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November 15, 2019

VIA HAND DELIVERY

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

RE: Eugene J. Mele & Hedwig J. Cerwinka - 105 Bentley Avenue
Our Reference No.: 16081.1

Dear Mr. Wylie:

I represent Eugene J. Mele and Hedwig J. Cerwinka, the owners of the property located at 105 Bentley Avenue in Bala Cynwyd ("**Property**"). Along with this letter, we are filing a Zoning Hearing Board application seeking, to the extent necessary, approvals to construct to a one-story addition, a terrace, and to relocate the existing basement access.

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,

George W. Broseman

GWB:DPR

cc: Eugene Mele
Hedwig Cerwinka
InHabit, LLC

George W. Broseman, Esquire
Daniel P. Rowley, Esquire
Identification No.'s: 62649, 322680
Attorneys for Applicant
Union Meeting Corporate Center
910 Harvest Drive
Blue Bell, PA 19422
(610) 941-2459
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NOV 14 2019
RECEIVED
BUILDING & PLANNING DEPT

BEFORE THE ZONING HEARING BOARD OF THE TOWNSHIP OF LOWER MERION, MONTGOMERY COUNTY, PENNSYLVANIA

IN THE MATTER OF	:	PREMISES:
EUGENE J. MELE AND	:	105 BENTLEY AVENUE
HEDWIG J. CERWINKA,	:	BALA CYNWYD, PA 19004
APPLICANTS	:	

ZONING HEARING BOARD APPLICATION

Eugene J. Mele and Hedwig J. Cerwinka, by and through their attorneys, George W. Broseman, Esquire and Daniel P. Rowley, Esquire, hereby file this application for variances from Code §155-32.D to the Zoning Hearing Board of Lower Merion Township and in support thereof states:

1. **Name and Address of Applicants**.

Applicants are Eugene J. Mele and Hedwig J. Cerwinka ("**Applicants**"), located at 105 Bentley Avenue, Bala Cynwyd, PA 19004 ("**Property**"). The Applicants reside at the Property.

2. **Name and Address of Property Owner**.

The Applicants are the owners of the Property.

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

The Property is located in the R 4 Residence District ("**R 4 District**") pursuant to Township Code. The existing conditions on the Property are shown on a plan entitled "Boundary Survey & Site Plan of 105 Bentley Avenue," sheet 1 of 1, prepared by Bercek and Smith Engineering, Inc., dated July 1, 2019 ("**Existing Conditions Plan**"). A copy of the Existing Conditions Plan is attached hereto as **Exhibit "A"** and is incorporated herein by reference.

The Property contains a 2.5 story single-family detached dwelling ("**Residence**") and is accessed by a private driveway. The Property is irregularly shaped and narrows from the front to the rear and is nonconforming to a number of dimensional Code requirements including the minimum side yards and impervious coverage limits.

The proposed plan for the Property is shown on the plan entitled "Cerwinka – Mele 105 Bentley Avenue, Bala Cynwyd," Sheet Z2, prepared for Applicants by InHabit, LLC, dated November 14, 2019 ("**Proposed Plan**"). A copy of the Proposed Plan is attached hereto as **Exhibit "B"** and is incorporated herein by reference.

The Applicants propose to construct a one-story addition, a terrace, other related improvements and to relocate the Residence's existing basement access ("**Project**"). The Project will decrease the Property's impervious coverage, increase green space, and make a reasonable improvement to the living space of the Residence.

4. **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. The Applicants request a variance under Code §155-32.D to construct portions of a proposed one-story addition and a terrace in the side yard[1]. The Property is currently

[1] Most of the addition and terrace are within the permitted building envelope.

nonconforming to the side yard requirements of Code §155-32.D, with portions of the Residence extending into the side yard. The irregular lot shape and the fact that it narrows from front to rear contributes to the side yard nonconformity. The proposed addition and terrace will not encroach into the side yard further than the existing Residence and the side yard setback on the southwestern property line will remain at 7.8 feet (+/-), with an aggregate side yard setback of 15.8 feet (+/-). As a result of the Project, the basement access is proposed to be relocated. The proposed basement access will be constructed to not extend above ground and therefore should not constitute a structure in the side yard as defined by Code §155-4[2]. However, in the event that the Zoning Hearing Board determines the basement access to be a structure in the side yard, the Applicants request a variance from §155-32.D to permit the basement doors to be within the side yard and to provide an aggregate side yard setback of 11 feet 10.5 inches (+/-).

5. **Witnesses**

Applicant expects to offer testimony from approximately one to two witnesses whose direct testimony is expected to last approximately 30 minutes.

6. **Conclusion**

The requested dimensional relief is warranted for all of the reasons set forth above. The Property is nonconforming to the side yard requirements and the relatively small portions of the proposed addition and terrace proposed within the side yard will not extend further into the required side yard area from the existing Residence. The permissible building envelope is limited by the narrowness of the Property towards the rear of the Residence. The relocated basement access has been designed not to extend above the ground and therefore does not constitute an

[2] Code §155-4 defines "yard," in pertinent part, as follows "[t]he required open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky." The proposed basement access, located at grade, will not be located between the ground and the sky, and therefore does not violate the side yard requirements.

obstruction in the required yard area. If the Zoning Hearing Board determines that relief is necessary, relief should be granted due to the narrowness of the Property and because the proposed design, where it will not extend above grade, will have no practical impact on the function of the side yard area. Accordingly, the Applicant requests that the Zoning Hearing Board grant the requested relief.

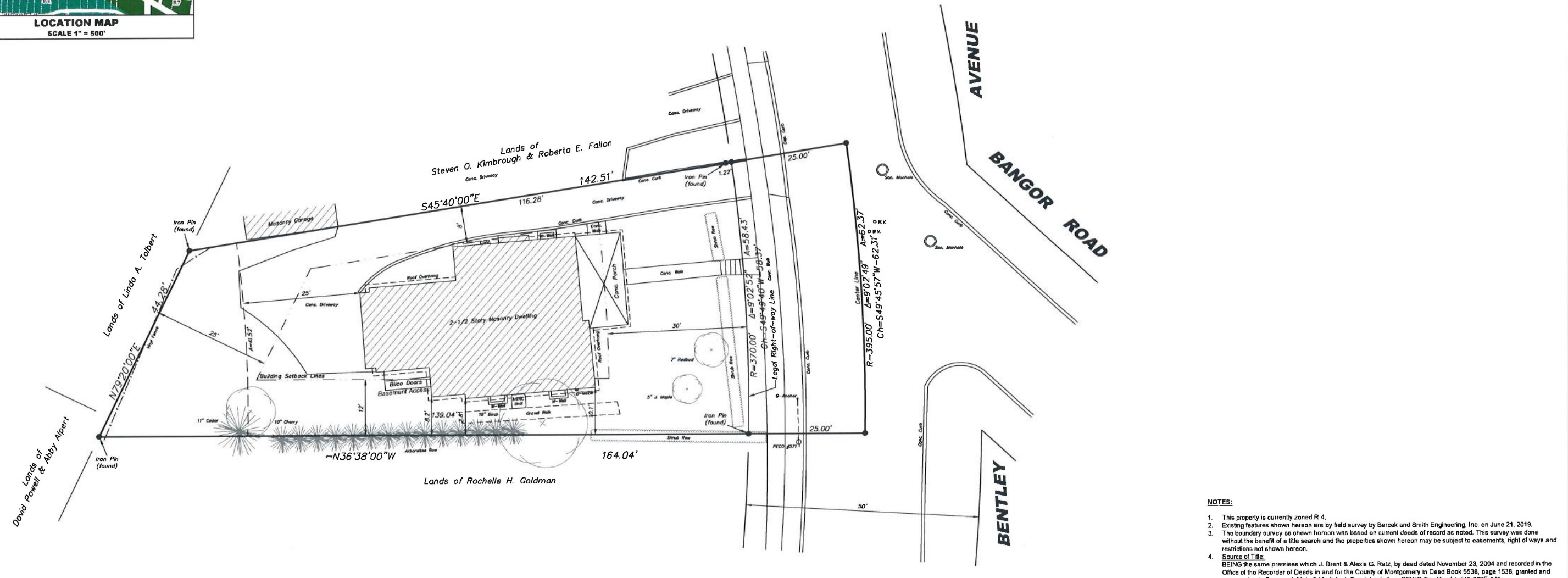
Respectfully submitted,

GEORGE W. BROSEMAN, ESQUIRE
DANIEL P. ROWLEY, ESQUIRE
Attorneys for Applicant,
Eugene J. Mele and Hedwig J. Cerwinka

Dated: November 15, 2019

EXHIBIT "A"

LOCATION MAP
SCALE 1" = 500'



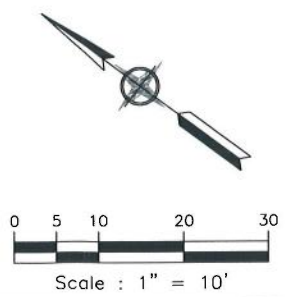
ZONING REGULATIONS - R 4

	(REQUIRED)	(EXISTING)
MIN. LOT AREA	6,000 S.F.	6,225 S.F.
MIN. LOT WIDTH	65'	41.52'*
MIN. FRONT YARD	30'	30'
MIN. SIDE YARDS	8' MIN.; 20' AGG.	7.8' MIN.; 15.8' AGG.*
MIN. REAR YARD	25'	25'
MAX. BLDG. AREA	30%	20.8%
MAX. IMPERV. SURFACE	39%	49.4%*
MAX. BLDG. HEIGHT	3 STORIES OR 35'	2-1/2 STORIES, < 35'

*EX. NON-CONFORMING

NOTES:

1. This property is currently zoned R 4.
2. Existing features shown hereon are by field survey by Bercek and Smith Engineering, Inc. on June 21, 2019.
3. The boundary survey as shown hereon was based on current deeds of record as noted. This survey was done without the benefit of a title search and the properties shown hereon may be subject to easements, right of ways and restrictions not shown hereon.
4. Source of Title:
   BEING the same premises which J. Brent & Alexis G. Ratz, by deed dated November 23, 2004 and recorded in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5538, page 1538, granted and conveyed unto Eugene J. Mele & Hedwig J. Cerwinka, in fee. BEING Tax Map Id. #40-002F-140.
5. Ex. Lot Areas:
   7,735 s.f.± Gross to Center Line
   6,225 s.f.± Net to Legal Right-of-way Line
6. Ex. Lot Coverages:
   Building area = 1,286 s.f.± (20.8%)
   Impervious surface = 3,081 s.f.± (49.4%)



ACKNOWLEDGMENT AND AGREEMENT FOR ELECTRONIC MEDIA AND PLAN INFORMATION

These documents including plans, specifications, reports and electronic media files were prepared specifically for this project for the individual(s) named on the documents as dated. The documents are not represented to be suitable for reuse on extensions of this project or for any other project, nor are they to be used by anyone other than the original client named on the plans. Any such reuse or modification is strictly forbidden, and therefore, any use or modification shall be an agreement deemed to indemnify and save harmless Bercek and Smith Engineering, Inc., for all claims, damages, losses and expenses arising from the use therefrom. The information contained in the documents is to be verified in the field prior to construction and any user of the information is also obligated to report any discrepancies to Bercek and Smith Engineering, Inc.

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Bercek and Smith Engineering, Inc.
Civil Engineering | Land Surveying
358 Main Street, Suite 1 - Royersford, PA 19468 - Phone : 610-948-8947 - Fax : 610-948-3261

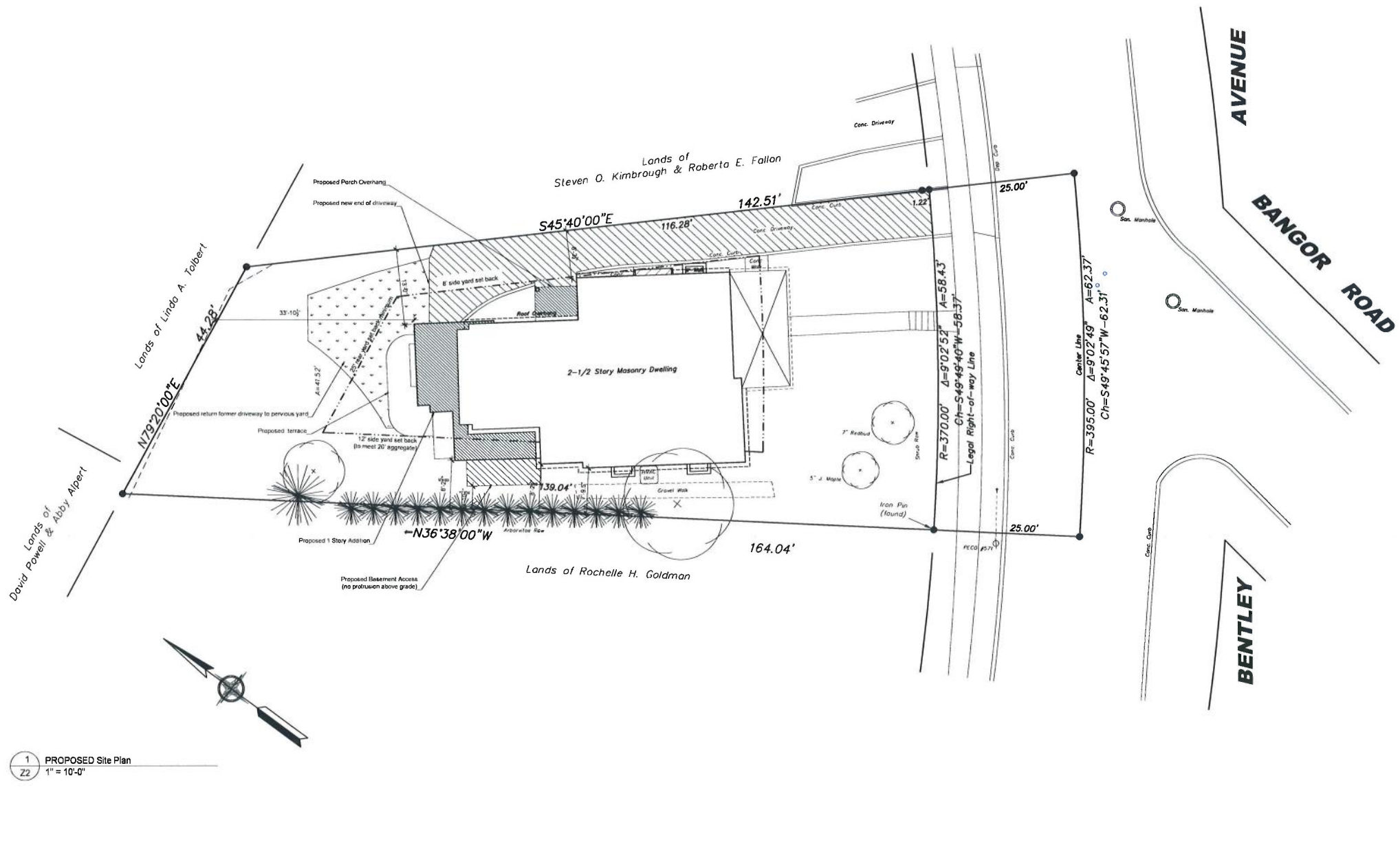
Boundary Survey & Site Plan of 105 Bentley Avenue for
EUGENE J. MELE & HEDWIG J. CERWINKA
Lower Merion Township - Montgomery County, PA
July 1, 2019 *Plan No. C-19-078*

Bulk Zoning: Single Family Detached Dwelling
District R4 Residential

	REQUIRED	EXISTING	PROPOSED AT ADDITION
Min. Lot Area	6,000 square feet	6,225 square feet	no change
Min. Lot Width	65'	41.52'	no change
Min. Front Yard	30'	30'	no change
Min. Side Yard (structure)	8' & 20'Agg.	7.8' Min, 15.8' Agg.	no change
Min. Side Yard (basement access)		7.8' Min, 15.8' Agg.	3'-10.5" Min, 11-10.5" Agg.
Min. Rear Yard	25'	43'-2"	33'-10.5"
Max. Building Coverage	39% (2.340 sf)	20.8%	23.9%
Max. Impervious Coverage	30% (1,800 sf)	49.4%	47.7%
Max Building Height	3 Stories or 35 Feet	2 ½ Stories, <35'	no change

Proposed Impervious Coverage Calculations:

	existing	proposed
lot gross	7711.5	
lot net	6225	
structure	1375.3 (22.1%)	1488 (23.9%)
roof overhang	70.6	96.6
porch	181.0	226
driveway	1229.5	803
bilco	39.6	
basement access		53.2
window wells	12	12
walkways / patio	84	202
gravel path	86	86



1/Z2 PROPOSED Site Plan
1" = 10'-0"

105 Bentley Avenue, Bala Cynwd, PA

Cerwinka - Melee

STRUCTURAL:

ARCHITECT:
inHabit, LLC
1930 Dog Kennel Road
Media, PA 19063
P 215.968.8674

REGISTERED ARCHITECT
COMMONWEALTH OF PENNSYLVANIA

DATE: 14 Nov 2018
SCALE:
Project No: 1905

DRAWING TITLE:

Z2

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