Kaplin Stewart
Attorneys at Law

Gregg I. Adelman
Direct Dial: (610) 941-2552
Direct Fax: (610) 684-2001
Email: gadelman@kaplaw.com
www.kaplaw.com

November 7, 2019

RECEIVED
NOV 07 2019
Building & Planning Dept.

HAND DELIVERY

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

RE: Krain Outdoor Advertising – Zoning Hearing Board Application

Dear Mr. Wiley:

Kaplin Stewart represents Applicant, Krain Outdoor Advertising.

On behalf of Applicant, enclosed are the following:

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

2. A $1,400.00 check payable to Lower Merion Township, the required Zoning Hearing Board application fee.

Kindly time stamp the extra copy of the Application returning same to the courier.

Please provide us with copies of any reviews, communications, notices and other documentation relating to this application 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.

Very truly yours,

Gregg I. Adelman

GIA:dla

enclosures

KAPLIN STEWART MELOFF REITER & STEIN, P.C.
By: Gregg I. Adelman, Esquire
Identification No. 84137
Union Meeting Corporate Cent
910 Harvest D

Advertising

ING HEARING BOARD OF
ONTGOMERY COUNTY, PENNSYLVANIA

Property:

3 Schuylkill Expressway
Bala Cynwyd, PA

ING HEARING BOARD APPLICATION

Krain Outdoor Advertising by its attorneys, Kaplin Stewart Meloff Reiter & Stein, P.C., hereby files this application and states:

1. **Name and Address of Applicant**.

Applicant is Krain Outdoor Advertising (**"Krain"**), 2663 Salmon Street, Philadelphia, PA 19103.

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

Consolidated Rail Corporation owns the property at 3 Schuylkill Expressway (**"Property"**) which is the subject of this application. Krain is licensee per Advertising License attached hereto as Exhibit "A" for a double sided digital billboard sign the details for which are attached as Exhibit "B".

3. **Description and Location of Real Estate to be Affected.**

The Property is located on the north side of Schuylkill Expressway; 650' from overhead bridge 7.25 (mile marker 338.55). The Property is located on the plan attached as Exhibit "C".

4. **Present Zoning Classification, Improvements and Use.**

The Property is located in the M – Manufacturing and Industrial Districts. Existing conditions are shown on an aerial attached as Exhibit "D".

5. **Sections of the Code Under Which Relief is Requested.**

Code §155-110 authorizes the Zoning Hearing Board to hear and decide appeals from the determination of the Zoning Officer and applications for a special exception and variances. More specifically, Applicant appeals the determination of the Zoning Officer dated October 8, 2019. A copy of the Zoning Officer's October 8, 2019 Determination is attached as Exhibit "E".

Alternatively, Applicant also requests a variance from Code §155-93.3.E.(1) to temporarily increase the total sign surface area by ninety-six (96) sq. ft. from 672 sq. ft. to 768 sq. ft. for the duration of the advertiser's current tenancy on the sign.

Applicant requests a special exception under Code §155-99.B to increase the non-confirming sign height by two (2) feet, from ninety-four (94) feet to ninety -six (96) feet.

6. **Relief Requested/Reasons for Granting Approval.**

The 96 sq. ft. "riser" was added to the sign to provide identification of the advertiser without impacting the aspect ratio of the advertisement. The change to the sign is de minimus and presents no adverse impact to the public health and safety.

7. **Witnesses**.

Applicant expects to offer testimony from approximately one or two witnesses whose direct testimony is expected to last not more than ten (10) minutes.

Respectfully submitted,

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

By: _____
GREGG I. ADELMAN
Attorney for Applicant, Krain Outdoor Advertising

Date: November 6, 2019

EXHIBIT "A"

OUTFRONT

49-29 Maspeth Avenue • Maspeth, New York 11378 • (718) 366-6180 • Fax (718) 497-0884

OUTFRONT Media Group Advertising License

OUTFRONT Media Group APPLICATION NO. **PH/CR-4736**

CANCELS & SUPERSEDES CRL-1652

R. R. LEASE NO. _____

OUTFRONT Media Group LICENSE NO. **CRL-1652A**

OUTDOOR CO. LEASE NO. **AD-09**

OUTFRONT Media GROUP LLC
hereinafter called OUTFRONT Media Group or Licensor, hereby licenses

New York, NY **SEPTEMBER 27**, 20 **19**

KRAIN OUTDOOR ADVERTISING; 2663 SALMON STREET, PHILADELPHIA, PA 19125

hereinafter called the Licensee, to construct, maintain, and use for advertising purposes only, outdoor advertising locations situated in **LOWER MERION (MONTGOMERY), PA** and described as follows:

TWO FOURTEEN FT. BY FORTY-EIGHT FT. (2 – 14' X 48') ILLUMINATED PAINT BULLETINS, LOCATED NORTH SIDE OF SCHUYLKILL EXPRESSWAY (I-76); 650' EAST OF OVERHEAD BRIDGE 7.25 (MILE MARKER 338.55); UNIT POLE TO BE 25' NORTH OF NEAR RAIL OF MAIN LINE. 15' SOUTH OF NEAR RAIL TO VENICE BRANCH.

***RENT CLAUSE:**

LC: 10-0322 VAL: 8151 M.P. 7.0 – 8.0

on property of **CONSOLIDATED RAIL CORPORATION**
hereinafter called the Railroad Company,
for a period of **ONE (1)** year(s) From **DECEMBER 25**, 20 **19**
and thereafter for additional periods of **ONE (1)** year(s) unless terminated by either OUTFRONT Media Group or the Licensee on thirty (30) days' written notice served prior to the end of any one license year, or unless terminated by OUTFRONT Media Group in accordance with Paragraph 4 on reverse side hereof, for an annual base fee of ***SEE ABOVE RENT CLAUSE** Dollars ($)
payable by the Licensee to OUTFRONT Media Group in advance of each **THREE (3)** month period. (The Base Fee and the Percentage Fee collectively, referred to as the "Fee"). The existence of any term in excess of one (1) year shall not prevent OUTFRONT Media Group from establishing an increase in Base Fee and/or Percentage Fee at the end of any one (1) license year.

THIS LICENSE IS SIGNED IN DUPLICATE BY THE LICENSEE AND ACCEPTED BY OUTFRONT Media Group SUBJECT TO THE TERMS AND CONDITIONS PRINTED ON THE REVERSE SIDE HEREOF AND OUTFRONT Media Group SHALL NOT BE BOUND BY ANY ORAL STATEMENT OR REPRESENTATION.

DATE 10/03/2019, 20 ____

LICENSEE **KRAIN OUTDOOR ADVERTISING**

BY _____

TITLE LAWRENCE M. KRAIN, PRESIDENT

ADDRESS **2663 SALMON STREET**
PHILADELPHIA, PA 19125

Accepted: Maspeth, NY 10/15, 20 19

OUTFRONT Media Group

BY: _____
Senior Director Accounting and Landlease

Original

EXHIBIT "B"

PERMIT

Permit must be posted on job site

Lower Merion Township
75 East Lancaster Avenue
Ardmore, PA 19003

BUILDING PERMIT

Location: 3 SCHUYLKILL EXPRESSWAY, B.C.
Type of Improvment: SIGN / AWNING
Use of Property: OTHER USE/BUILDING

Permit#: L03452
Plan#: 0000
Issue Date: 25-MAR-92
District: 03

Name of Contractor: OWNER
Name of Owner: KRAIN OUTDOOR ADVERTISING

Township Inspector: 409 STAN ZADROZNY PHONE#: 645-6177
Inspecting Agency:
Remarks: BILLBOARD

This permit is issued on the express condition that the above work shall confo: in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, plumbing and mechnical codes of the Township of Lower Merion and the State of Pennsylvania.

All work to be done in strict compliance with the "Building Energy Conservation Act" Commonwealth of Pennsylvania, Act 222.

I or we further agree to abide by the applicable conditions on the application for this permit. I or we further certify that we have read and understand the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

Permit void if work not active for six month period

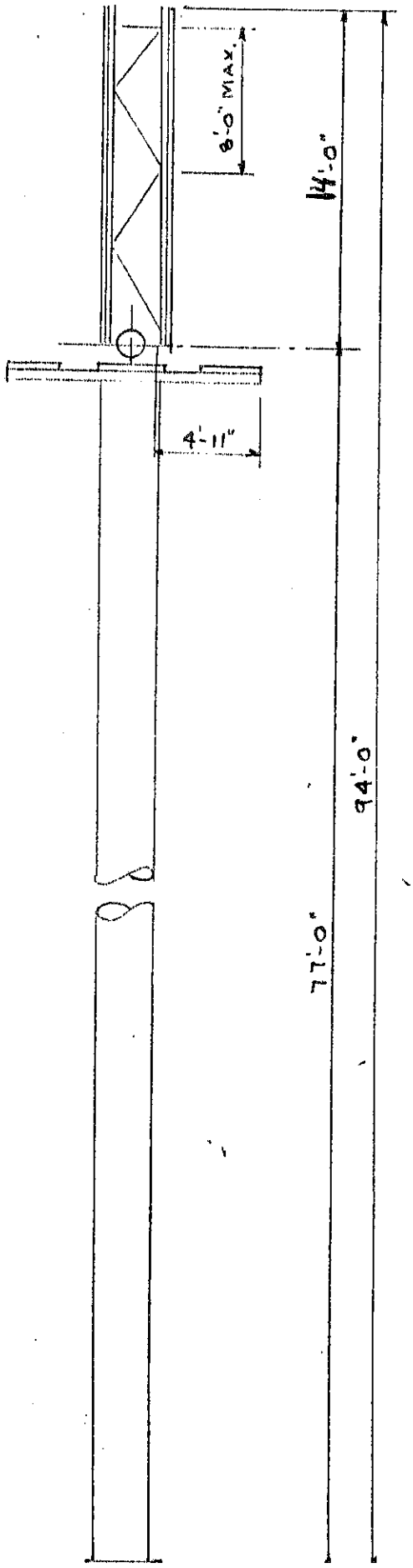
Permit Cost of Work: 30,000
Permit Fee: 280.00

Receipt #: 243,034
#: 0

Edward E. Duncan
Director of Building Regulations

Licensed Contractor or Owner

HIGHWAY SIGN BOARD
SP-14-48-8030
(SIGN 17'-0" OFF CENTER)



DESIGN CRITERIA:
DESIGN WIND LOAD = 30 P.S.F.
f'_c = 3,000 P.S.I.
PIPE - A.S.T.M. A-53 GRADE "B" OR EQUAL
ROLLED SHAPES & PLATES - A.S.T.M. A-36
DESIGN SOIL PRESSURE = 3,000 P.S.F.

GIRTS
MAX. SPACING = 5'-0" $w = 5 \times .03 = .15$ #/'
MAX. SPAN = 9'-7" MAX. M IS AT 4'-9½" CANTILEVER
$-M = \frac{.15 \times 4.79^2}{2} = 1.72$'# $S(\text{reqd.}) = \frac{1.72 \times 12}{22 \times 1.33} = .704\ in^3$

USE ∠ 3×3×5/16

VERTICALS
MAX. SPACING = 9'-7" $w = 9.58 \times .03 = .288$ #/'
MAX. $P = \frac{.288 \times 17^2}{2 \times 3.33} = 12.5$# MAX. $M = \frac{.288 \times 5 \times 8}{4} = 2.88$'#
TRY ∠ 6×3½×¼ A = 2.31, S = 2.21, r = .777
$l/r = \frac{60}{.777} = 78$ $F_a = 15.58$ $P/A = \frac{12.5}{2.31} = 5.41$
$f_b = \frac{2.88 \times 12}{2.21} = 15.62$ $\frac{15.62}{22} + \frac{5.41}{15.58} = 1.06 < 1.33$ O.K.

USE ∠ 6×3½×¼ (S.L.O.)

DIAGONALS
MAX. $P = \frac{.288 \times 17 \times 62}{40} = 7.59$#
TRY ∠ 2×2×¼ r = .391, A = .938 $\frac{l}{r} = \frac{50}{.391} = 127$
$F_a = 1.33 \times 9.26 = 12.3$ $P/A = \frac{7.59}{.938} = 8.09$ O.K.

USE ∠ 2×2×¼

CATWALK SUPPORTS
9'-7" MAX. SPACING
CATWALK LOADING = 5# D.L. + 40# L.L. = 45 P.S.F.
$M = 3 \times .045 \times 9.58 \times 3.42 = 4.42$'#
$S(\text{reqd.}) = \frac{4.42 \times 12}{22} = 2.41\ in^3$

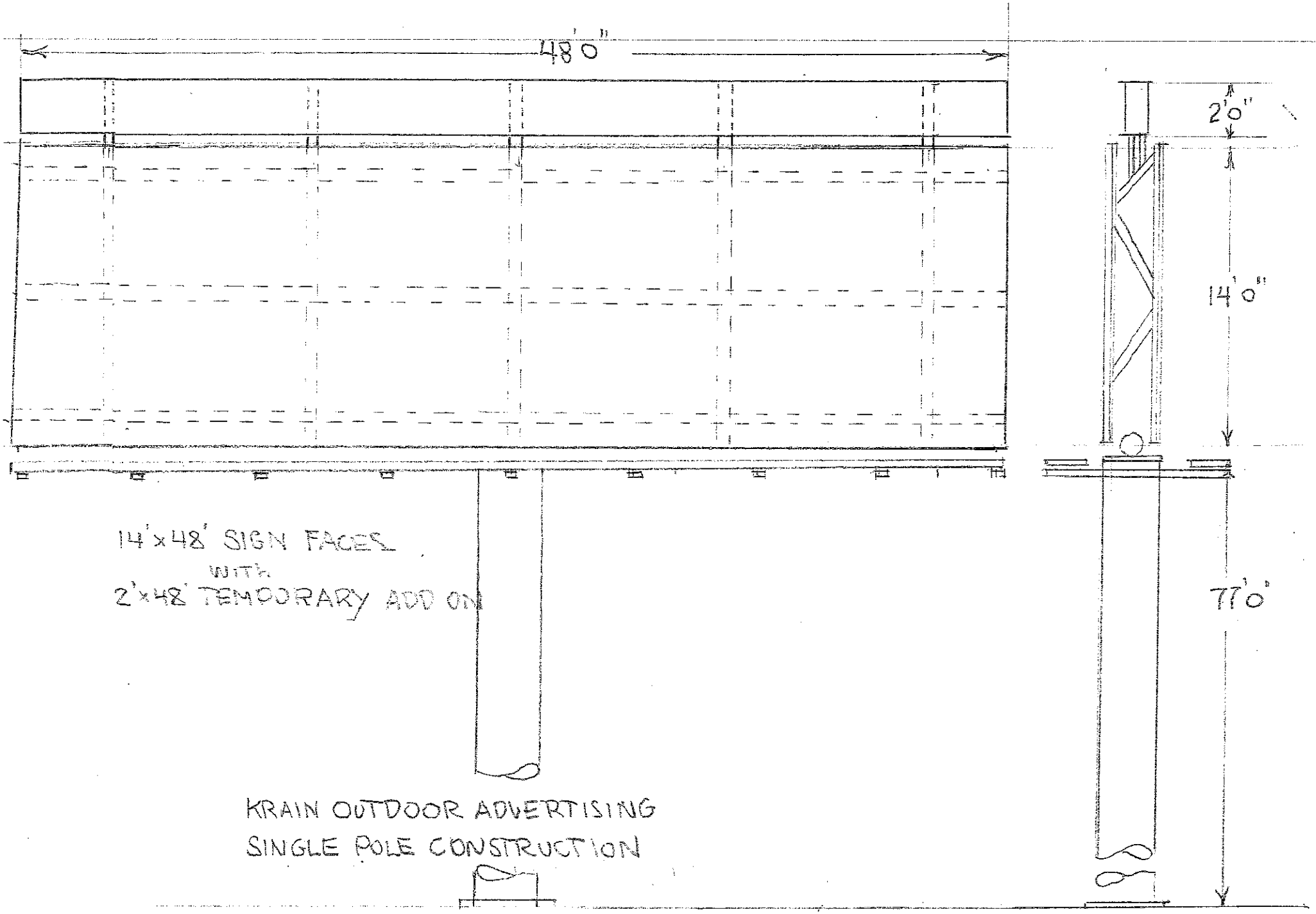
USE C 5×6.7

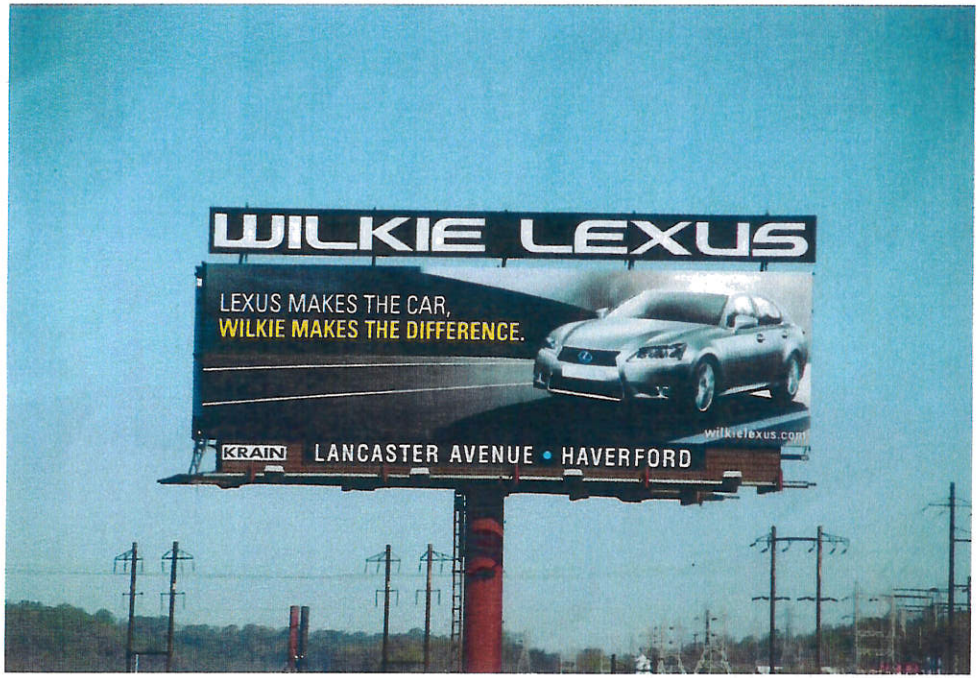
CROSS MEMBER
$w = 17 \times .03 = .51$ #/' $M = \frac{.51 \times 41^2}{2} = 429$'#
$S(\text{reqd.}) = \frac{429 \times 12}{24 \times 1.33} = 161\ in^3$

USE 28"Ø .312 wall

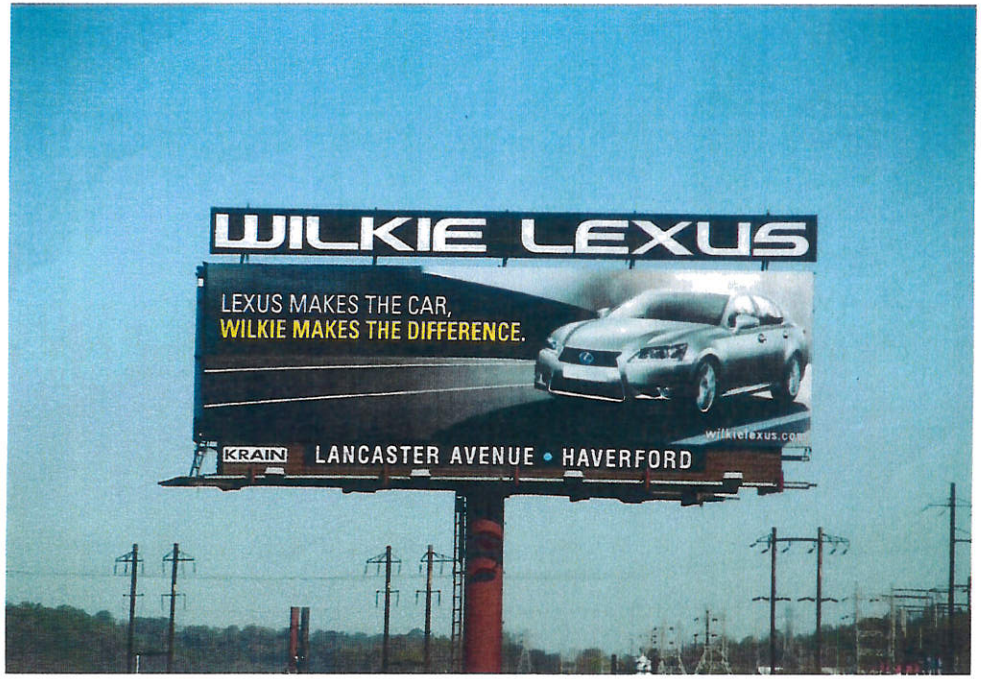
BOTTOM, 40'-0" OF POST
$M = .51 \times 48 \times 85.5 = 2090$'# $S(\text{reqd.}) = \frac{2090 \times 12}{24 \times 1.33} = 786$

USE 48"Ø .5 wall


48' 0"
2' 0"
14' 0"
77' 0"
14'x48' SIGN FACES
WITH
2'x48' TEMPORARY ADD ON
KRAIN OUTDOOR ADVERTISING
SINGLE POLE CONSTRUCTION


WILKIE LEXUS
LEXUS MAKES THE CAR,
WILKIE MAKES THE DIFFERENCE.
wilkielexus.com
KRAIN
LANCASTER AVENUE • HAVERFORD

WILKIE LEXUS


WILKIE LEXUS
LEXUS MAKES THE CAR,
WILKIE MAKES THE DIFFERENCE.
wilkielexus.com
KRAIN
LANCASTER AVENUE • HAVERFORD

WILKIE LEXUS

EXHIBIT "C"

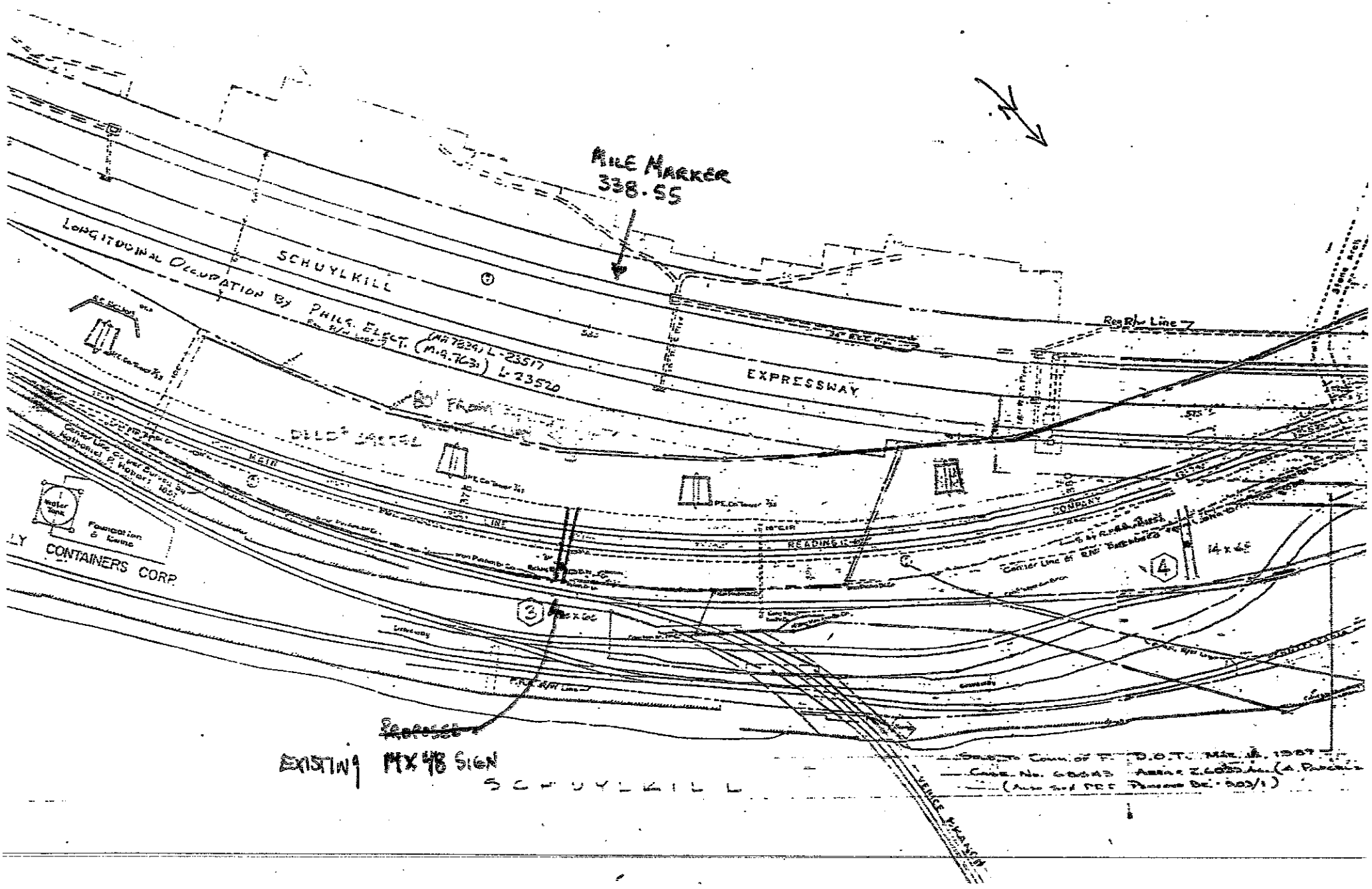

MILE MARKER
338.55
SCHUYLKILL
EXPRESSWAY
LONGITUDINAL OCCUPATION BY PHILA. ELECT. (MAP 7824) L-23517
(M-9-763) L-23520
Reg'Rly Line 7
READING R.R.
CONTAINERS CORP
EXISTING MX 48 SIGN
SCHUYLKILL
VENICE AVENUE

EXHIBIT "D"

Wilkie Lexus Billboard
Maple Ave
Park Ave
Mason St
Levering St
Silverwood St
Lyceum Ave
Monastery Ave
Grape St
Cotton St
Roxborough Ave
Lofty St
Rector St
Tower St
Churchview St
Penarth St
Penrose Ave
Apple St
Jamestown St
Station St
Burnside St
Shurs Ln
Kingsley St
Davis St
Boone St
Markle St
East St
Seville St
Cresson St
Main St
Terrace
Cynwyd Heritage Trail
Schuylkill Expy
76
3045
Google Earth
© 2018 Google
1000 ft
N

EXHIBIT "E"

TOWNSHIP OF LOWER MERION
MONTGOMERY COUNTY

BUILDING AND PLANNING DEPARTMENT
75 E. Lancaster Avenue
Ardmore, PA 19003-2376
Telephone: (610) 649-6200
www.lowermerion.org

October 8, 2019

Larry Krain
Krain Outdoor Advertising
2663 Salmon Street
Philadelphia, PA 19103

RE: 3 Schuylkill Expressway, Bala Cynwyd, PA 19004
Zoned: M - Manufacturing and Industrial Districts

Dear Mr. Krain:

On the property referenced above, you recently expanded a billboard surface area by installing an internally illuminated sign box on top of the existing billboard (*Wilkie Lexus*). This modification was completed without zoning approval or a sign permit and is in violation of the following Lower Merion Township Zoning Code Chapter 155: 1) §155-93.6 Sign Permits: *It shall be unlawful for any person, firm or corporation to erect, alter, repair, relocate or maintain any sign within the Township of Lower Merion without first obtaining a sign permit,* 2) §155-93.3 E(1) Surface area: *The surface area of a billboard shall not exceed 675 square feet on each of not more than two sides,* and 3) §155-93.3 E(4)(b) Illumination: *Only external illumination is permitted upon grant of a special exception.*

The sign box must be removed within thirty (30) days. Only with a variance from the Zoning Hearing Board would the sign box be permitted to remain.

Your failure to comply with this notice within the times specified, unless extended by an appeal to the Zoning Hearing Board, will constitute a violation of the Lower Merion Township Zoning Ordinance and subject you to a civil enforcement proceeding as authorized under Chapter 158 Section 170. This can result in a judgment against you of $500 for each day that the violation continues plus all court costs and reasonable attorneys' fees incurred by the Township. You may also be subject to an action to obtain an injunction restraining you from continuing the violation. The application fee for a zoning appeal is $1400. An appeal must be submitted within thirty (30) days of this notice. If you have any questions, please call me at (610) 645-6172 or write me at mwylie@lowermerion.org.

Respectfully,

Michael Wylie, Zoning Officer
Building and Planning Department