

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

**APPEAL NO. 3221**

Applicant: Ancillae-Assumpta Academy  
2025 Church Road  
Wyncote, Pennsylvania 19095

Subject Premises : 2025 Church Road  
Wyncote, Pennsylvania

Owner of Premises: Handmaids of the Sacred Heart of Jesus,  
a Pennsylvania corporation

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that construction of a second-story addition, measuring 6,300 square feet, to an existing one-story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, on the west side of the Fiat Center, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article V, Section 295-21, regulating permitted uses; Article XXIX, Section 295-227, regulating non-conforming uses; and Article XXIX, Section 295-221, regulating off-street parking..

Applicant seeks variances from the rules and regulations of the R-3 Residence District as follows:

- (1) a variance from Section 295-21 to allow the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one-story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center; or

- (2) alternatively, a special exception to Section 295-227(B) and (C), permitting the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one-story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center; and
- (3) a variance from Section 295-221 to allow for lesser off-street parking than required.

Time and Place of  
Hearing:

Monday, June 11, 2007 – 8:45 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, PA

### **FINDINGS OF FACT**

1. The Handmaids of the Sacred Heart of Jesus is a religious order that owns and operates an educational facility serving children from preschool ages through eighth grade at the premises known as 2025 Church Road, Wyncote, Pennsylvania (the "Property"). Ancillae Assumpta Academy ("Applicant") was established in 1946 and is a private educational institution accredited by the Board of Private Academic Schools of the Commonwealth of Pennsylvania.

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-3 Residence District and is improved by a religious elementary school.

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. 3221;

ZHB-4. a location map marked as Real Estate Registry Block 143, showing the location of the property;

2007;  
ZHB-5. MEA Land Record Parcel Information on Property dated May 14,

ZHB-6. Building and Zoning recommendation letter;

ZHB-7.1. land development plan prepared by Hibbeln Engineering Company, LLC, dated March 22, 1999;

ZHB-7.2. plan entitled, Proposed Classroom Addition, prepared by John J. Di Benedetto Assoc., Architects, dated April 18, 2007;

ZHB-8. decision of the Cheltenham Township Zoning Board of Adjustment at Appeal No. 1288;

ZHB-9. decision of the Cheltenham Township Zoning Hearing Board at Appeal No. 1554;

ZHB-10. decision of the Cheltenham Township Zoning Hearing Board at Appeal No. 1843;

ZHB-11. decision of the Cheltenham Township Zoning Hearing Board at Appeal No. 2758;

ZHB-12. Proposed Conditions to the Zoning Board's Granting of a Special Exception and Variances for Ancillae-Assumpta Academy;

ZHB-13. Ancillae Campus Map;

A-1. curriculum vitae of John J. Di Benedetto, FARA;

A-2. copy of Land Development Plan prepared by Hibbeln Engineering Company, LLC, indicating the expansions to be made to the existing building;

A-3. Proposed Classroom Addition, First Floor Plan prepared by John J. Di Benedetto Assoc., Architects;

A-4. Proposed Classroom Addition, Second Floor Plan prepared by John J. Di Benedetto Assoc., Architects;

A-5. illustration of second floor classrooms upon the existing first floor structure;

A-6. illustration of proposed security link addition; and

A-7. copy of the recorded deed to the Property.

5. The property consists of a 9 ½ acre track upon which are five existing buildings which contain in total approximately 132,000 square feet of building area.

6. Applicant is a private educational institution. The school was established in 1946, and has been the subject matter of other appeals over the years.

7. Applicant proposes several improvements, one of which is to relocate the library to the first building in the Fiat Center towards the front of the complex. In addition, Applicant proposes to build a one-story addition, measuring approximately 6,000 square feet, on top of a one-story building in the Fiat Center. Applicant also proposes to construct an elevator and machinery room containing approximately 150 square feet, and a one-story security connection link containing approximately 800 square feet between the most-westerly building of the Fiat Center and the Garvey building.

8. Applicant seeks a special exception under Section 295-227(B) and (C) in order to extend the non-conforming use of the property. If a special exception is not granted, Applicant seeks a variance from this Section.

9. Applicant seeks an interpretation under Section 295-221(B)(4) regarding off-street parking. Applicant is not adding additional seats within the building, but in the event that the findings show that new parking is needed, Applicant would seek a variance from this Section.

10. John J. Di Benedetto, FARA, of John J. Di Benedetto Associates was sworn and accepted as an expert in architecture on behalf of Applicant. The Board relied upon Mr. Di Benedetto's testimony.

11. Expert Di Benedetto testified that all four buildings total approximately 132,000 square feet.

12. Expert Di Benedetto testified that at one time educational uses were permitted in R-3 Residence District and that the code was changed approximately five years ago making the educational use of the Property nonconforming.

13. Expert Di Benedetto testified that Applicant proposes the relocation of the library to the proposed second floor of the Fiat Building in an area measuring approximately 4,500 square feet. Expert Di Benedetto testified that after relocating the library, it will be necessary to construct a second floor addition on top of the one-story structure to house the classrooms displaced by the library relocation.

14. Expert Di Benedetto testified that Applicant proposes to construct an open corridor link between the end of the Fiat Center and the Garvey Center, which houses the science classrooms. He further testified that this corridor will provide security as the children move from one building to the other.

15. Expert Di Benedetto testified that the neighbors will not be able to see the second floor because of the landscaping.

16. Expert Di Benedetto testified that the proposed second floor area is approximately 6,400 square feet; the elevator and machine room is approximately 150 square feet; and the security link is approximately 800 square feet.

17. Expert Di Benedetto testified that the total is less than 25 percent of the square footage that existed when the Ordinance changed.

18. Expert Di Benedetto testified that the criteria in Section 295-227, Article B, allow the Board to consider authorizing a special exception. Non-conforming uses in this Section refer to buildings that might not conform in height, location, or size. Expert Di Benedetto testified that the buildings on the Property comply with all the criteria.

19. Expert Di Benedetto testified that the criteria in Section 295-227, Article C, subsection 2 refers to the 25 percent increase in area. Expert Di Benedetto testified that the buildings are far below that number.

20. Expert Di Benedetto testified that outdoor lighting of the building will be located from the ground at the property line toward the building.

21. Expert Di Benedetto testified that there will not be an increase in student population, but that due to the construction, two additional classrooms will be available and the number of students per classroom will reduce from approximately 25 to 17 or 18.

22. Expert Di Benedetto testified that there are currently 124 off-street parking spaces located on the Property, and that there will be no change in the demand for parking because there is no change in staff or teaching staff.

23. Expert Di Benedetto testified that, after reviewing the provisions of Section 295-209(C)(1), the application is in conformance with those criteria and does not affect the public health, safety and welfare.

24. Expert Di Benedetto testified that, after reviewing the provisions of Section 295-209(C)(3), the application is in conformance with those criteria and does not require additional parking.

25. Expert Di Benedetto testified that, other than the security connection and the elevator shaft and machine room, there is no increase to the footprint of the building. In addition, Expert Di Benedetto testified that, since the area where the security link will be located is already completely paved, there is no increase to any impervious coverage in any area on the Property.

26. Expert Di Benedetto testified that heating and cooling will be provided by new rooftop units and shielded from sight.

27. Marion Dondero, School Director at Ancillae-Assumpta Academy, was sworn and offered testimony on behalf of Applicant.

28. Ms. Dondero stated that the current library is housed in a area of approximately 1,200 square feet. Ms. Dondero stated that the school library drives the curriculum and the existing library does not meet the standards set by the Commonwealth of Pennsylvania for a school of this size.

29. Ms. Dondero stated that the proposed new location of the library will provide 4,500 square feet of space. Further, Ms. Dondero stated that no additional staff will be needed to accommodate the library.

30. Ms. Dondero stated that students travel from the Fiat Center to the Garvey Center which is a renovated carriage house that houses the science classrooms. This creates a security risk as well as daily exposure to rain or snow.

31. Ms. Dondero stated that enrollment will stay the same at the school and that the school has been dutifully reporting its enrollment figures to the Township each year.

32. Ms. Dondero stated that arrangements have been made with Bishop McDevitt school, Cheltenham Township school and Arcadia University to handle overflow parking spaces during school events.

33. A grant of special exception to permit the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

34. A grant of special exception to permit the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center 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.

35. A grant of special exception to permit the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center will not be contrary to the public interests.

36. A grant of relief to allow lesser off-street parking than required will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

37. A grant of relief to allow lesser off-street parking 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.

38. A grant of relief to allow lesser off-street parking will not be contrary to the public interests.

39. With regard to parking requirements, applicant has demonstrated an unnecessary hardship.

### **CONCLUSIONS OF LAW**

1. The expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center with lesser off-street parking is not permitted by the Cheltenham Township Zoning Ordinance. 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.

2. Under the circumstances of this matter, Applicant has met its burden in establishing that its application meets the requirements of the ordinance so that applicant is entitled to a special exception to permit the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one story section of the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center.

3. Under the circumstances of this matter, including that the parking burden will not increase as a result of the expansion of the nonconforming use, applicant has met its burden to establish that a failure to grant relief for any additional parking requirements would result in an unnecessary hardship.

4. The variance and special exception as hereafter granted are the minimum grants that will afford Applicant relief and represent the least departure from the governing regulations.

5. The variances and special exception will not be contrary to the public interests.

### **DECISION**

**WHEREFORE**, this 11<sup>th</sup> day of June, 2007, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to Applicant the following:

- (1) a special exception from the rules and regulations of Article XXIX, Section 295-227(B) and (C) to permit the expansion of the religious/educational use of the premises by constructing a second-story addition, measuring 6,300 square feet, to the existing one story section of

the Fiat Center, construction of a two-story elevator tower and machinery room, measuring 150 square feet, and construction of a one story security connection corridor between the Fiat Center and the Garvey Center; and

- (2) a variance from the rules and regulations of Article XXIX, Section 295-221, to allow lesser off-street parking.

This grant of relief is subject, however, to the following conditions:

the proposed improvements shall be constructed in substantial conformity with the plans submitted to the Zoning Hearing Board and the presentation made to the Zoning Hearing Board at its June 11, 2007 meeting.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision.

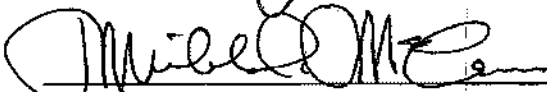
**CHELTENHAM TOWNSHIP ZONING HEARING BOARD**



**PETER LABIAK, Chairman**



**ALAN S. GOLD, Vice Chairman and Secretary**



**MICHAEL McCANN, Member**

Signed 2.06.07

