

**CHELTENHAM TOWNSHIP ZONING HEARING BOARD
ADDENDUM TO ZONING HEARING BOARD APPLICATION**

Applicant Ancillae-Assumpta Academy
 2025 W. Church Road
 Wyncote, PA 19095

Applicant: The Handmaids of the Sacred Heart of Jesus
 2025 W. Church Road
 Wyncote, PA 19095

Subject Property: 2025 W. Church Road
 Wyncote, PA 19095
 Tax Parcel Number: 31-00-06406-007

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Relief Requested:

1. A variance from Section 295-502.A of the Cheltenham Township Zoning Ordinance (the “Zoning Ordinance”) to permit a building coverage of 22.4% whereas a maximum building coverage of 15% is otherwise permitted.

2. A variance from Section 295-502.A of the Zoning Ordinance to permit an impervious surface coverage of 44.3% whereas a maximum impervious surface coverage of 35% is otherwise permitted. The Property is existing nonconforming with an impervious surface coverage of 40.6%.

3. A variance from Section 295-502.A of the Zoning Ordinance to permit the front yard setback from Royal Avenue to be 35 feet to the proposed retaining wall whereas a front yard setback of 50 feet is otherwise required.

4. A variance from Section 295-2601.A of the Zoning Ordinance to permit a driveway width of 24 feet whereas a maximum driveway width of 18 feet is otherwise permitted.

Summary of Application:

The Subject Property is located at 2025 W. Church Road in Wyncote, Cheltenham Township, Montgomery County, PA. It is an approximately 9.91 acre parcel with dual frontages

on both Church Road and Royal Avenue. The Subject Property is zoned R-1 and is the location of the Ancillae-Assumpta Academy catholic elementary.

The Applicant proposes to improve the Subject Property by constructing a new athletic field, an approximately 12,622 square foot gymnasium/athletic facility addition to the existing building, a new 2 story parking garage with 94 parking spaces and related improvements including, but not limited to, the widening of the existing asphalt driveway.

Legal Standard:

Variance Standard

In considering an application for a variance, the Zoning Hearing Board is required to apply the provisions of Section 10910.2 of the Pennsylvania Municipalities Planning Code. Section 10910.2 provides that the Zoning Hearing Board has the authority to grant a variance if it finds that the Applicant has met its burden with respect to the following five elements:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

53. P.S. §10910.2(a).

In determining whether the Applicant has established the existence of an unnecessary hardship, the Pennsylvania Supreme Court has stated that the Zoning Hearing Board may consider multiple factors including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with

the zoning requirements and the characteristics of the surrounding neighborhood. Hertzberg v. Zoning Board of Adjustment of Pittsburgh, 721 A.2d 43, 50 (Pa. 1998).

Conclusion:

At the time of public hearing on this matter, the Applicant will present sufficient credible evidence and testimony to demonstrate that is entitled to the requested variances in accordance with the provisions of the Pennsylvania Municipalities Planning Code and applicable caselaw.