Kaplin Stewart
Attorneys at Law

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March 29, 2019

VIA HAND DELIVERY

Michael Wylie
Zoning Officer
Lower Merion Township
75 East Lancaster Avenue
Ardmore, PA 19003

RE: 317 Bryn Mawr Avenue, Bala Cynwyd, PA 19004
Zoning Hearing Board Application

Dear Mr. Wylie:

I represent Ann G. Smolen, the owner of the property located at 317 Bryn Mawr Avenue in Bala Cynwyd. Along with this letter we are filing a zoning hearing board application requesting a variance to §155-28.E to construct a one-story addition in the rear yard and other related improvements.

I. SUBMISSION

Along with this letter, I am filing the following:

1. Five (5) copies of the Zoning Hearing Board Application and related materials;

2. One (1) electronic copy of the application;

3. A $600.00 check payable to Lower Merion Township, the required Zoning Hearing Board application fee;

II. REVIEW

Please schedule a hearing before the Zoning Hearing Board. Please provide us with copies of all reviews, communications, notices and other documentation relating to this Project as soon as they are generated and/or received. Please contact us immediately if you have any questions or require any further information to process these applications. Thank you for your attention to this matter.

Very truly yours,

Daniel P. Rowley

DPR:DPR

cc: George W. Broseman, Esq.
Tina Geary
Ann G. Smolen

George W. Broseman, Esquire
Daniel P. Rowley, Esquire
Identification Nos. 62649, 322680
Attorneys for Applicant
Union Meeting Corporate Center
910 Harvest Drive
Blue Bell, PA 19422
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BEFORE THE ZONING HEARING BOARD OF THE TOWNSHIP OF LOWER MERION, MONTGOMERY COUNTY, PENNSYLVANIA

IN THE MATTER OF	:	PREMISES:
ANN G. SMOLEN,	:	317 BRYN MAWR AVENUE
APPLICANT	:	BALA CYNWYD, PA 19004

ZONING HEARING BOARD APPLICATION

Ann G. Smolen, by and through her attorneys, George W. Broseman, Esquire and Daniel P. Rowley, Esquire, hereby files this application for a variance to the rear yard setback requirements of the Lower Merion Zoning Code ("**Code**") to the Zoning Hearing Board of Lower Merion Township and in support thereof states:

1. **Name and Address of Applicant/Property Owner**.

The applicant/property owner is Ann G. Smolen ("**Applicant**"), located at 317 Bryn Mawr Avenue, Bala Cynwyd, PA 19004 ("**Property**"). The Applicant lives at the Property with her husband.

2. **Description of the Real Estate Affected**.

Existing conditions on the Property is shown on a plan entitled "Existing Conditions," sheet 1 of 1, prepared by Yerkes Associates, Inc., dated January 13, 2011. A copy of the Existing Conditions Plan is attached hereto as **Exhibit "A"** and is incorporated herein by reference.

317 Bryn Mawr Avenue contains a residential dwelling ("**Residence**") which is accessed by a private driveway. The Property is also improved with a pool, a pond, a garage, and other related improvements.

3. **Improvements, Use, and Zoning**.

The Property is located in the R 3 Residence District pursuant to Township Code. The proposed plan for the Property is shown on the plan entitled "Smolen-Hicks Plan," Sheet 1 of 1, prepared for Applicant by InHabit, LLC, dated March 28, 2019 ("**Site Plan**"). A copy of the Site Plan is attached hereto as **Exhibit "B"** and is incorporated herein by reference.

The Applicants propose to construct a one-story addition ("**Addition**") to the Residence to provide additional bedroom and living space to accommodate the Applicant's husband, who is forced to live on the first floor of the Residence due to a medical diagnosis. The Addition is to be constructed within a part of the footprint of an existing deck. The Site Plan also proposes to construct a wooden ramp over an existing concrete walk. The remaining area of the existing deck will be reconstructed to accommodate the Addition and the proposed ramp. Impervious coverage on the Property will not be increased as a result of the proposed Site Plan.

Sections of Code Under Which Relief is Requested/Reasons for Granting Approval.

Code §155-110 authorizes the Zoning Hearing Board to hear and decide applications for variances. To the extent required, the Applicant requests a variance to §155-28.E to construct the Addition in the rear yard. The Addition will be used to provide first floor living area, including a bedroom, to aid in the care of the Applicant's husband. The Addition would not encroach into the rear yard further than the existing Residence.

The existing deck on the Property is proposed to be reconstructed to make room for the Addition and to be compatible with the proposed ramp. The current deck is nonconforming to the

rear yard setback. It is the Applicant's belief that no zoning relief is required for the reconstruction of the deck due to the fact that there is no intent to abandon the nonconformity, however, to the extent required, the Applicant would request a variance to §155-28.E to reconstruct the deck in the rear yard. To the extent required, the Applicant would request reasonable accommodations under the Americans with Disabilities Act.

4. **Witnesses**

The Applicant expects to offer testimony from approximately one witness whose direct testimony is expected to last approximately 30 minutes to an hour.

5. **Conclusion**

The requested relief is warranted in this case for all of the reasons set forth above. Accordingly, the Applicant requests that the Zoning Hearing Board grant the requested relief.

Respectfully submitted,

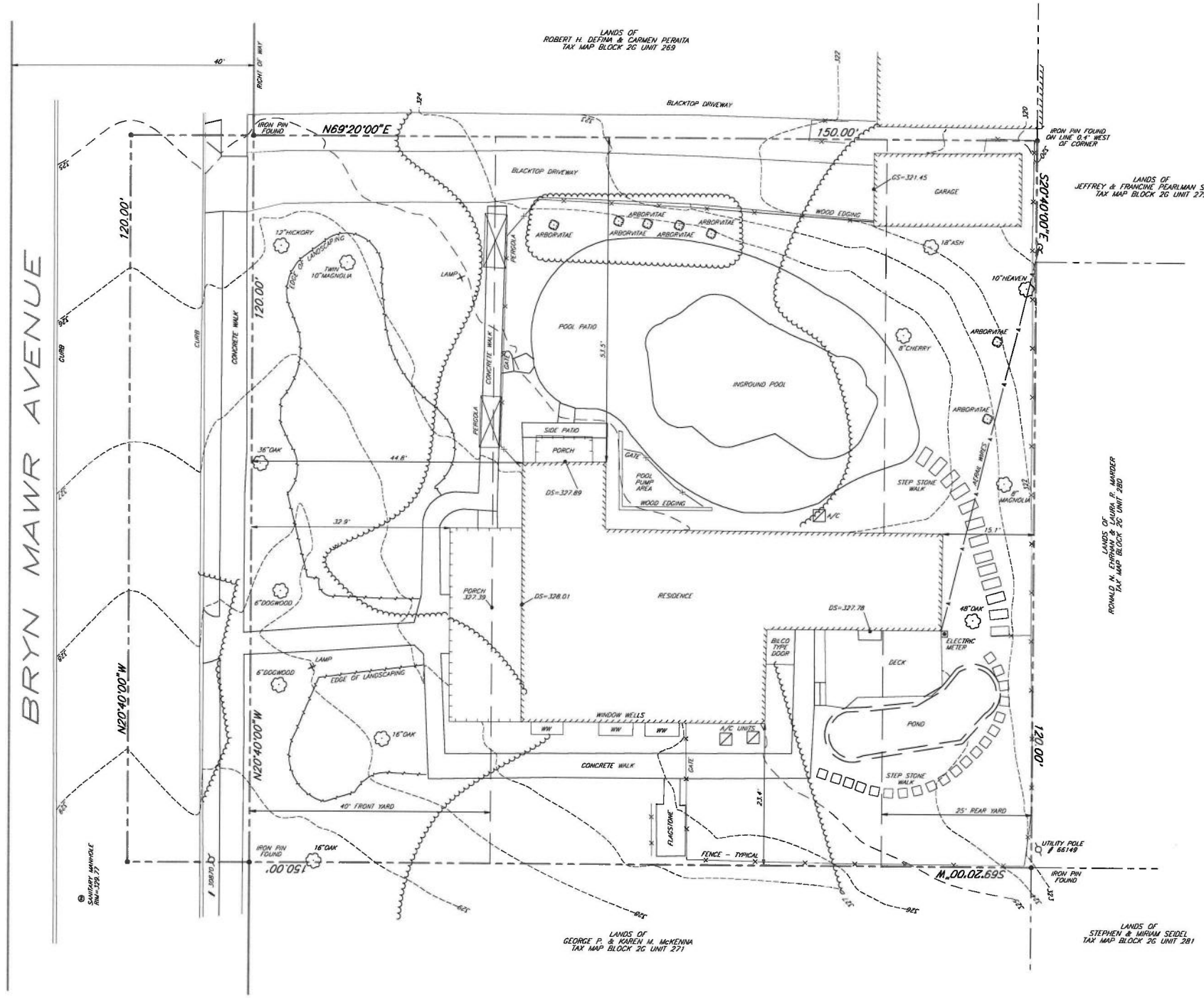
GEORGE W. BROSEMAN, ESQUIRE
DANIEL P. ROWLEY, ESQUIRE
Attorneys for Applicant,
Ann G. Smolen

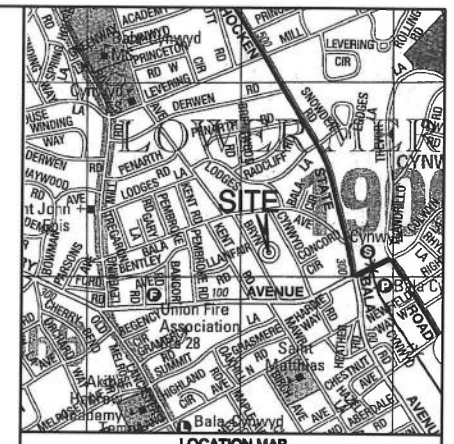
Dated: March 29, 2019

EXHIBIT "A"

NOTE: ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR STRUCTURES CANNOT BE GUARANTEED. CONTRACTOR MUST VERIFY LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES AND FACILITIES BEFORE START OF WORK PER PENNSYLVANIA ACT 287 OF 1974 AS AMENDED BY ACT 199 of 2004.
SERIAL #

PENNSYLVANIA ONE CALL SYSTEM, INC. 1-800-242-1776 STOP/CALL BEFORE YOU DIG!





LOCATION MAP
Copyright ADC The Map People
Permitted Use Number 20202114

BULK ZONING: SIGNLE FAMILY DETACHED DWELLING

DISTRICT	R3 RESIDENTIAL
MIN. LOT AREA	10,000 SQUARE FEET
MIN. LOT WIDTH	70 FEET AT STREET LINE
MIN. FRONT YARD	40 FEET
MIN. SIDE YARD	10 FEET & 30 FEET AGGREGATE
MIN. REAR YARD	25 FEET
MAX. BUILDING COVERAGE	20 PERCENT
MAX. IMPERVIOUS COVERAGE	28 PERCENT
MAX. BUILDING HEIGHT	3 STORIES OR 35 FEET

IMPERVIOUS COVERAGE:

RESIDENCE	2,302	2,597 / 15,600 = 16.6 PERCENT
GARAGE	295	
DRIVE	856	
SIDE PATIO	92	
POOL PATIO	1,344	
WALK	811	
DECK	226	
BILCO	BILCO	
SUB TOTAL	5,855 / 15,600 = 38.2 PERCENT	
POND	259	
POOL	693	
TOTAL	6,907 / 15,600 = 44.3 PERCENT	

NOTES:

1. THESE ARE THE SAME PARCELS DESCRIBED IN THE LOWER MERION TOWNSHIP REAL ESTATE REGISTRATION FOR 317 BRYN MAWR AVENUE.
2. THIS PLAN HAS BEEN PREPARED WITHOUT THE AID OF A TITLE REPORT.
3. ELEVATION DATUM: APPROXIMATE USGS
4. THIS PLAN IS BASED UPON A FIELD SURVEY BY YERKES ASSOCIATES, INC., IN JANUARY 2011 WITH SNOW COVERING THE GROUND.

TOTAL LOT AREA = 18,000 SQUARE FEET
NET LOT AREA = 15,600 SQUARE FEET

GRAPHIC SCALE 1"=10'
0 10 20 30

NO.	DATE	REVISION COMMENT
1	FEBRUARY 3, 2011	ADD BUILDING SETBACKS & BUILDING TIES

EXISTING CONDITIONS

317 BRYN MAWR AVENUE
PREPARED FOR
KEVIN RASMUSSEN

LOWER MERION TOWNSHIP * MONTGOMERY COUNTY * PENNSYLVANIA

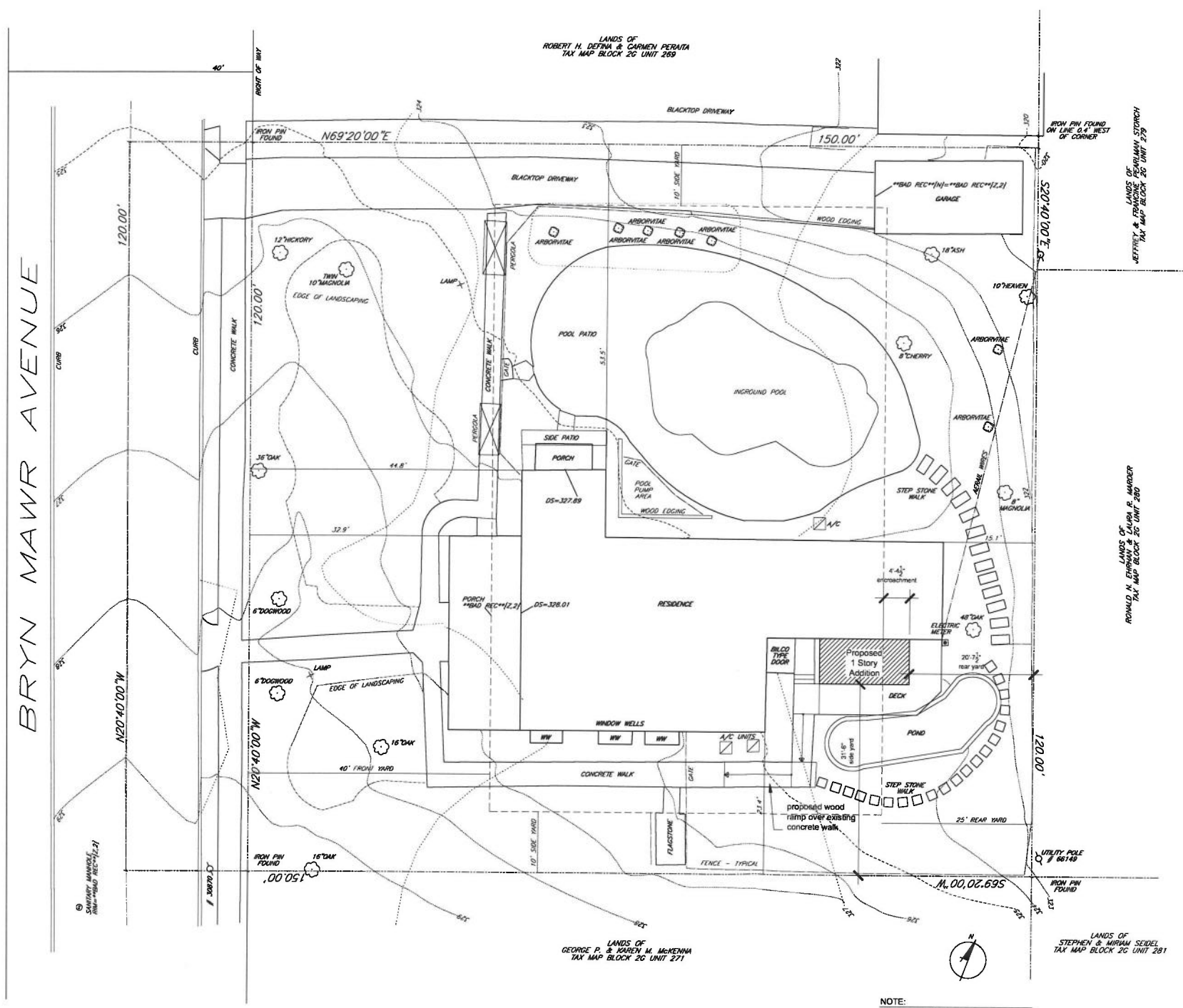
Yerkes
YERKES ASSOCIATES, INC.
CONSULTING ENGINEERS * LAND SURVEYORS * LAND PLANNERS
1444 PHOENIXVILLE PIKE * P.O.BOX 1568 * WEST CHESTER, PA 19380
TEL: (610) 644-4254 * FAX: (610) 640-0771

PROJECT -	B-10-6419
DATE -	JANUARY 13, 2011
SCALE -	1" = 10'
DRAWN -	MWB
CHECKED -	AJG
CAD FILE	B6419 EXISTING
TAX PARCEL -	40000868406
NOTEBOOK -	646 WC
PLAN NO.	M-40-2G-270

SHEET 1 OF 1

2/4/2011 : X\B-10 = 6228\B-10-6419 - RASMUSSEN - 317 BRYN MAWR AVE\B6419 EXISTING (1).pro

EXHIBIT "B"



1 / Z1 Proposed Site Plan
1" = 10'-0"

NOTE:
Site information taken from civil survey prepared by Yerkes Associates, Inc., Dated January 13, 2011. Revised February 3, 2011.

Bulk Zoning: Single Family Detached Dwelling
District R3 Residential

	REQUIRED	EXISTING	PROPOSED AT ADDITION
Min. Lot Area	10,000 square feet	18,000 square feet	no change
Min. Lot Width	70 Feet at street line	120' at street line	no change
Min. Front Yard	40 Feet	44.8 Feet	no change
Min. Side Yard	10 Feet & 30 Feet Agg.	53.5/23.4 & 76.9 Feet Agg.	31.5 & 85 Feet Aggregate
Min. Rear Yard	25 Feet	15.1 Feet	20.6
Max. Building Coverage	20%	16.6%	17.4%
Max. Impervious Coverage	28%	44.3%	no change
Max. Building Height	3 Stories or 35 Feet	3 Stories/35 Feet	no change

Proposed Impervious Coverage Calculations:

Existing Residence	2,302	
Garage	295	} 2,707 / 15,600 = 17.4%
Addition	110	
Drive	858	
Side Patio	92	
Pool Patio	1,344	
Walk	695	
Ramp	107	
Deck	132	
Bilco	27	
Sub Total	5,962sf / 15,600 = 38.2%	
Pond	259	
Pool	693	
Total	6,914ef / 15,600 = 44.3% (No change)	

Notes:

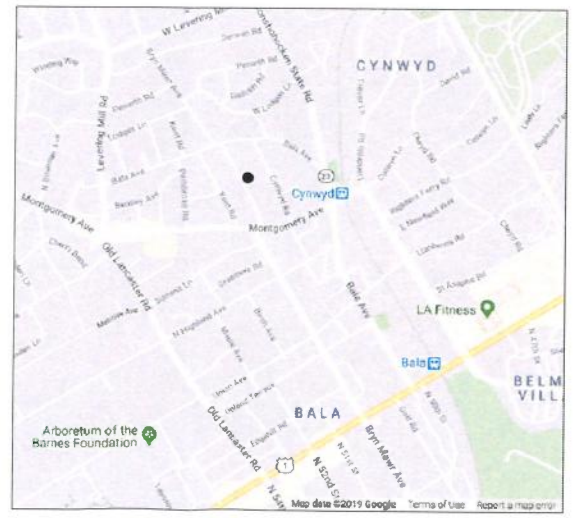
1. These are the same parcels described in the Lower Merion Township real estate registration for 317 Bryn Mawr Avenue.

2. This plan has been prepared without the aid of a title report.

3. Elevation Datum: Approximate USGS

4. This plan is based upon a field survey by Yerkes Associates, INC. in January 2011 with snow covering the ground.

Total Lot Area = 18,000sf
Net Lot Area = 15,600sf



2 / Z1 Location Map
NTS

© 2019 inHabit, LLC

Smolen-Hicks

© 317 Bryn Mawr Avenue, Bala Cynwyd, PA 19004

STRUCTURAL:

ARCHITECT:
inHabit LLC
1930 Dog Kennel Road
Media, PA 19063
P : 215.866.8674

DATE: 28 Mar 2019
SCALE: as noted
Project No. 1843

DRAWING TITLE:

Z1