

THE BOROUGH OF JENKINTOWN

700 SUMMIT AVENUE
JENKINTOWN, PA 19046
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P: 215.885.0700
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REQUEST FOR HEARING BEFORE ZONING HEARING BOARD

Date: 2/26/18 Residential Fee: **\$1,000.00** Commercial Fee: **\$1,500.00**

Petition is made to the Zoning Hearing Board of the Borough of Jenkintown for:

 Special Exception

 X Variance (In the alternative)

 X Appeal from decision of Code Enforcement Officer / Zoning Officer

RECEIVED
FEB 26 2018
Jenkintown Borough

1. Name, address and telephone number of petitioner:

Summit House Associates 2018 LLC
c/o Roizman Development Inc.
832 Germantown Avenue, Suite 5
Plymouth Meeting, PA 19462

2. Location of property:

606-610 Summit Avenue

3. Name, address and telephone number of property owner:

(Deed, agreement of sale or lease to be produced at hearing)

Owner: Salem Baptist Church of Jenkintown
Equitable Owner: Summit House Associates 2018 LLC
c/o Roizman Development Inc.
832 Germantown Avenue, Suite 5, Plymouth Meeting, PA 19462

4. Name, address and telephone number of attorney, if any:

Alyson J. Fritzges, Esq.
Riley Ripper Hollin & Colagreco
717 Constitution Dr., Ste. 201, Exton, PA 19348
(610) 458-4400

5. Brief description to include existing improvements and present use of property to
Be affected by the petition:

See attached Addendum "A"

6. Present zoning classification of property:

NCR - Neighborhood Commercial Residential District

7. Proposed improvements and/or use of property:

See attached Addendum "A"

8. Specific reference to sections of the Zoning Code from which you seek relief:

See attached Addendum "A"


9. State briefly the extent to which your proposed use or construction does not meet requirements of the Zoning Code and the relief that you request:

See attached Addendum "A"

10. State the decision and or action of the Code Enforcement / Zoning Officer that you are appealing:

See attached Addendum "A"

11. Ten (10) copies of a Plot Plan of the property must be submitted with the petition. The Plan shall be drawn to scale showing size of the lot, setback lines, parking required, and the location and size of improvements now erected and proposed to be erected.



Signature of Petitioner
Alyson J. Fritzges, Esq.
Attorney for Petitioner

Sworn to and subscribed before me this 20th
day of February, 2018



NOTARY PUBLIC

My Commission Expires 7/9/21

Commonwealth of Pennsylvania

Notarial Seal
KATHLEEN M REINHARDT - Notary Public
Upper Uwchlan TWP, Chester County
My Commission Expires Jul 9, 2021

BEFORE THE ZONING HEARING BOARD
OF THE BOROUGH OF JENKINTOWN

IN RE: SUMMIT HOUSE ASSOCIATES 2018 LLC
PROPERTY: 606-610 SUMMIT AVENUE

ADDENDUM "A" TO ZONING HEARING BOARD APPLICATION

I. BACKGROUND

The applicant and equitable owner of the property is Summit House Associates 2018 LLC ("Applicant"). The property is located at 606-610 Summit Avenue, Jenkintown Borough, Montgomery County, Pennsylvania 19046, further identified as Tax Parcel Nos. 10-00-03752-00-9, 10-00-03756-00-5, 10-00-03760-00-1, 10-00-03748-00-4 and located in the NCR-Neighborhood Commercial Residential District ("Property"). Applicant proposes a mixed use development consisting of a 75 unit apartment building for senior housing with first floor office and/or retail. This use is permitted as a conditional use in the NCR District.

II. REQUEST FOR RELIEF

Applicant requests the following:

1. Appeal of the zoning officer's determination dated February 22, 2018 relating to Section 181-50.J.2.b. of the Jenkintown Borough Zoning Ordinance (the "Ordinance") which states that the commercial floor area on the ground floor of a mixed-use building must be 20% of the lot area. This Section directly contradicts Section 181-49(B)(1)(a) which permits apartment buildings as a conditional use provided that 20% of the **ground floor area** is commercial. Applicant has applied for conditional use approval pursuant to Section 181-49(B)(1)(a).

2. In the alternative, should the Zoning Hearing Board uphold the zoning officer's determination of Section 181-50.J.2.b, Applicant requests a variance from Section 181-50.J.2.b. to allow the construction of a mixed-use building that has less commercial floor area on the ground floor than 20% of the lot area.

3. Appeal of the zoning officer's determination dated February 22, 2018 relating to Section 181-50.I of the Ordinance entitled "minimum lot area per dwelling unit." Section 181.50.I reads as follows: "[t]he first dwelling unit proposed shall have a minimum lot area of 1,500 square feet. For every additional dwelling unit proposed, an additional 1,200 square feet of lot area shall be required..." This Section does not account for the allowable height. The lot area itself does not increase when stories are added to the building, four of which are permitted by right. Therefore, the only interpretation that would allow an applicant to develop the total permitted square footage of the building is to interpret Section 181-50.I of the Ordinance to require that each dwelling unit be 1,500/1,200 sq.ft. of lot area **per story**.

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ADDENDUM "A"

4. In the alternative, should the Zoning Hearing Board uphold the zoning officer's determination of February 22, 2018 relating to Section 181.50.I, Applicant requests a variance from Section 181-50.I of the Ordinance to allow 75 apartment units.

5. Appeal of the zoning officer's determination dated February 22, 2018 relating to Section 181-50.G.2 which reads as follows: "Permitted building height by **right**. Building height shall be a maximum of four stories or 50 feet, provided there is a ten-foot setback (on average) from the building façade for floors above the third story." Applicant is requesting approval from Borough Council to develop a five story building pursuant to Section 181.50.3 which allows up to six stories by **conditional use**. Therefore, Section 181.50.G.2 does not apply to Applicant's development because the height is not permitted by right. In the alternative, should the Zoning Hearing Board find that Applicant is required to adhere to Section 181-50.G.2, Applicant has complied by designing the building so that the **entire building** has a 10 ft. façade setback, not only floors above the third story.

6. In the alternative, should the Zoning Hearing Board uphold the Zoning Officer's determination of February 22, 2018 relating to Section 181-50.G.2, Applicant requests a variance from Section 181-50.G.2 to allow the entire building to have a façade setback of 10 ft. (on average) as opposed to only floors above the third story.

Detailed Plans of the proposed use have been submitted to the Zoning Officer, to be incorporated by reference herein, for consideration before the Zoning Hearing Board.

Respectfully submitted,

RILEY RIPER HOLLIN & COLAGRECO

Date: 2/26/18

By: 
Alyson J. Fritzges, Esquire
Attorney for Applicant