

VIA E-MAIL

December 7, 2015

TO: Whitpain Township Planning Commission  
FROM: E. Van Rieker, Township Planning Consultant  
RE: Township Planning Commission Meeting – December 8, 2015



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Regular Session - 7:30 P.M.

1. Approval of minutes.
2. Review current zoning hearing board applications.
  1. #2054-15, RHODA G. ROSENFELD requests a variance and/or modification of conditions from Condition 4 of the Whitpain Township ZHB Decision #192-71; or alternatively, a variance from Article VII, Section 160-30 regarding Use Regulations in the R-2 Residential District to permit the physician office use or other professional and business uses including, but not limited to, dentist, teacher/tutor, artist, engineer, musician, architect, attorney, outside salesman, accountant, clergyman, business or financial consultant, realtor, broker, insurance agent or other similar professional and business office uses. Additionally, applicant requests variance from Article XXXI, Section 160-241 relating to expiration of variance to permit applicant to obtain a building permit or use and occupancy permit within one year of the grant of variance for property located at 890 Belfry Drive – 1635 Skippack Pike in the Township's R-2 Residence Districts.

***Comment:*** *This appeal was previously reviewed on August 11, 2015. See my notes below:*

- *The original variance to permit the office of a physician was a very fact specific request. The current request to modify the use for not only a physician's office, but for other professional and business uses, for me at least raises the question of whether or not the Zoning Hearing Board is given the opportunity to place relevant conditions on an applicant – in view of the fact that no specific occupation is known at this time.*
- *In the event that the Zoning Hearing Board decides to approve the current request, then it is suggested that all relevant conditions contained at Section*

*160-212 Standards for Home Occupations in the Zoning Ordinance be incorporated into any decision to approve the application. It is understood a variance from subsection B, which requires that "No other person except a resident in the dwelling shall practice the occupation therein." However there are additional standards that remain appropriate for home occupations in a residential district and they should be incorporated into any favorable decision.*

2. #2060-15, AMOS HEARD & JEANNIE STEFANSKI HEARD request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VI, Section 160-38 relating to placement of accessory structures; and (2) Article XXVIII, Section 160-202 relating to projections into front yards. Applicant proposes to allow a 12 feet by 24 feet shed within the front yard along Wagon Road on the property located at the corner of West Skippack Pike and Wagon Road, 1077 West Skippack Pike, in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow the shed within the front yard along Wagon Road where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the front yard.

***Comment:*** *This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.*

3. #2061-15, TIMOTHY & AURORA HUGHES request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XII, Section 160-62 relating to location of accessory structures; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to allow a 946 square feet 3 car detached garage within the side yard of the property located at 500 Lewis Lane in the Township's R-5 Agricultural/Rural Residence District. Applicant's requested variance relief, if granted, will allow the garage within the side yard of the property with a side yard setback of 115.5 feet and a rear yard setback in excess of 580 feet where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the side yard.

***Comment:*** *This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.*

4. #2062-15, BENJAMIN & LISA MURPHY request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-38 relating to the location of accessory structures; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to allow a 550 square feet detached garage within the side yard of the property located at 70 Norristown Road in the Township's R-

2 Residence District. Applicant's requested variance relief, if granted, will allow the garage within the side yard of the property with a 23 feet setback where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the side yard.

**Comment:** *This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.*

5. #2063-15, AARON & JESSICA HOEKMAN requests variance relief from Article XXVIII, Section 160 204.D of the Whitpain Township Zoning Ordinance, as amended, relating to location of accessory buildings. Applicant proposes to replace an existing deck with a new 388 square feet deck with roof in the rear yard of the house on the property located at 257 Batleson Road in the Township's R-1 Residence District. Applicant's requested variance relief, if granted, will allow the proposed deck to be located within 4 feet 11 7/8 inches of an existing accessory building (pool) where a minimum separation of 10 feet is required under the Ordinance.

**Comment:** *This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.*

3. Review pertinent planning issues.

cc: Jim Blanch                      Bradley Tate                      Jennifer Gallagher  
Karen Dolga                      Ken Corti                      Nicole Godson  
Otis Hightower                      Penny Gerber                      Bernadette Kearney  
Tory Meitner                      Richard Shorin  
Roman Pronczak                      Ted McLaughlin