

LEGAL NOTICE
WHITPAIN TOWNSHIP ZONING HEARING BOARD

Whitpain Township Zoning Hearing Board will meet for a regular meeting on Thursday, January 19, 2017 at 7:00 PM at the Whitpain Township Building, 960 Wentz Road, Blue Bell, Pennsylvania 19422, to consider the following applications and any other business properly before the Board:

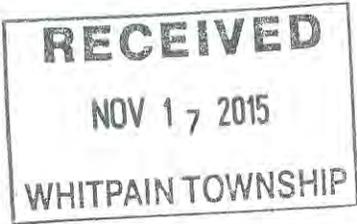
NO. 2092-16: TOWNLINE ASSOCIATES LLC request a variance from Article XXV, Section 160-175.G relating to grading or regrading of lands along the stream in the floodplain on the property located at 1269 Township Line Road, Blue Bell, PA 19422 in the Township's R-3 Multifamily District and Floodplain Conservation District. Applicants requested variance and special exception, if granted, will allow the Applicant to grade or regrade lands of the Property where the Ordinance requires a special exception to do so.

All applications and plans are on file and may be examined at the Whitpain Township Office during normal business hours. **THE APPLICANT AS WELL AS ALL PERSONS INTERESTED AND/OR WISHING TO BE HEARD IN ANY MATTER MUST BE PRESENT FOR THE HEARING.** Notice is being sent to all property owners in the immediate vicinity of the subject premise. **ANYONE WISHING TO RECEIVE A NOTICE OF THE DECISION MUST APPEAR AND SIGN THE REGISTER AT THE HEARING.** At the completion of the hearing, the Zoning Hearing Board will render a decision, unless it deems additional time is required for consideration and discussion, in which case it will continue the public meeting to an announced date and time for that purpose.

The Whitpain Township Planning Commission will also review these applications on Tuesday, January 10, 2017 at 7:30 PM. Since the comments of the Planning Commission are given to the Board of Supervisors and the Zoning Hearing Board for their consideration, all Applicants are encouraged to attend the Planning Commission meeting to explain the relief they have requested.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, please contact the Township ADA Coordinator at (610)-277-2400.

ZONING HEARING BOARD
OF WHITPAIN TOWNSHIP



APPEAL NO. ZHB # 2092-16

Whitpain Township
960 Wentz Road
Blue Bell, PA 19422-0800
buildingandzoning@whitpaintownship.org

Phone: (610) 277-2400
Fax: (610) 277-2209
Office Hours: Mon - Fri 1-2PM
& by Appointment

K.E.M. 10/28/16
WM 10/28/16

Zoning Hearing Board Application

Zoning District: R-3 Chapter 160
Article: XXV Section: 160-175.0
Article: _____ Section: _____
Article: _____ Section: _____
Article: _____ Section: _____

DO NOT WRITE ABOVE THIS LINE

Applicant Name: Townline Associates
 Owner Equitable Owner Tenant Other

Address: 75 Townline Way, Blue Bell, PA 19422

Phone #: H. _____ W. _____ Fax No: _____

Pursuant to Chapter 160, Section 160-224 of the Code of the Township of Whitpain, a public hearing is hereby requested to consider the following:

- An appeal from the determination of the Code Enforcement Officer
- A request for a variance
- A request for a special exception
- An appeal from a Zoning Enforcement Notice
- Other - Describe below

Property Address: 1269 Township Line Road, Blue Bell, PA 19422
(IF DIFFERENT FROM ABOVE)

Description of relief requested. Check all that apply:

- Addition Use Signage
- Flood Plain Minimum yard setback Expansion of Non-conforming use

Describe request: Appeal of Zoning Enforcement Notice dated October 21, 2015
regarding grading/regrading within the floodplain

Attorney: Marc B. Kaplin, Esquire
Address: 910 Harvest Drive
Blue Bell, PA 19422
Phone #: (610) 941-2666
Fax #: (610) 684-2000


APPLICANT SIGNATURE
MARC B. KAPLIN, ESQUIRE, Attorney for
AGENT Applicant
ADDRESS

AN ADDITIONAL FEE OF \$200 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.

ZONING HEARING BOARD PLOT PLAN REQUIREMENT - CHECK LIST

Plot Plans (The following information must be on ALL plot plans except as noted below or except as requested by waiver letter.

- ____ Name(s) of owners (name of legal owner, name of equitable owner).
- ____ Name(s) of tenant or other occupant(s).
- ____ Address of property.
- ____ Date of preparation of drawing.
- ____ Name of Preparer.
- ____ Zoning classification of the property.
- ____ North arrow (Compass Direction).
- ____ Scale of not less than 1" = 20'; In the case of large projects, not less than 1" = 40'.
- ____ Entire property including property line and distances.
- ____ *Courses of property lines.
- ____ Existing structures with dimensions of all sides.
- ____ Date of construction of existing structures.
- ____ Proposed structures with dimensions of all sides.
- ____ Distances of existing and proposed structures from property lines.
- ____ Nearest existing structures on adjacent properties, within 100' of property lines. Give use and distances from Applicant's property line.
- ____ Names and addresses of adjacent property owners.
- ____ *Existing contour lines at 2' intervals. (Where slope exceed 10%, then 5' intervals may be used).
- ____ Details of proposed grading and drainage.
- ____ Existing trees over 4" in diameter affected by proposed construction.
- ____ Existing and proposed roads, driveways, and parking areas showing number of parking spaces and traffic flow arrows.
- ____ *Calculations of off-street parking as required by ordinance.
- ____ Setback lines for building and parking areas.
- ____ Ultimate right-of-way lines of adjacent street(s).
- ____ Areas of existing and proposed structures(individual figure for each structure) and percent of lot coverage of existing and proposed structures.
- ____ Calculation of ratio of area of additions to area of existing structures.
- ____ Building heights, existing and proposed.
- ____ Location and size of signs, existing and proposed.
- ____ Location and type of outdoor lights, existing and proposed.
- ____ *Surface material and dimensions of paved areas, existing and proposed.
- ____ *Landscaping, existing and proposed.
- ____ Floodplain Conservation District lines.

N/A: This is an appeal from a Zoning Enforcement Notice.

Building Plans (if applicable)

- ____ Plans of all floors of proposed building structures at scale of not less than 1/8" =1' showing heights, exterior materials, and signs.
- ____ Elevations of proposed building structures at scale of not less than 1/8" = 1' with dimensions where additions are proposed.

General Information

Fifteen (15) copies plus original of each drawing are required. (Two must be darkened and shaded with colored pencil, ink, magic marker, or similar device to make drawings easy reading at the ZHB hearing from a distance of 30 feet. Fifteen (15) copies plus original of any additional information submitted with the application should also be provided, **and two (2) photographs.**

*Commercial Applications only (where applicable)

**PLOT PLAN CHECKLIST WAIVER REQUEST
AND RESOLUTION ACKNOWLEDGEMENT**

Whitpain Township Zoning Hearing Board
960 Wentz Road
Blue Bell, PA 19422

Gentlemen:

N/A: Appeal of Zoning Enforcement Notice

I hereby request permission to have the items noted on the check list with which I have not complied, waived, due to the fact that compliance will impose a hardship upon myself and the information is not relevant to my case.

I hereby acknowledge receipt of the July 15, 2010 Resolution of Zoning Hearing Board regarding the unauthorized practice of law.

N/A: Represented by Attorney

Signed: _____

Marc Kaplin
Marc B. Kaplin, Esquire; Attorney for

Date: _____

1/16/15

Applicant





WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

October 21, 2015

Townline Associates
75 Townline Way
Blue Bell, PA 19422

Townline Apartments
1269 Township Line Road
Blue Bell, PA 19422

RE: Grading/Regrading Within the Floodplain:

Dear Sir/Madam:

Enclosed, please find a Zoning Enforcement Notice regarding your violation. Please read it carefully, and if you have any questions concerning the requirement noted, please do not hesitate to give me a call. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. McManus".

William McManus
Assistant Zoning Officer

WM
Enclosure: Zoning Enforcement Notice

ZONING ENFORCEMENT NOTICE

1. This action is being taken against the following:

A. Parcel owner of record: Townline Associates
75 Townline Way
Blue Bell, PA 19422

B. Other: Townline Apartments
1269 Township Line Road
Blue Bell, PA 19422

2. Location of property: 1269 Township Line Road
Blue Bell, PA 19422

3. Violation: Grading/Regrading Within the Floodplain

A. Description of requirements which have not been met, including zoning ordinance provisions:

Failure to obtain a special exception prior to grading/regrading of lands in the floodplain at the above noted location along the stream.

Chapter 160, Article XXV, Section 160-172.G

B. To Comply: Obtain Special Exception

4. Date when compliance must commence: Upon Receipt of this Notice.

5. Date upon which compliance must be completed: Upon Receipt of this Notice.

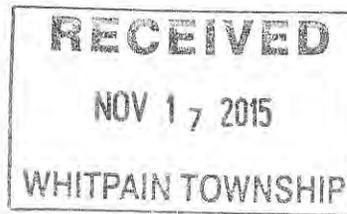
YOU HAVE THE RIGHT TO APPEAL TO THE ZONING HEARING BOARD. YOUR APPLICATION MUST BE COMPLETED AND FILED WITH THE TOWNSHIP BY: November 17, 2015.

6. Failure to comply with this notice by the dated noted in item #5 constitutes a civil offense which will be subject to the following:

A. You may be found liable, with a judgment of not more than \$500.00, plus court costs, enforcement costs and solicitor fees.

B. If found liable, the District Justice shall determine the date the violation commenced, and may make a judgment in favor of the township not to exceed \$500.00 plus all costs.

C. The Board of Supervisors may commence legal action against you in the Court of Common Pleas.



Marc B. Kaplin
Direct Dial: (610) 941-2666
Direct Fax: (610) 684-2000
Email: mkaplin@kaplaw.com
www.kaplaw.com

November 17, 2015

VIA HAND DELIVERY

Michael McAndrew
Code Enforcement Officer
Whitpain Township
960 Wentz Road
Blue Bell, PA 19422

William McManus
Assistant Zoning Officer
Whitpain Township
960 Wentz Road
Blue Bell, PA 19422

RE: Appeal of October 21, 2015 Zoning Enforcement Notice - 1269 Township Line Road

Gentlemen:

I represent Townline Associates in connection with the Zoning Enforcement Notice issued by Whitpain Township dated October 21, 2015 for the property located at 1269 Township Line Road. Enclosed for processing are one (1) original and two (2) copies of the Zoning Hearing Board Application appealing that Notice, together with the necessary filing fee.

Kindly time stamp and return one copy of the enclosed Application as proof of filing and return same to the courier. Please confirm this matter will be on the Zoning Hearing Board agenda for the December 17, 2015 hearing.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Marc Kaplin".

Marc B. Kaplin

MBK
Enclosures

Marc B. Kaplin
Direct Dial: (610) 941-2666
Direct Fax: (610) 684-2000
Email: mkaplin@kaplaw.com
www.kaplaw.com

December 15, 2015

VIA E-MAIL (JGARRITY@WISPEARL.COM)

James J. Garrity, Esquire
Wisler Pearlstine, LLP
460 Norristown Road, Suite 110
Blue Bell, PA 19422

RE: Townline Associates - 1269 Township Line Road, Blue Bell, PA - Appeal of Zoning Enforcement Notice

Dear Jim:

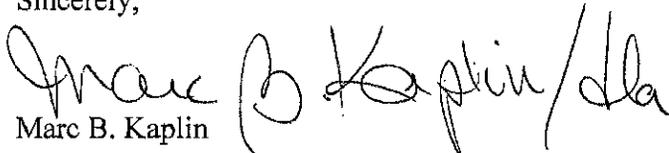
As you know, we filed an Appeal of the Zoning Enforcement Notice dated October 21, 2015 relating to grading/regrading within the floodplain at the above referenced property.

As you are also aware, I have been in contact with the Pennsylvania Department of Environmental Protection to attempt to resolve this matter.

Accordingly, please allow this letter to waive the 60 day requirement for the Zoning Hearing Board to commence a hearing on the above referenced application.

Please contact me if you require any further information.

Sincerely,


Marc B. Kaplin

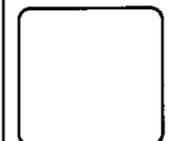
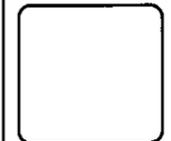
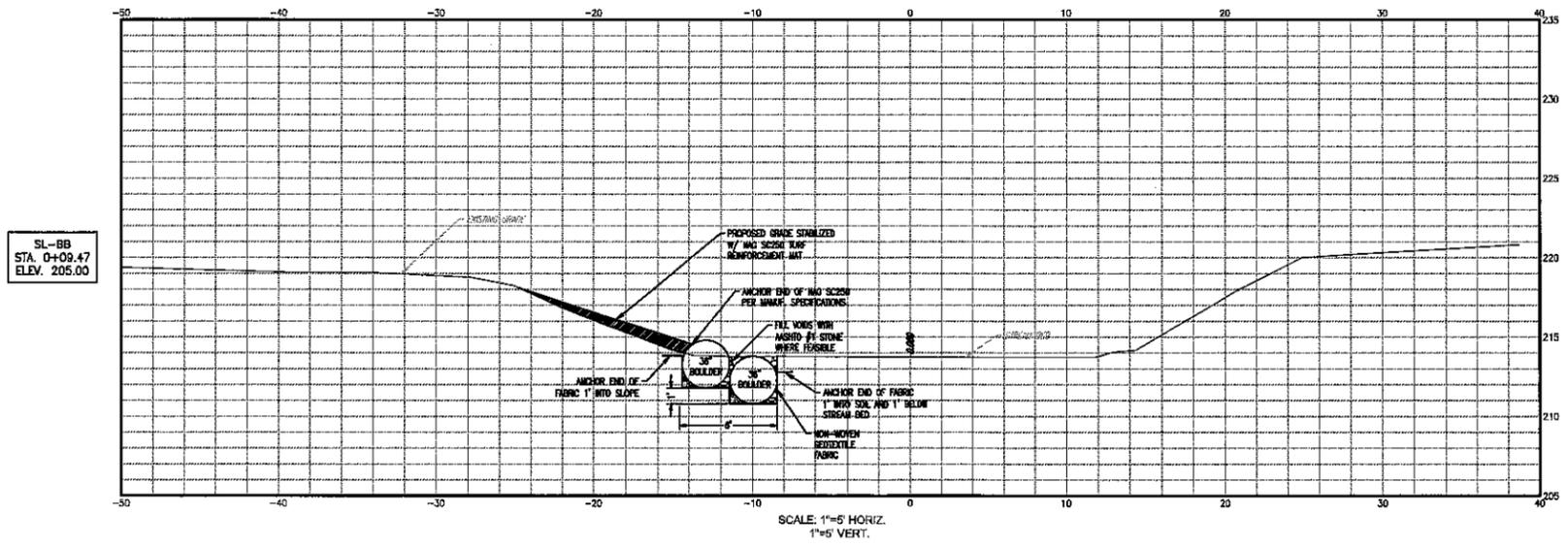
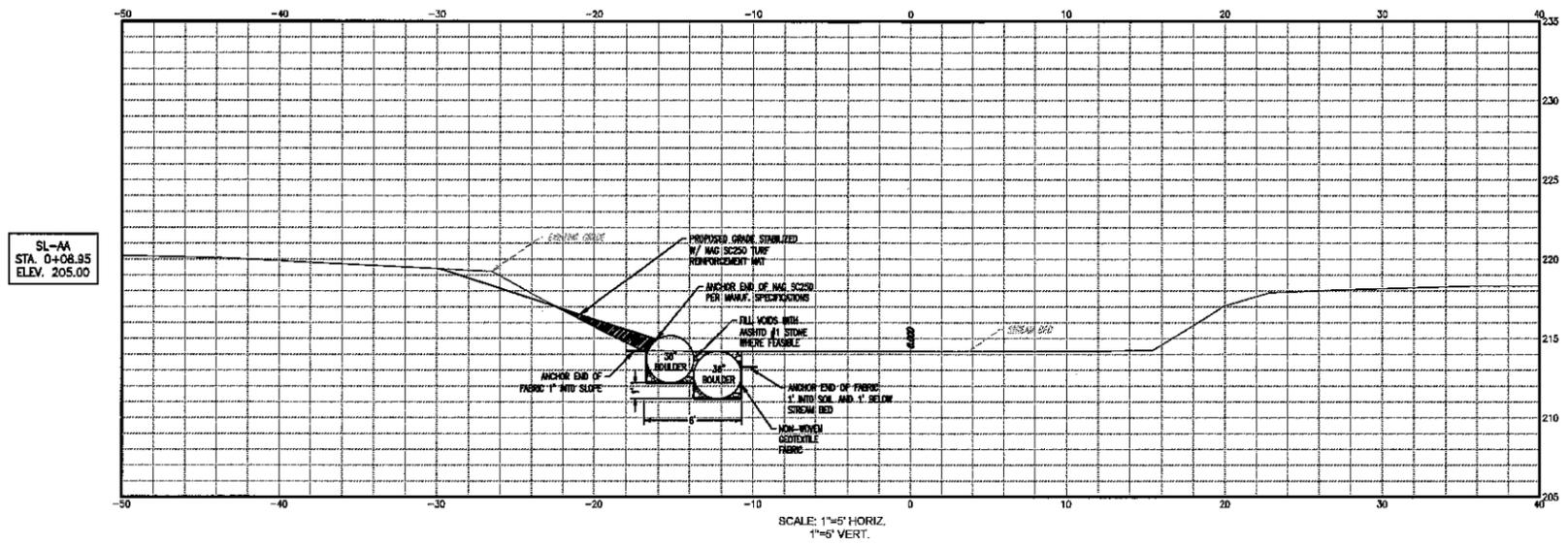
MBK:dla

RECEIVED
 OCT 04 2016
 WHITPAIN TOWNSHIP



DLHowell
 Civil Engineering &
 Land Planning
 www.DLHowell.com

D.L. Howell & Assoc., Inc.
 1250 Wrights Lane
 West Chester, PA 19380
 Phone: (610) 918-8002
 Fax: (610) 918-8003



REV.	DATE	REVISION
1	09/19/16	ISSUE FOR CLIENT'S REVIEW
2		
3		
4		
5		
6		
7		
8		

STREAM BANK REHABILITATION PLAN
 CLIENT: THE KLEIN COMPANY
 PROJECT: 75 TOWNLINE DRIVE
 LOCATION: WHITPAIN TOWNSHIP, MONTGOMERY CO., PA

DATE	09/19/16
SCALE	AS SHOWN
DRAWN BY	CM
CHECKED BY	AWD
PROJECT NO.	2997
DATE PLOTTED	09/19/16
DRAWING NO.	C2
SHEET	2 of 3

