the ZHB Decision, which for ready reference are attached to this review.

## 3. Lot Configuration.

- a. Lot #1 - the status of the existing building situated in the required side yard of Lot # 1 should be resolved (this may be an issue that was favorably resolved by the ZHB at Decision #2095-16) if not, then a note should be placed on the Plan that the existing secondary building should be removed.
- b. Yard designations for lot #1 and #2 should be reviewed by Mike and Bill for conformance with the manner in which yards are normally attributed to proposed building lots.
- c. The building envelope for each lot should be reduced to exclude the areas of permanent easements associated with storm water management facilities such as biobasins and rain gardens. In view of the fact that they are not buildable, these areas should net out of the building envelope.

- d. To be accurate, the proposed sizes listed for the new houses on lot #3 and lot #4 should instead say “house pad” since the dimensions represent outside dimensions of a single floor.
- 4. The Canopy Regulations apply and the requirements from the SALDO should be identified on the Grading Plan (Sheet #5).

If there are any questions, please do not hesitate to contact me.

VAN

|     |                |                |                 |
|-----|----------------|----------------|-----------------|
| Cc: | Roman Pronczak | Ken Corti      | Joe Habboush    |
|     | Mike McAndrew  | Penny Gerber   | Ken Conway      |
|     | Bradley Tate   | Richard Shorin | William McManus |
|     | Greg Monte     | John O'Hara    |                 |
|     | Otis Hightower | Cathy McGowan  |                 |

**DECISION AND ORDER**

**WHITPAIN TOWNSHIP ZONING HEARING BOARD**

APPLICATION #2095-16

FIRST HEARING: 1-19-17

APPEAL OF: **KARYA PROPERTIES, LLC**

DECIDED: 1-19-17

PROPERTY ADDRESS:  
**490 Penllyn Blue Bell Pike**  
**Blue Bell, PA 19422**

COPY MAILED: 1/20/17

At a public hearing on the above application, the Zoning Hearing Board decides and orders as follows:

1. Variance from Article II, Section 160-7.B relating to the definition of the term "yards", in order to orient the front yards for proposed Lots 1 and 2 away from Penllyn Blue Bell Pike, which is the access street to the proposed subdivision of the Applicant's property at 490 Penllyn Blue Bell Pike, when the Ordinance prohibits same is:

**GRANTED/DENIED**

2. Variance from Article V, Section 160-17 and Article XXVIII, Section 160-203 relating to projections into side yards to permit the existing barn on the subject property to remain on proposed Lot 1 and be converted to a single-family dwelling with a side yard setback of 27 feet, where a minimum setback of 45 feet is required, is:

**GRANTED/DENIED**

3. Variance from Article V, Sections 160-18 and 160-21, and Article XXVIII, Section 160-203 relating to projections into side yards and locations for accessory structures to permit the existing barn to remain on proposed Lot 1 and be utilized as an accessory structure in the side yard, where accessory structures are permitted in the rear yard only, is:

~~**GRANTED/DENIED**~~ Withdrawn

4. Variance from Article XXVIII, Section 160-216.C regarding flag lot (rear lot) requirements to permit the proposed shared, private access drive to extend through more than two tiers of lots, when the Ordinance prohibits the same is:

**GRANTED/DENIED**

5. Variance from Article XXVIII, Section 160-216.D regarding flag lot (rear lot) requirements to permit the proposed shared, private access drive to serve four (4) lots, when the Ordinance prohibits the same is:

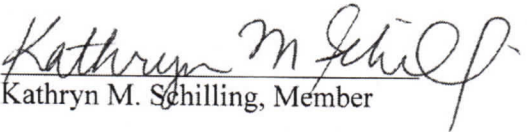
**GRANTED/DENIED**

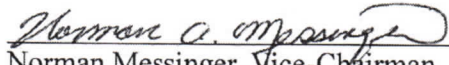


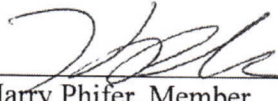
APPLICATION #2095-16

KARYA PROPERTIES, LLC

  
Edward Lane, Chairman

  
Kathryn M. Schilling, Member

  
Norman Messinger, Vice-Chairman

  
Harry Phifer, Member

  
John P. O'Hara, Secretary

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 160-241. *Expiration of Special Exceptions and Variances*, of the Whitpain Township Zoning Ordinance of 1950, as amended, Chapter 160 of the Code of the Township of Whitpain, provides that unless otherwise specified by the Board, a special exception or variance shall expire if the Applicant fails to obtain a building permit or use and occupancy permit, as the case may be, within six (6) months from the date of authorization thereof.

6. The Applicant's appeal to the Zoning Hearing Board for a determination that no alluvial soils are present on the subject property pursuant to Article XXV, Section 160-170.B relating to boundary disputes and appeals in a FP Floodplain Conservation District, where the map for the FP Floodplain Conservation District depicts the presence of such soils, is:

~~GRANTED/DENIED~~ Continued

**THIS DECISION AND ORDER IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions shall take precedence.

2. Applicant shall provide a 15 foot permanent landscape buffer along the southern property line for proposed Lots 2 and 4 to maintain and supplement the existing buffer in accordance with the Township Subdivision and Land Development Ordinance.
3. Applicant shall revise the side yards on Lot 4 adjacent to the Beale Road properties to 55 feet with the remaining side yard at 45 feet.
4. Applicant shall allow, upon request to the Applicant, reasonable access to the property to individuals seeking access to the property to photograph and document the nature of the buildings and other features on the property, prior to the demolition or other renovations to such features.