



Township of Abington

Wayne C. Luker, *President*
Steven N. Kline, *Vice President*
Richard J. Manfredi, *Manager*
Jay W. Blumenthal, *Treasurer*

Zoning Hearing Notice

Notice is hereby given that the Zoning Hearing Board of the Township of Abington will hold a meeting as required by the Township's Zoning Ordinance at the Abington Township Administration Building, 1176 Old York Road, Abington, Pennsylvania, on:

Tuesday, April 17, 2018 at 7:00 p.m., at which time a public hearing will commence on the following application:

18-06: This is the application of **Leslie & Douglas Rupp**, owners of the property located at 629 Roslyn Avenue, Glenside, Pa. 19038. This application is a revision to Case #17-20 that was denied on December 11, 2017. The applicants have requested dimensional variances from Section 602, Figure 6.1 of the Zoning Ordinance. The plan submitted shows the existing single family dwelling on Lot #2 that will have 14,815 square feet of lot area. Lot #2 is proposed to have a side yard of 6.6 feet in depth instead of the required 10 feet. Lot #1 is proposed for development of a new single family dwelling and has a lot frontage of 47 feet instead of the required 50 feet. The proposed new single family dwelling will maintain the required 20 foot minimum separation.

The property is zoned within the R-4 Residential District of Ward #13 of the Township of Abington. A copy of the application and site plan are on file with the Planning & Zoning Office and is available for review during normal business hours.

By Order of the Zoning Hearing Board.

Mark A. Penecale
Planning & Zoning Officer

Note: There is a 30 day period after the date the decision is rendered for any and all aggrieved persons to file an appeal in the appropriate court to contest the actions of the Zoning Hearing Board. Applicants that take action on a Zoning Hearing Board Approval during the 30 day appeal period, do so at their own risk. If there are questions that you may have, please feel free to contact the Zoning Officer at 267-536-1017. If you are unable to attend the hearing, written comment may be entered into the record by submitting them in advance of the hearing to the Planning & Zoning Officer.

Zoning Hearing Board Application

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000



This application must be accompanied by a minimum of ten (10) copies of the plot plan of the property, prepared and signed by a registered land surveyor or professional engineer. The plan must include lot area, lot dimensions, coverage percentages, existing structures, other improvements, proposed improvements, off-street parking, buffers and all characteristics on the site.

The Undersigned herein makes application for:

- Request for Variance from the Zoning Ordinance.
- Request for a Special Exception as provided by the Zoning Ordinance.
- Appeal from the actions of the Zoning Officer.

1. Name and address of the owner of the land: Phone number:
Leslie C. & Douglas A. Rupp (215)-873-9190 Leslie (Work)
629 Roslyn Avenue
Glenside, PA 19038
2. Name and address of the applicant: Phone number:
Same as Owner
3. Name and address of the attorney: Phone number:
Peter S. Friedman, Esquire (215)-635-7200
Friedman Schuman P.C.
101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046
4. If the applicant is not the owner of the property, list the applicant's interest in filing this application.
Example: equitable owner, agent, lessee, etc.

5. Description of the property:

Address/location 629 Roslyn Avenue, Glenside, PA 19038

Present use Single Family Residence

Proposed improvement Single Family Residence on proposed Lot 1

Zoning Hearing Board Application

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000



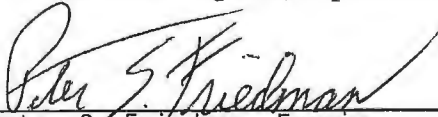
6. State briefly the reasons for which the proposed improvements or use does not meet the requirements of the Zoning Ordinance, and the nature of relief you are seeking:
See attached Addendum.

7. List the specific section of the Zoning Ordinance upon which the application for a variance or special exception is based:
See attached Addendum.

8. Describe in detail the grounds for the appeal, or the reasons both in law and in fact for the granting of the variance or special exception, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application.
See attached Addendum.

9. List any and all prior Zoning Hearing Board action regarding the property. List the date, case number and the nature of the zoning relief granted.
November 14, 2017; Case No. 17-20.

10. List any and all additional information, records, transcripts which may be helpful to the Zoning Hearing Board in rendering a decision: A minimum of eight (8) copies are required to be submitted.


Peter S. Friedman, Esquire
Attorney for Applicant/Owner

Signature of Applicant

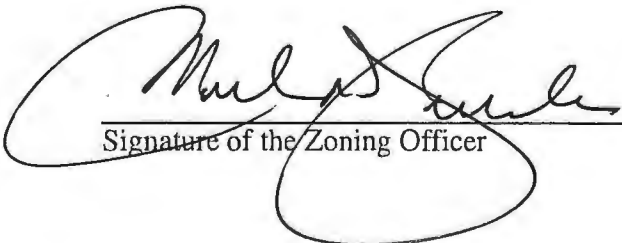
Signature of Owner

Internal Validation:

Date Received: 3/16/18

Fee Paid: \$400.00

Case: #18-06


Signature of the Zoning Officer

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

APPLICANT: Leslie C. & Douglas A. Rupp

PROPERTY: 629 Roslyn Avenue, Glenside, PA 19038

Applicant is the owner of 629 Roslyn Avenue, Glenside, PA 19038. The subject Property consists of a three (3) story, single family residence situate on a 23,049 square foot lot. The Property is located in the R-4 Medium-High-Density Residential District in Ward 13 of the Township of Abington.

Applicant proposes to subdivide the Property into two (2) lots, one containing 8,234 square feet (Lot 1) and the other containing 14,815 square feet (Lot 2), both of which are in compliance with the minimum lot area requirements. The three (3) story, single family residence will be located on the proposed Lot 2. Lot 1 shall have a lot width of 47 feet, slightly less than the required 50 feet. The Lot 2 side yard adjacent to Lot 1 is proposed to be 6.6 feet, less than the required 10 feet.

Accordingly, a variance is requested under Section 602 of the Zoning Ordinance for a reduction in lot width of Lot 1 from 50 feet to 47 feet and a variance is requested under Section 602 of the Zoning Ordinance for a reduction of the side yard requirement of Lot 2 from 10 feet to 6.6 feet.

Applicant submits that the granting of requested zoning relief will not be detrimental to the health, safety and welfare of the community.

APPLICATION NO. 17-20
Opinion and Order of the Board

17-20: The application of **Leslie & Douglass Rupp**, owners of the property located at 629 Roslyn Avenue, Glenside, Pa. ("Applicants") The applicants have submitted an application for a dimensional variance from Section 602 of the Zoning Ordinance of the Township of Abington. The applicants seek approval to subdivide the property into two parcels and need relief to allow the existing single family dwelling to be three feet, six inches from the proposed property line instead of the required 10 feet. In addition a dimensional variance has been requested to allow for a minimum separation of 19 feet instead of the required 20 feet. The proposed plan meets all other dimensional requirements of the R-4 Residential District.

The Property is situated at 629 Roslyn Avenue and zoned in the R-4 Residential District of Ward No.13 of the Township of Abington.

Upon due advertisement, a public hearing was held in the Abington Township Building, 1176 Old York Road, Abington, Pennsylvania, on Tuesday, November 14, 2017, commencing at 7:47 PM.

Present at the hearing were:

Barbara M. Wertheimer, Chairperson
Gertrude M. Hackney, Esq., Vice-Chairperson
Michael O'Connor, Member
John DiPrimio, Member
Linda J. Kates, Member

Bruce J. Eckel, Esq., Solicitor for the Zoning Hearing Board
Mark Penecale, Zoning Officer
Maria Wyrsta, Office Manager

Findings of Fact

1. The name and address of the Applicants and owners are Leslie and Douglass Rupp, 629 Roslyn Avenue, Glenside, PA 19038.

2. The property is a residential house located at 629 Roslyn Avenue with a parcel number 300059356005, (Property)
3. The Property is located in the (R-4) Residential District in Ward 13 of the Township of Abington.
4. After proper advertising and posting, a hearing was held on Tuesday, November 14, 2017.
5. The following exhibits were submitted at the hearing on November 14, 2017:
 - B-1 Proof of Publication
 - B-2 Certification of Posting

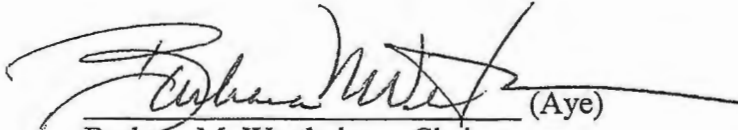
 - A-1 Application
 - A-2 Plan of Property
 - A-3 Deed
 - A-4 C.V. of John T. Reilley
 - A-5 Petitions
6. The Property is located in the R-4 Residential District in Ward No. 13 of the Township of Abington.
7. The Applicant Leslie Rupp testified that she and her husband purchased the subject single family dwelling in 1980,
8. It was a “fixer upper” which she and her husband completely renovated, and have used as their residence since 1980.
9. The Applicant testified that she presently lives in the house with her two daughters and that her husband no longer resides there because they are separated and filing for divorce.
10. The Applicant testified that she and her daughters love the neighborhood and their neighborhood friends, and they would like to stay there.
11. In order for the house expenses to be more manageable for her single mother budget, the Applicant would like to subdivide the Property into two lots.
12. The Applicant’s land surveyor submitted Exhibit A-2 showing the proposed subdivision with Lot 1 and Lot 2.
13. The Applicant proposes to sell the existing three (3) story residence which would be on a 14,253 SF (Lot 2) and then construct a smaller 2,000 SF house on the remaining 8,700 SF (Lot 1).

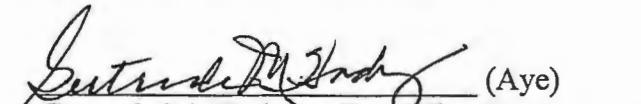
14. The Applicant hired Charles E. Shoemaker, Inc. Engineers & Surveyors to prepare a plan for the possible subdivision.
15. The R-4 Residential District Section 602 of the Zoning Ordinance requires ten (10) foot side yards.
16. Because of the location of the existing residence on the existing lot and the Zoning requirement that a lot be at least 50 feet wide, the proposed plan of subdivision reduces the side yard of the existing residence on Lot 2 to only 3.6 feet.
17. Since the side yard of the proposed Lot 2 containing the existing residence is not the required 10 feet a variance from section 602 of the Zoning Ordinance is required.
18. The Applicant testified that they used and maintained the side yard of the existing dwelling as the side yard of the Property.
19. The Applicant has the reasonable use of their existing Property as it is presently used as their residence.
20. The Applicant has proven no legally recognized hardship.
21. The Applicant has not demonstrated that they meet the requirements for a variance.

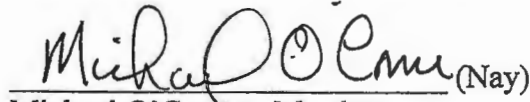
Conclusions of Law

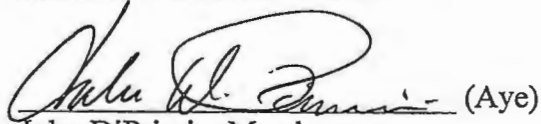
1. The Applicant has the reasonable use of their existing Property as it is presently used as their residence.
2. The Applicant has proven no legally recognized hardship.
3. The Applicant has not demonstrated that they meet the requirements for a variance.
4. The Board finds that granting this application would adversely affect the health, safety and welfare of the community.
5. Further, the Board finds that the Applicant has failed to demonstrate a hardship necessary for the granting of a variance in this application.

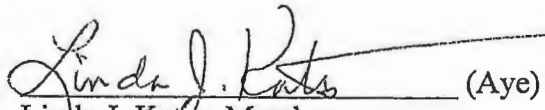
6. Under the circumstances of this matter, the applicant has not met the burden in establishing a hardship in this application. The hardship as claimed and requested is an economic hardship which is not predicated in zoning relief. The hardship is a self imposed hardship, therefore, this application for a variance is **DENIED**.


Barbara M. Wertheimer, Chairperson (Aye)


Gertrude M. Hackney, Esq., Vice Chairperson (Aye)


Michael O'Connor, Member (Nay)


John DiPrimio, Member (Aye)


Linda J. Kates, Member (Aye)

Decision Date
December 11, 2017

Note: There is a 30-day period after the date of a decision for an aggrieved person to file an appeal in court to contest a denial by the Zoning Hearing Board.

Applicants that take action on a Zoning Hearing Board approval during the 30-day appeal period do so at their own risk.

All applicable permits must be secured from the Township of Abington within (6) six months of this decision or this decision becomes null and void.



Township of Abington

Wayne C. Luker, *President*
Steven N. Kline, *Vice President*
Richard J. Manfredi, *Manager*
Jay W. Blumenthal, *Treasurer*

December 12, 2017

Leslie and Douglass Rupp
629 Roslyn Avenue
Glenside, PA 19038

RE: Application No. 17-20: Leslie & Douglass Rupp – Property located at 629
Roslyn Avenue, Glenside, PA

Dear Mr. & Mrs. Rupp:

On Monday, December 11, 2017, the Zoning Hearing Board of the Township of Abington **DENIED** your request for dimensional variance from Section 602 of the Zoning Ordinance of the Township of Abington.

The property is zoned within the R-4 Residential District of Ward No. 13 of the Township of Abington.

Sincerely,

Maria Wyrsta
On behalf of Mark A. Penecale
Planning and Zoning Officer
Township of Abington

cc: Commissioner Carol Gillespie
Zoning Hearing Board Members
Bruce Eckel, Esq.
Code Enforcement Staff



Township of Abington
Zoning Hearing Board
1176 Old York Road
Abington, Pennsylvania 19001

Barbara M. Wertheimer, Zoning Hearing Board Chairperson
Gertrude M. Hackney, Esq. Zoning Hearing Board Vice Chairperson
Linda J. Kates, Zoning Hearing Board Member
John DiPrimio, Zoning Hearing Board Member
Michael O'Connor, Zoning Hearing Board member
Bruce J. Eckel, Zoning Hearing Board Solicitor

DECISION

Case #17-20: This is the application of Leslie & Douglass Rupp, owners of the property located at 629 Roslyn Avenue, Glenside, PA. The applicants have submitted an application for a dimensional variance from Section 602 of the Zoning Ordinance of the Township of Abington. The applicants seek approval to subdivide the property into two parcels and need relief to allow the existing single family dwelling to be three feet, six inches from the proposed property line instead of the required 10 feet. In addition a dimensional variance has been requested to allow for a minimum separation of 19 feet instead of the required 20 feet. The proposed plan meets all other dimensional requirements of the R-4 Residential District. The property is zoned within the R-4 Residential District of Ward No. 13 of the Township of Abington.

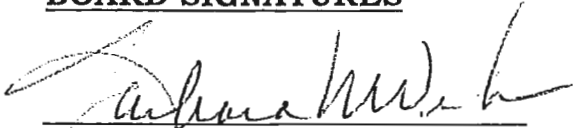
First Hearing Date: November 14, 2017
Decision Date: December 11, 2017
Copy Mailed: December 12, 2017

You are hereby notified that your application has been ~~DENIED~~/APPROVED APPROVED WITH THE FOLLOWING CONDITIONS, by decision rendered on December 11, 2017.

BOARD SIGNATURES

VOTE

CONDITION

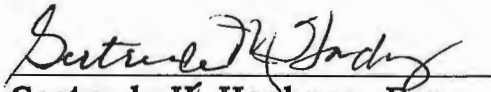

Barbara M. Wertheimer
Chairperson

Aye: _____
Nay: _____

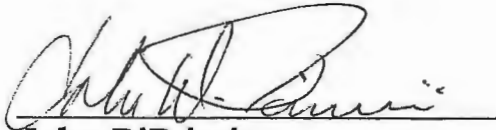
BOARD SIGNATURES

VOTE

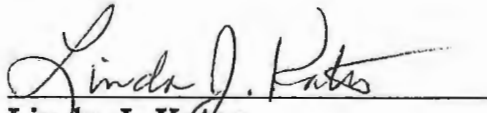
CONDITION


Gertrude H. Hackney, Esq.
Vice Chairperson

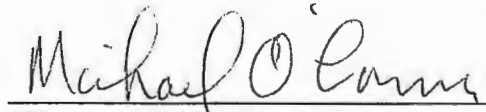
Aye: ✓
Nay: _____


John DiPrimio

Aye: ✓
Nay: _____


Linda J. Kates

Aye: ✓
Nay: _____


Michael O'Connor

Aye: _____
Nay: ✓

Dated: December 11, 2017

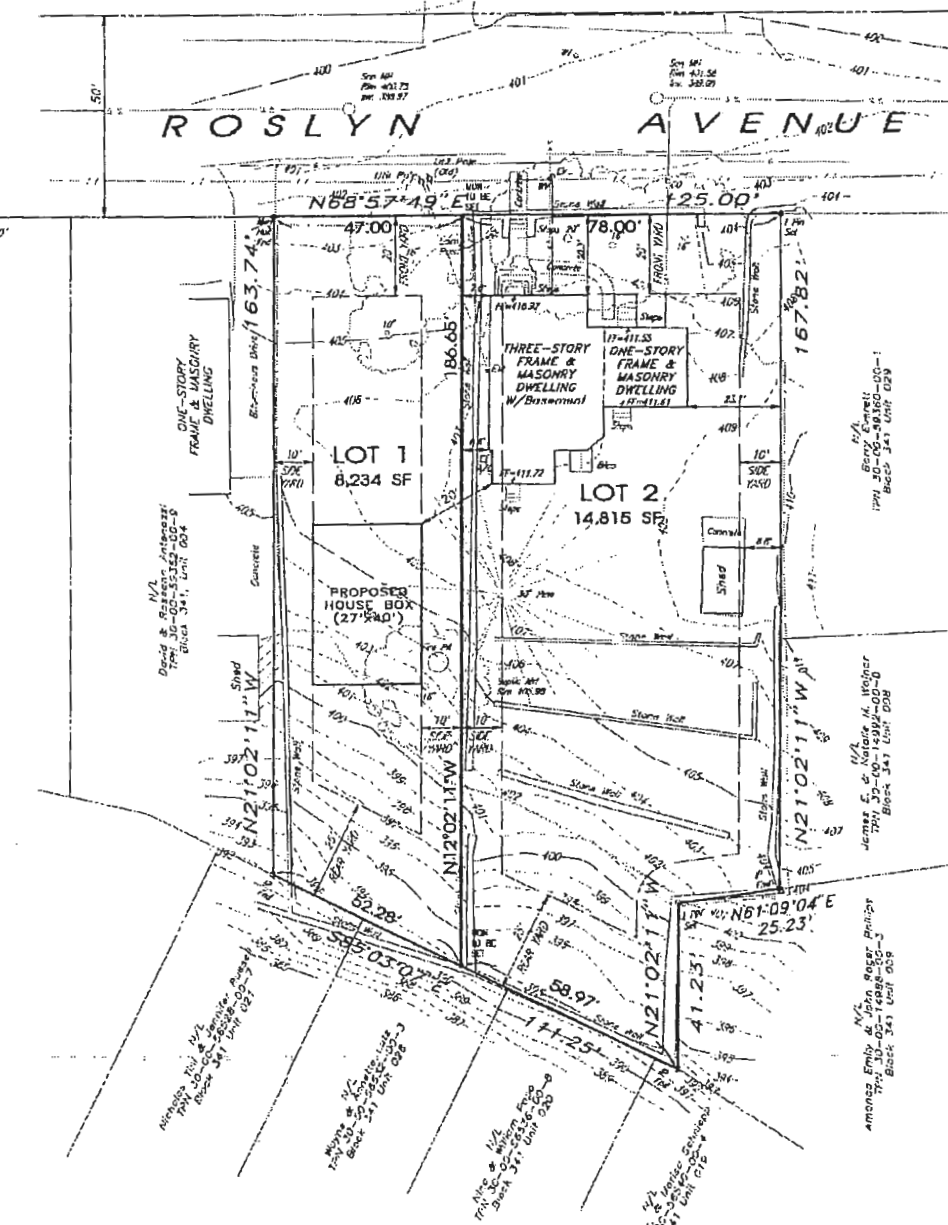
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All applicable application and/or permits must be secured from the Township of Abington within six months of the date of this decision or this decision becomes null and void.



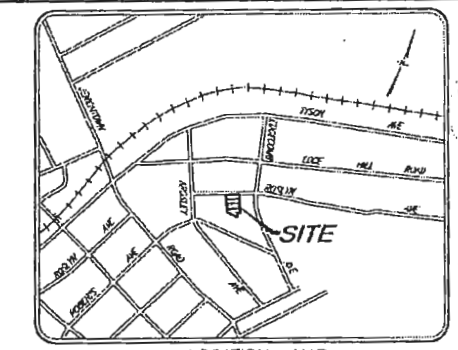
ARDSLEY AVENUE
(60' WIDE)

ROSLYN AVENUE



LEGEND

- 3" RCP FOR FOUND
- 6" RCP FOR FOUND
- 8" RCP FOR SET
- 12" RCP FOR SET
- CONCRETE FOUNDATION TO ICE SET
- EXISTING CONTOUR
- EXISTING TIE HYDRAULIC
- EXISTING UTILITY POLE
- EXISTING GAS VALVE
- EXISTING WATER VALVE
- EXISTING SEWER CLEAN OUT
- EXISTING WATER CURB STOP
- EXISTING SPECIAL SOWER w/ BUILT
- EXISTING SANITARY SOWER w/ MANHOLE
- EXISTING OVERHEAD WIRE
- EXISTING ELECTRIC CONDUIT
- EXISTING GAS MAIN
- EXISTING WATER MAIN



LOCATION MAP
SCALE: 1" = 800'

ZONED : R-4, MEDIUM DENSITY RESIDENTIAL

	REQUIRED	EXISTING	LOT 1	LOT 2
MINIMUM LOT AREA	7,500 SF	23,049 SF	8,234 SF	14,815 SF
MINIMUM LOT WIDTH	50 FT	125.0 FT	47.0 FT *	78.0 FT
MINIMUM LOT DEPTH	100 FT	183.7 FT	163.7 FT	163.11 FT
MINIMUM FRONT YARD	20 FT	20.3 FT	20 FT	20.3 FT
MINIMUM SIDE YARDS (2)	10 FT	23.1 FT	10 FT	6.6 FT *
MINIMUM REAR YARD	25 FT	111.0 FT	25 FT	111.0 FT
MAXIMUM BUILDING AREA	40 X	7.5 % (1,720 SF)		11.6 X (1,720 SF)
MAXIMUM IMPERVIOUS AREA	55 X	8.9 X (2,053 SF)		13.9 X (2,053 SF)
MINIMUM GREEN AREA	45 X	91.1 X (20,996 SF)		62.3 X (12,200 SF)
MAXIMUM BUILDING HEIGHT	35 FT	32.4 FT		32.4 FT
MAXIMUM BUILDING LENGTH	100 FT	46.0 FT		45.0 FT
MAXIMUM BUILDING SEPARATION	20 FT	35.0 FT		20.0 FT
ACCESSORY BUILDING SETBACKS				
MINIMUM SIDE YARD FROM PRINCIPAL BUILDING	4 FT	8.8 FT		6.0 FT
	10 FT	35.0 FT		35.0 FT

* - REQUIRES ZONING RELIEF

NOTES

- Boundary information shown taken from deeds and plans of record, and field surveys performed by Charles E. Shoemaker, Inc. during September, 2017.
- Topographic information shown taken from field survey performed by Charles E. Shoemaker, Inc. during September, 2017.
- Horizontal Datum based on NAD 1983, SPCS18 Pennsylvania (South), Geoid Model DATUM2011 using Royal Instrument virtual stake system. (Drawings shown taken from reference plan: 30)
- Vertical Datum based on GDA1984, using Royal Instrument virtual network system.
- REFERENCED PLANS:
 - Plat of Ardsley, prepared by William T. E. Berner & Sons, Philadelphia, Pa., dated March 10, 1900.
 - Subdivision Plan of The Estate of Adelle P. Schmitt, prepared by Charles E. Shoemaker, Inc., dated February 17, 1993 and last revised May 19, 1993.
- Site is designated in Final Zoning Ordinance to be within the R-4 Medium Density Residential Zone as shown on the Zoning Ordinance map of Montgomery County, Pennsylvania. Ordinance No. 2016-03-001, passed March 7, 2016.
- Existing underground utility locations were plotted from utility company plans supplied to us in accordance with PA ONE CALL or by physical survey locations. All underground utility locations are approximate only. Contractors are required by PA ONE CALL to verify the exact locations of all underground utilities prior to commencing excavation activities. Pennsylvania One Call Systems, Inc., phone No. 1-800-242-1776

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On the _____ day of _____, 2018,
Before me the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in _____ County, personally appeared LESLIE C. RUPP, who acknowledged that she is the owner of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon, and she desires that the foregoing plan may be duly recorded.

Notary Public

My Commission Expires _____

I hereby certify LESLIE C. RUPP, is the registered owner of the lands shown being County Parcel No. 30-00-56356-00-5, (Block 311, Unit 005), herein subdivided.

LESLIE C. RUPP

Approved by the Board of Commissioners of the Township of Abington this _____ day of _____, 2018.

President

Attest

Secretary

Engineer

Recorded in the Office for the Recording of Deeds, in and for the County of Montgomery, in Harrisburg, PA, in Plan Book _____ Page No. _____ on the _____ day of _____, 2018.

MCPIC No. _____
PROCESSED and REVIEWED Reports prepared by Montgomery County Planning Commission in accordance with the Municipalities Planning Code. Dated this _____ day of _____, 2018.
For the Director
MONTGOMERY COUNTY PLANNING COMMISSION

SITE AREA
AREA TO THE TITLE LINES
23,049 SF or 0.5291 Acres



DATE: _____
TIME: _____
BY: _____
REASON: _____

OWNER OF RECORD
DOUGLAS A. & LESLIE C. RUPP
629 ROSLYN AVENUE
GLENSIDE, PA. 19036

CHARLES E. SHOEMAKER, INC.
ENGINEERS & SURVEYORS
1007 EDGE HILL ROAD
ABINGTON, PA. 19001
PHONE: 215-885-8100 FAX: 215-885-7701
E-MAIL: charles@eshoemaker.com

MINOR SUBDIVISION PLAN
629 ROSLYN AVENUE
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA.
LESLIE C. RUPP
GLENSIDE, PA. 19036

DATE: October 20, 2017
DWG NO. A-8-769
JOB NO. **26466**
SHEET NO. **1 of 1**