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Jenkintown Borough

Addendum to Zoning Hearing Board Application

Section 181-138(B)(5) of the Borough Zoning Code provides:

> (5) Murals. Murals may only be approved in the Town Center, Neighborhood Commercial Residential, and Gateway Commercial Districts by conditional use and are prohibited in all other districts.

Further, Section 181-134 of the Borough Zoning Code, Definitions, defines a "Mural" as:

> Artwork (can be paint or tiles) applied to the wall of a building, which covers all or most of the wall and depicts a scene, theme or event of natural, social, cultural or historic significance.

The Property subject to this Zoning Application has been used for over 100 years by the Jenkintown School District as a school building and surrounding school uses ("School Property"). The Jenkintown School District proposes a Mural on the School Property as shown and depicted in the Exhibits attached to this Application. The exact area on the School Property where the Mural is presented has been utilized as a playground for decades and has been surrounded by playground equipment and playing fields during such time. Despite being used as a school for over a century, the School Property is located is the Borough's B-1 Residential Zoning District. As the B-1 District is not listed as a location in Section 181-138(B)(5), a variance from this subsection is required if the Mural is not considered an Accessory Use to the school. The School District has already obtained Conditional Use approval, for the existing Mural, from Borough Council for the remaining criteria, conditioned upon obtaining the necessary zoning relief from this subsection.

The Property already contains non-residential improvements that are consistent with a school use, including, playground equipment, courts and playing fields, parking lots, institutional signage, and other exterior improvements that, although appropriate for a school, would not otherwise be permitted for residential properties in the B-1 Zoning District. Accordingly, this variance request will not alter the essential neighborhood character, impair the use or development of adjacent properties, or be detrimental to the public welfare, but rather complement and enhance the already existing educational nature of the property that is cherished by the neighborhood.

Moreover, due to the long existing school use of the School Property and the associated improvements used for institutional and educational purposes, the School Property has unique physical features that are peculiar to this specific parcel rather than common conditions shared across the B-1 Residential District. Notably, the School Property was in existence well before the Borough's Zoning Code and zoning districts were created; therefore, this hardship was not self-inflicted and not created or caused by the School

District. Finally, because the requested variance is restricted entirely to the designated wall canvas near the long-established playground area, it represents the minimum variance and least modification possible to afford relief while fully preserving the zoning intent of the surrounding community.

Accordingly, to the extent a variance is needed for the Mural on the School Property, the School District certainly meets the necessary variance criteria for the Zoning Heagin Board to grant the School District's request. As such, the Applicant seeks relief from Section 181-138(B)(5) of the Borough Zoning Code: 1) to permit the existing Mural shown in the attached exhibit, and 2) permit a potential additional Mural on the connecting wall, adjacent to the existing Mural as shown in the attached exhibits identified as "potential additional mural area) (but subject to, and conditioned up\on, any additional required conditional use approval from Borough Council).