

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY
1510 PAPER MILL ROAD
WYNDMOOR, PA 19038

NO. #21-09

DATE: 4/19/2

PETITION

SPRINGFIELD TOWNSHIP ZONING HEARING BOARD

We Ms. Lauren Barbuto

(Name of Applicant)

Of (Address) 46 Grove Avenue, Flourtown, PA 19031

(Telephone No.) 571-643-8368

do hereby make application before the Springfield Township Zoning Hearing Board to request:

_____ An **appeal** from the decision of the Zoning/Building Official.

_____ A **special exception** as provided for in Article _____, Section _____,
Subsection _____, of the Springfield Township Zoning Code.

A **variance** from the requirements set forth in Article 114, Section 135,
Subsection A, of the Springfield Township Zoning Code.

_____ Other (please specify) _____

The property concerned is located at 46 Grove Avenue, Flourtown, PA 19031

Petitioner's Interest in the property is Owner of Record

Present use of property Single Family Dwelling



Explanation of Petition: Variance and Special Exception Requests must meet the statutory guidelines Outlined in Section 114-165 of the Township Zoning Code. The following explanation should indicate Compliance with those guidelines.

I seek approval to install a 5 foot high solid panel wooden fence at the property line

that adjoins Schnell Avenue. The proposed fencing will not cause a sight obstruction

to any of the adjoining neighbors. The reason for this request is due to the fact that I

have a very energetic 75 pound puppy that is able to clear a four foot high fence

APPLICANT NOTE: Petition must be accompanied by eight (8) sets of scaled drawings or plans, Application Fee and a copy of the property deed.

CASE # 21-09
CHECK # 241
\$500.00

Applicant's Signature

Suzanne Barlette
Owner's Signature

Do not write in this space.

Petition granted.

Petition refused.

The following special conditions are imposed.

By Order of the Zoning Hearing Board

**TOWNSHIP OF SPRINGFIELD
COMMUNITY DEVELOPMENT
ZONING INFORMATION AND FEE SCHEDULE**

**NOTICE TO APPLICANTS WHO WISH TO APPEAR BEFORE
THE ZONING HEARING BOARD OF SPRINGFIELD TOWNSHIP**

Application Procedures

Applicants must complete the standard Petition form **TYPED** and signed in **TRIPPLICATE** and file same with the Zoning Officer by the **last day** of the month preceding the public hearing date. The Zoning Board Hearings are normally held on the **fourth Monday** of each month with the exception of a chosen

summer month.

Applications **must** be accompanied by eight (**8**) copies of **scaled** drawings including sketches, or drawings indicating lot lines, building dimensions, yard distances, and any other illustrative data relating to the Petition. Pertinent photographs and letters from immediate neighbors are also helpful for the record but need not be filed unless required by the Zoning Hearing Board.

A copy of the property deed must accompany all applications. **No applications will be accepted without the deed.**

An explanation of the Petition must be provided with specific details on the nature of the Petition, relief being requested, pertinent code sections, lot and setback criteria, etc.

In order for the Zoning Board to grant a special exception and/or variance request, the statutory guidelines outlined in Section 114-165 of the Township Zoning Code must be met. The explanation of the petition should indicate compliance with those guidelines. It is the applicant's responsibility to provide all necessary information pertaining to the petition.

It is required that the Applicant, or in the case of an organization to have one of its corporate officers, be present to testify at the hearing. Applicants have the right to be represented by an attorney.

Petitions are listed on the Zoning Hearing Board Agenda in the date order in which they are received.

In accordance with the **Pennsylvania Municipalities Planning Code, Act 247, Section 908**, it will be necessary for Springfield Township to post notice of this Hearing. Such posting is to be conspicuously displayed on the affected tract of land or building.

Filing Fees and Costs

Each applicant must pay the requisite application fee when filing a Petition to the Zoning Hearing Board:

1. A filing fee of **\$500.00** shall be required with respect to any Petition dealing exclusively with single or two-family residential property and the residential use, including accessory use thereof. Such a Petition may involve an appeal from a decision of the Zoning Officer, an application for a Special Exception, and/or a Variance or any other appeal the Board is empowered to hear.
2. A filing fee of **\$1,200.00** shall be required with respect to any petition to the Zoning Hearing Board for any matter dealing with non-residential property or the non-residential use thereof, and/or multi-family use.
3. A continuance fee equal to 50% of the application fee will be charged for each continuance that is requested by the applicant.

Filing fees are applied to clerical, advertising, mailing, administrative, legal and stenographic costs associated with the Hearing and are not refundable to Applicant. The filing fee has been established to pay the costs associated with one hearing. In those instances where hearings are continued and the original filing fee and/or continuance fee does not cover the additional costs incurred by the Township, the costs will be assessed upon the Applicant.

Should a written record, including a stenographic transcript, of the proceedings before the Zoning Hearing Board, be appropriate or required, the Applicant or the Appellant, as the case may be, will be billed and required to pay for the costs of preparing such a written record. In such a case there shall not be any credit granted to anyone as a result of the filing fee initially paid.

The Zoning Hearing Board may deem it appropriate to have a stenographic transcript of the proceedings in any matter before it in order that a decision and opinion may be made. In such a case the cost thereof shall be borne initially by the Applicant and thereafter by the Appellant, upon appeal as a part of the cost of the entire written record of the proceedings.

I have read the Application Procedure and the Schedule of Filing Fees and Costs and agree to be bound by the provisions thereof.

Lauren Barbuto
Printed Name of Applicant

Lauren Barbuto 4/19/2021
Applicant's Signature and Date

1515018-00588
Tax Parcel: 52-00-07909-00-4
Being known and Numbered as 46 Grove Avenue, Flourtown, Pennsylvania

Prepared by:
Title Services
75 Shannon Road
Harrisburg, PA 17112
(717) 901-8342

Return to:
Title Services
75 Shannon Road
Harrisburg, PA 17112
(717) 901-8342

Consideration: \$305,000.00

Local Taxes: \$3,050.00

State Taxes: \$3,050.00

THIS DEED,

MADE THE 7 day of May, in the year Two Thousand Eighteen (2018)

BETWEEN Charles David Zimmerman and Gail M. Zimmerman, Husband and Wife, Grantor(s)

and

Lauren Barbuto and Daniel Barbuto, Wife and Husband, Grantee(s):

WITNESSETH, that in consideration of the sum of Three Hundred Five Thousand and 00/100 Dollars (\$305,000.00), in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantee(s), *as tenants by the entirety*

ALL THAT CERTAIN lot or piece of land with the buildings and improvements thereon erected situate in the Township of Springfield, County of Montgomery and State of Pennsylvania, being Lot Number 41 and a portion of Lot Number 40 on Plan of Lots of Whitemarsh Park as laid out by Huddach and McCracken, said Plan being recorded in the Office for the Recording of Deeds in and for the County of Montgomery in Deed Book Number 607, Page 500, said Lot being bounded and described according to a survey and plan made for Harry Schnell and recorded in the Office aforesaid in Deed Book Number 919, Page 600, wherein it is Number 83, as follows, to wit:

BEGINNING at a point on the Southerly side of Grove Avenue, a corner of this and Lot Number 42 on the Plan of Whitemarsh Park aforesaid; thence by the side of Lot Number 42, Southerly one hundred sixty and seventy-one hundredths feet to a point, a corner of Lot Number 59 on said Plan of Harry Schnell; thence by and along the line of said Lot Number 59 Southwestwardly fifty-five and two hundredths feet to a point on the Southeasterly side of a street laid out by said Schnell and known as Schnell Avenue; thence along said side of said Schnell Avenue; North seventeen degrees twenty minutes West one hundred fifty-two and twenty-three hundredths feet to a point of curve; thence continuing along said Schnell Avenue by a curve to the right with a radius of ten feet the arc or distance of fifteen and seventy-one hundredths feet to a point on the Southerly side of said Grove Avenue; thence along said side of said Grove Avenue, North seventy-two degrees forty minutes East forty-five feet to the place of BEGINNING.

BEING 46 Grove Avenue, Flourtown, Pennsylvania 19031.

UNDER AND SUBJECT TO the same rights, privileges, agreements, right-of-ways, easements, conditions, exceptions, restrictions, and reservations as exist by virtue of prior recorded instruments, plans, Deeds of Conveyance, or visible on the ground.

BEING THE SAME PREMISES which Robert Taft Ueland and Dorothy Mae Ueland, his wife, by deed dated September 10, 1976 and recorded September 14, 1976 in the Office of the Recorder of Deeds in and for Montgomery County, Pennsylvania in Deed Book 4141, Page 55, granted and conveyed unto Charles David Zimmerman and Gail M. Zimmerman, his wife, Grantors herein.

And the said grantors hereby covenant and agree that they will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, said grantors have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
In the Presence of

(Witness)

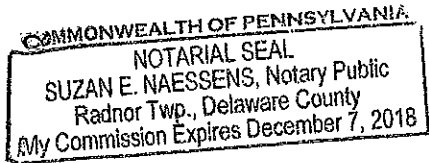
Charles David Zimmerman
Charles David Zimmerman

Gail M. Zimmerman
Gail M. Zimmerman

STATE OF PENNSYLVANIA
COUNTY OF Delaware :

On this, the 7 day of May, 2018 before me, the undersigned officer, personally appeared Charles David Zimmerman and Gail M. Zimmerman, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Suzan E. Naessens
NOTARY PUBLIC

I do hereby certify that the precise residence and complete post office address of the within grantee is:

46 Grove Ave, Flourtown PA 19031

May 7, 2018.

Lucy E...

Agent for *Grant...*

Address Search Parcel Search

Parcel Search

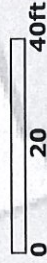
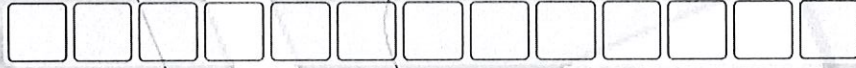
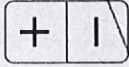
46 GROVE AVE

Clear Location

ASSET CENTRL

Add | Search | Reports

- Assets
 - Signs
 - Poles
 - Zoning
 - Emergency Services
 - Impervious Surface
 - Streets
 - Parcels
 - Municipal Boundary
- Hydrology
 - Streams
 - Water Bodies
 - Flood Zones
- Parks & Recreation
 - Parks
 - Recreational Areas
 - Park Routes
 - Lights
 - Park Signs
 - Park Amenities
- DVRPC
 - DVRPC Ramps
 - DVRPC Sidewalks



XMin: -75.2178, YMin: 40.1039 XMax: -75.2156, YMax: 40.1045, Scale: 1:564

Schnell Ave

Parcels

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY
1510 PAPER MILL ROAD
WYNDMOOR, PA 19038

NO. 21-10

DATE: 4/30/2021

PETITION

SPRINGFIELD TOWNSHIP ZONING HEARING BOARD

We H. Brad Kerr IV & Tara Kerr

(Name of Applicant)

Of (Address) 307 Woods Road Glenside PA 19038

(Telephone No.) 215.421.3621

do hereby make application before the Springfield Township Zoning Hearing Board to request:

 An **appeal** from the decision of the Zoning/Building Official.

 A **special exception** as provided for in Article , Section ,
Subsection , of the Springfield Township Zoning Code.

 X A **variance** from the requirements set forth in Article XVI, Section 114 - 131.B.2,
Subsection A-D, of the Springfield Township Zoning Code.

 Other (please specify)

The property concerned is located at 307 Woods Road Glenside PA 19039

Petitioner's Interest in the property is Owner

Present use of property Main Residence

Explanation of Petition: Variance and Special Exception Requests must meet the statutory guidelines Outlined in Section 114-165 of the Township Zoning Code. The following explanation should indicate Compliance with those guidelines.

See attached document for explanation of petition.

APPLICANT NOTE: Petition must be accompanied by eight (8) sets of scaled drawings or plans, Application Fee and a copy of the property deed.

H. Brad [Signature] Jara Kew

Applicant's Signature

H. Brad [Signature] Jara Kew

Owner's Signature

\$500.00

Check # 1302

CASE # 21-10

Do not write in this space.

Petition granted.

Petition refused.

The following special conditions are imposed.

By Order of the Zoning Hearing Board

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COMMUNITY DEVELOPMENT
ZONING INFORMATION AND FEE SCHEDULE**

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I have read the Application Procedure and the Schedule of Filing Fees and Costs and agree to be bound by the provisions thereof.

H. Brad Kerr IV & Tara Kerr

Printed Name of Applicant

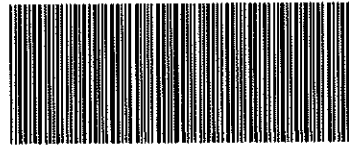

Applicant's Signature and Date



RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker

One Montgomery Plaza
 Swede and Alry Streets ~ Suite 303
 P.O. Box 311 ~ Norristown, PA 19404
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 5950 PG 00629 to 00632
 INSTRUMENT # : 2015025382
 RECORDED DATE: 04/15/2015 03:19:26 PM



3190606-0014N

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 4

Document Type: Deed	Transaction #: 3192584 - 2 Doc(s)
Document Date: 03/27/2015	Document Page Count: 3
Reference Info:	Operator Id: dcane

RETURN TO: (Simplifile) Devon Abstract 744 W Lancaster Ave Wayne, PA 19087	PAID BY: DEVON ABSTRACT
--	-----------------------------------

*** PROPERTY DATA:**
 Parcel ID #: 52-00-19048-00-7
 Address: 307 WOODS RD

 GLENSIDE PA
 19038
 Municipality: Springfield Township (100%)
 School District: Springfield

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$507,500.00	DEED BK 5950 PG 00629 to 00632
TAXABLE AMOUNT: \$507,500.00	Recorded Date: 04/15/2015 03:19:26 PM

FEES / TAXES:

Recording Fee: Deed	\$95.00
State RTT	\$5,075.00
Springfield Township RTT	\$2,537.50
Springfield School District RTT	\$2,537.50
Total:	\$10,245.00

I hereby CERTIFY that
 this document is
 recorded in the
 Recorder of Deeds
 Office in Montgomery
 County, Pennsylvania.



Nancy J. Becker

Nancy J. Becker
 Recorder of Deeds

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
 *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

Prepared By: Devon Abstract, LLC
ATTN: Lori Reilly
744 West Lancaster Avenue, Suite 104
Wayne, PA19087
Phone: (610) 784-3266

Return To: Devon Abstract, LLC
ATTN: Lori Reilly
744 West Lancaster Avenue, Suite 104
Wayne, PA19087
Phone: (610) 784-3266

52-00-19048-00-7
307 Woods Road, Glenside, PA 19038
File No. 155-003029

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
52-00-19048-00-7 SPRINGFIELD TOWNSHIP
307 WOODS RD
CASTLE JAMES R & LEAH K
B 085 L U 022 1101 04/15/2015

\$15.00
JU

Fec Simple Deed

This Deed, made on March 27 2015, between,

James R. Castle and Leah K. Castle

hereinafter called the Grantors of the one part, and

H. Brad Kerr and Tara Kerr, *Husband and wife*

hereinafter called the Grantees of the other part,

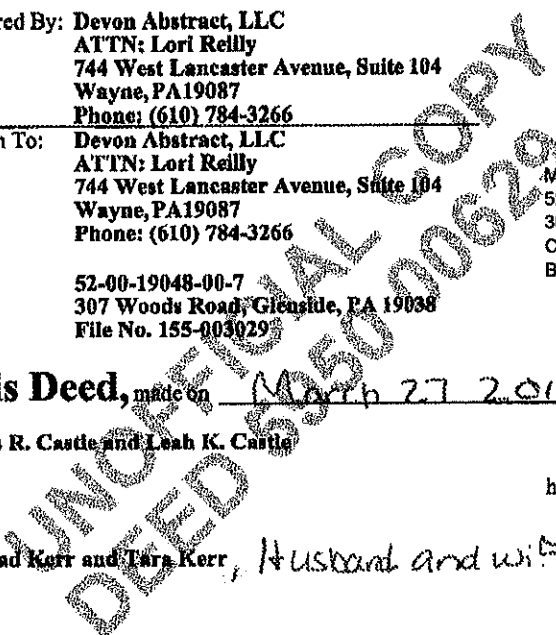
Witnesseth, that in consideration of Five Hundred Seven Thousand Five Hundred and 00/100 Dollars, (\$507,500.00) in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, his/her/their heirs and assigns, By Tenants by the entirety

ALL THAT CERTAIN lot or piece of ground with the improvements thereon erected, Situate in Springfield Township, Montgomery County, State of Pennsylvania, bounded and described in accordance with Plan and Survey thereof by Barton and Martin, Engineers, Philadelphia, dated January 17, 1939, as follows to wit:

BEGINNING at a point on the Northwest side of Woods Road (40 feet wide) at the distance of 1408.75 feet Southwestward along the various courses and distances of said side of Woods Road from its intersection with the Southeast side of Station Avenue (40 feet wide) where the said Woods Road enters Station Avenue Northeastwardly from its other entrance into the said Station Avenue (erroneously omitted in prior deed); thence from point of beginning along said side of Woods Road South 45 degrees 30 minutes 30 seconds West 103.50 feet to a point; thence North 43 degrees 5 minutes West 211.77 feet to a point; thence North 46 degrees 55 minutes East 103.47 feet to a point; thence South 43 degrees 5 minutes East 209.23 feet to the first mentioned point and place of BEGINNING.

PARCEL NO. 52-00-19048-00-7

BEING the same premises which Halton E. Worthington and Mary H. Worthington, husband and wife, by Deed dated 09/09/1996 and recorded 10/10/1996 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5164 Page 90, granted and conveyed unto James R. Castle and Leah K. Castle, husband and wife, as tenants by the entirety.



And the said Grantors do hereby covenant to and with the said Grantees that he/she/they, the said Grantors, his/her/their heirs and assigns, SHALL and WILL, warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantees, his/her/their heirs and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under him/her/them or any of them.

In witness whereof, the said Grantors has caused these presents to be duly executed the day and year first above written.

Sealed and delivered in the presence of:

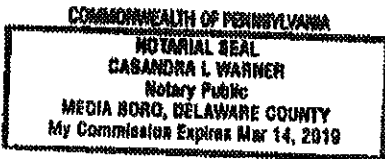
Witness [Signature]
James R. Castle

Witness [Signature]
Leah K. Castle

State/Commonwealth of PA
County of Montgomery

On this March 27 2015 before me, the undersigned officer, personally appeared James R. Castle and Leah K. Castle, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.
[Signature]
Notary Public



UNOFFICIAL COPY
DEED 5950 00629

DEED

File No. 155-003029

Grantor: James R. Castle and Leah K. Castle

Grantee: H. Brad Kerr and Tara Kerr

I certify the address of the Grantee to be, and mail tax bill to:

307 Woods Road, Glenside, PA, 19038

Certified by:

Carl Muntz

Premises: 307 Woods Road, Glenside, Springfield Twp., Montgomery County, State/Commonwealth of Pennsylvania

UNOFFICIAL COPY
DEED BK 5950 PG 00632



Explanation of Petition

307 Woods Rd
Glenside, PA

The detached garage planned for construction at 307 Woods Rd was initially designed to satisfy the needs of the homeowners in the realm of car garaging, home and garden equipment, and miscellaneous outdoor items (toys, furniture, etc) which did not have a safe and proper storage area.

An exterior design aesthetic being complementary to the house was a priority from the initial steps in the garage design. As noted in the project plans, a forward-facing gable is featured to emulate the forward-facing gable found on the existing house. As viewed from the street, passers-by could recognize the implied symmetry created by the two structures. Coupled with the exterior cladding design, the architectural approach complements the property.

Designing the garage wide enough to fit two cars would allow the homeowner to have a garage that is consistent, in size, to multiple other car garages found on Woods Rd. Considering the width of the structure and the planned roof pitch, the highest point of the roof is approximately 19'-9" from the garage floor. The median building height above the garage floor is 14'-1-1/2". Other rooflines were explored, but rooflines that lowered the garage peak were found to not be consistent with the character and aesthetic sought to fit the property and surround properties.

Regarding placement of the structure, the property is a relatively narrow property that features the existing driveway located within a few feet of the property boundary. The proposed location of the garage was chosen to offer reasonable and safe access to the garage from the existing driveway. Locating the garage in an area outside the side setback would require placing the structure behind the house in a location that could be deemed unreasonable due to existing grade and undesirable due to the associated property modifications that would be required to suffice.

The existing grade of the property also impacts the building height as viewed from the exterior. With the planned garage floor to be at an elevation similar to the driveway, the garage floor elevation will be approximately 5' above grade at the rear of the structure. Lowering the planned garage floor elevation to a level closer to its surrounding grade would likely cause storm run-off issues in the garage that would be a disservice to the homeowner.

These topography hardships are naturally occurring, and have not been created by the homeowner. This garage design does not add nor alter access to the property from Woods Rd nor does it change or extend any public services or facilities. No businesses are to be operated

from the garage, and the existence of the garage, upon completion of construction, shall bear no effect on the traffic or amount of visitors to Woods Rd

The designed garage is pleasing to the eye with high-quality weather-resistant materials that do not include plastic or PVC offerings. The designed garage would be deemed an aesthetic improvement over the existing accessory building (shed) it is replacing while satisfying the homeowners' storage goals and staying consistent with the character and type of development found on Woods Rd and throughout the zoning district.

Section 114-131.B.2

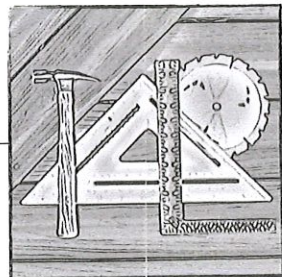
In residential zoning districts, accessory buildings used solely for residential purposes may be constructed within one of the side yards if:
[Amended 5-9-1984 by Ord. No. 724]

- (a) Entirely separated from the main building.
- (b) Located at least 10 feet farther back from the front building line than the rearmost portion of the main building.
- (c) Located no closer to the side property line than seven feet if constructed of wood frame or combustible material and no closer than four feet if constructed of masonry or noncombustible material.

(d) The building shall not exceed nine feet in height if it has a flat roof, 12 feet in height if it has a slope roof or one story, whichever is less. The height of the building shall be defined as in § 114-21 of the Springfield Township Code.

*The building height on this proposed building is 15 feet, eight inches. Refer to Sheet A.03

Kerr Garage

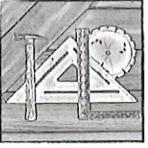


CLIENT
Brad and Tara Kerr

PROJECT
Kerr Garage

DRAWN BY
AL

ISSUE
April 28, 2021



HILLCREST CONSTRUCTION
 150 Hillcrest Ave
 Phoenixville, PA 19460

CLIENT
 Brad and Tara Kerr
 307 Woods Rd
 Glenside, PA 19038

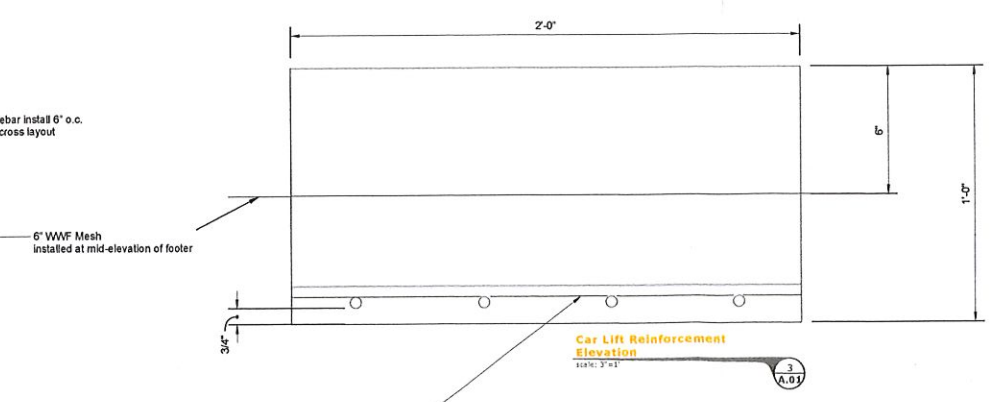
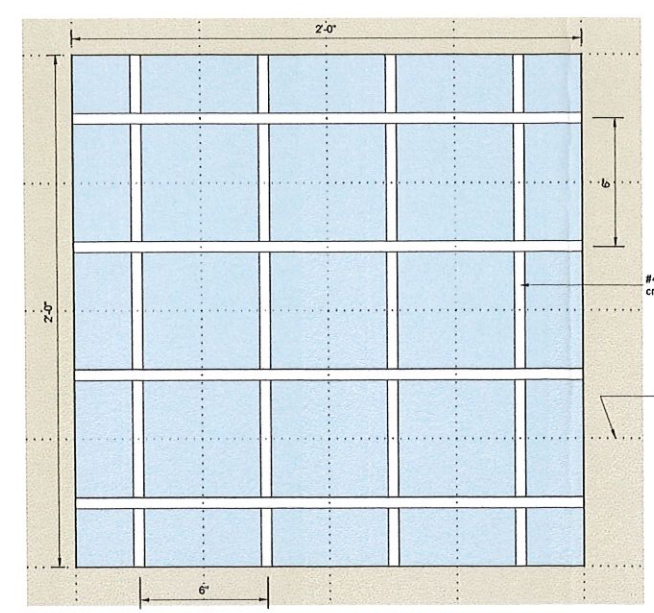
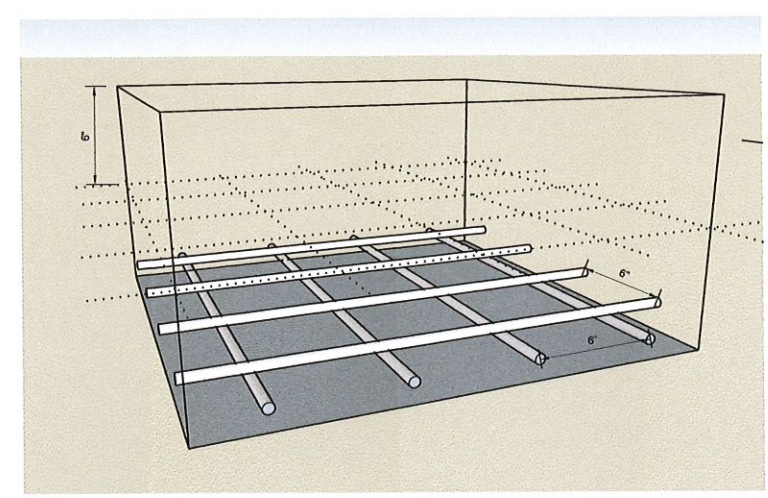
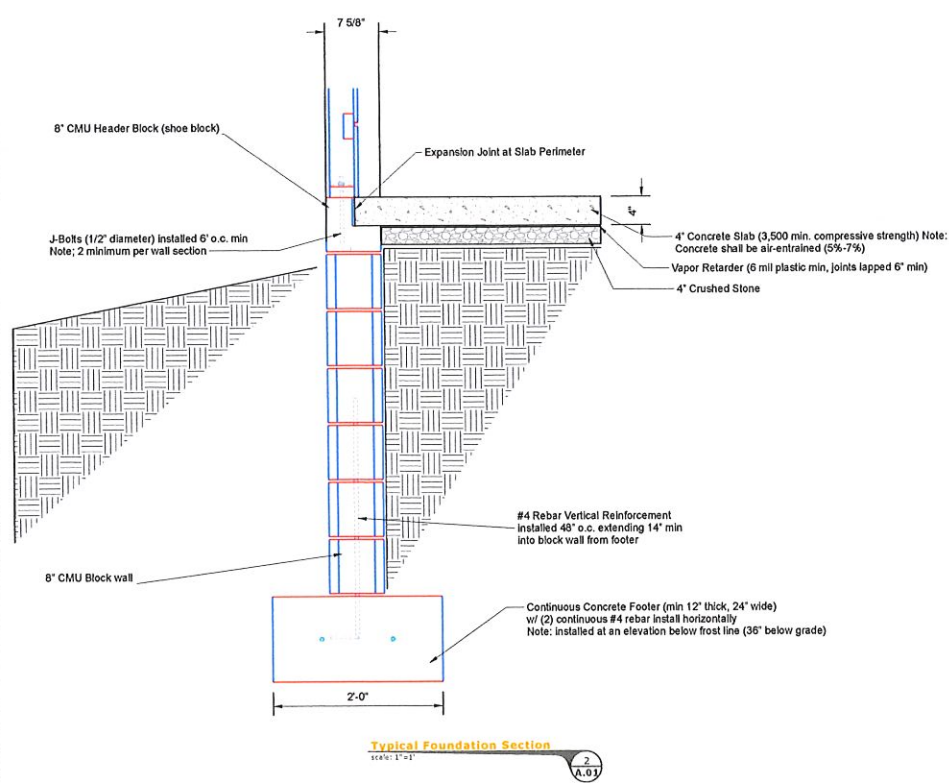
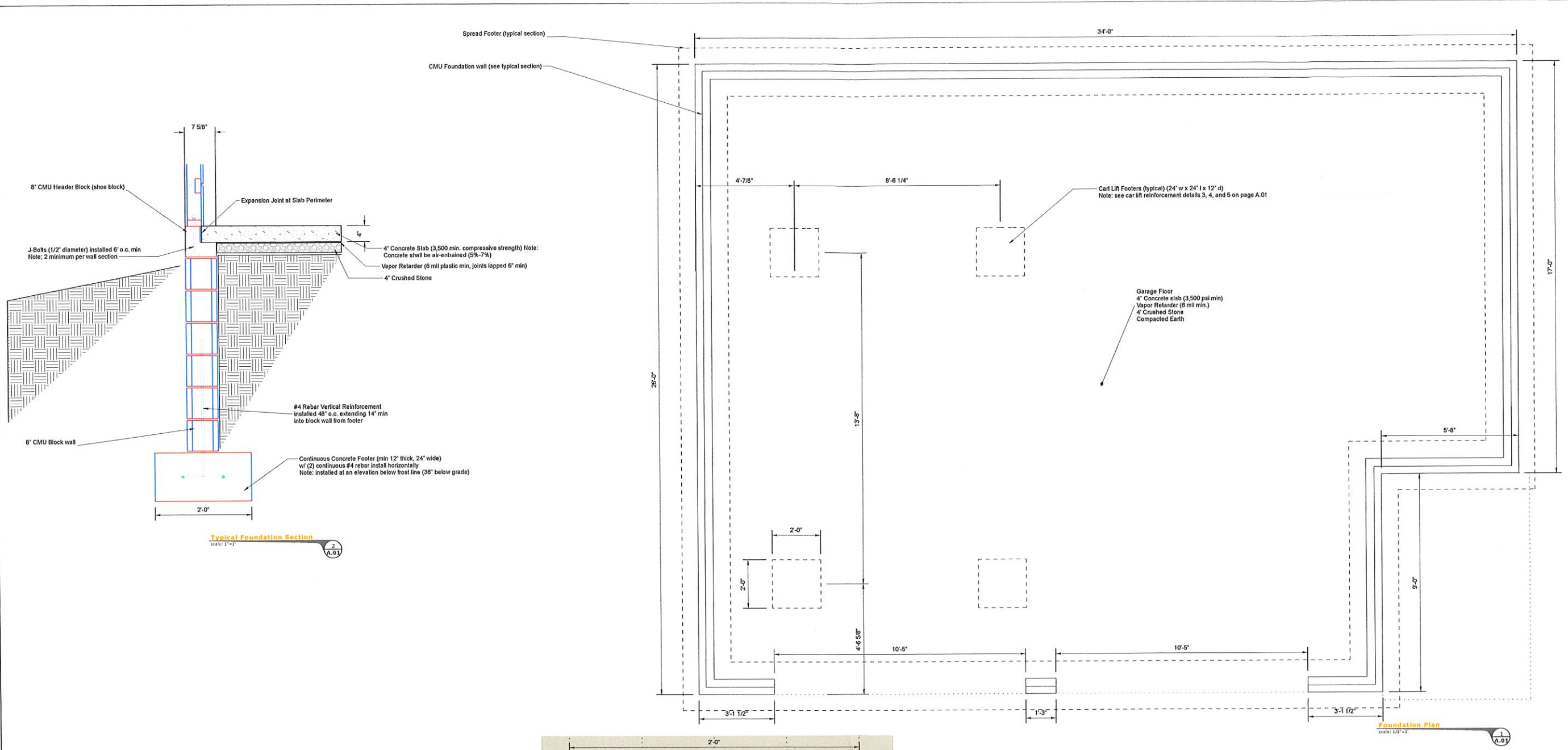
PROJECT
 Kerr Garage

ISSUE
 April 28, 2021

DRAWN BY
 AL

Foundation

A.01

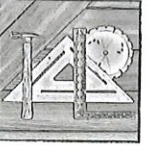


Car Lift Reinforcement Rendering
 scale: 1"=1'
 5
 A.01

Car Lift Reinforcement Plan View
 scale: 3/4"=1'
 4
 A.01

Car Lift Reinforcement Elevation
 scale: 3/4"=1'
 3
 A.01

Foundation Plan
 scale: 1/2"=1'
 1
 A.01



HILLCREST CONSTRUCTION
 150 Hillcrest Ave
 Phoenixville, PA 19460

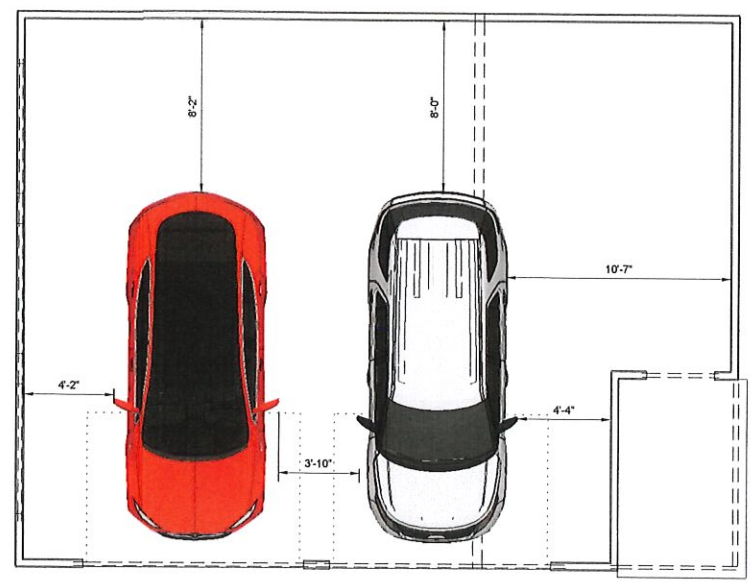
CLIENT
 Brad and Tara Kerr
 307 Woods Rd
 Glenside, PA 19038

PROJECT
 Kerr Garage

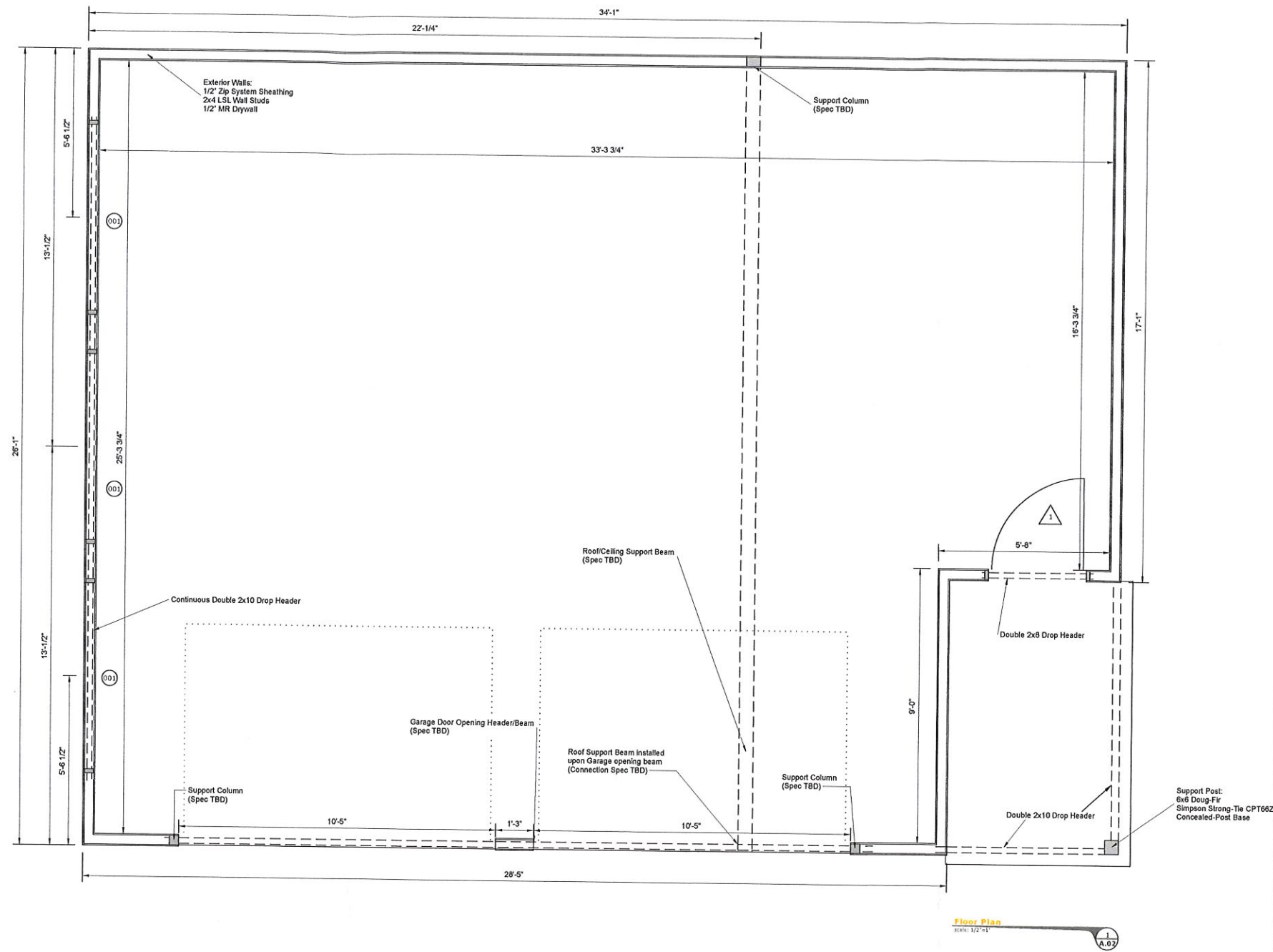
ISSUE
 April 26, 2021

DRAWN BY
 AL

Floor Plan



Vehicle Clearances Detail
 SCALE: 1/4"=1'-0"
 2
 A.02



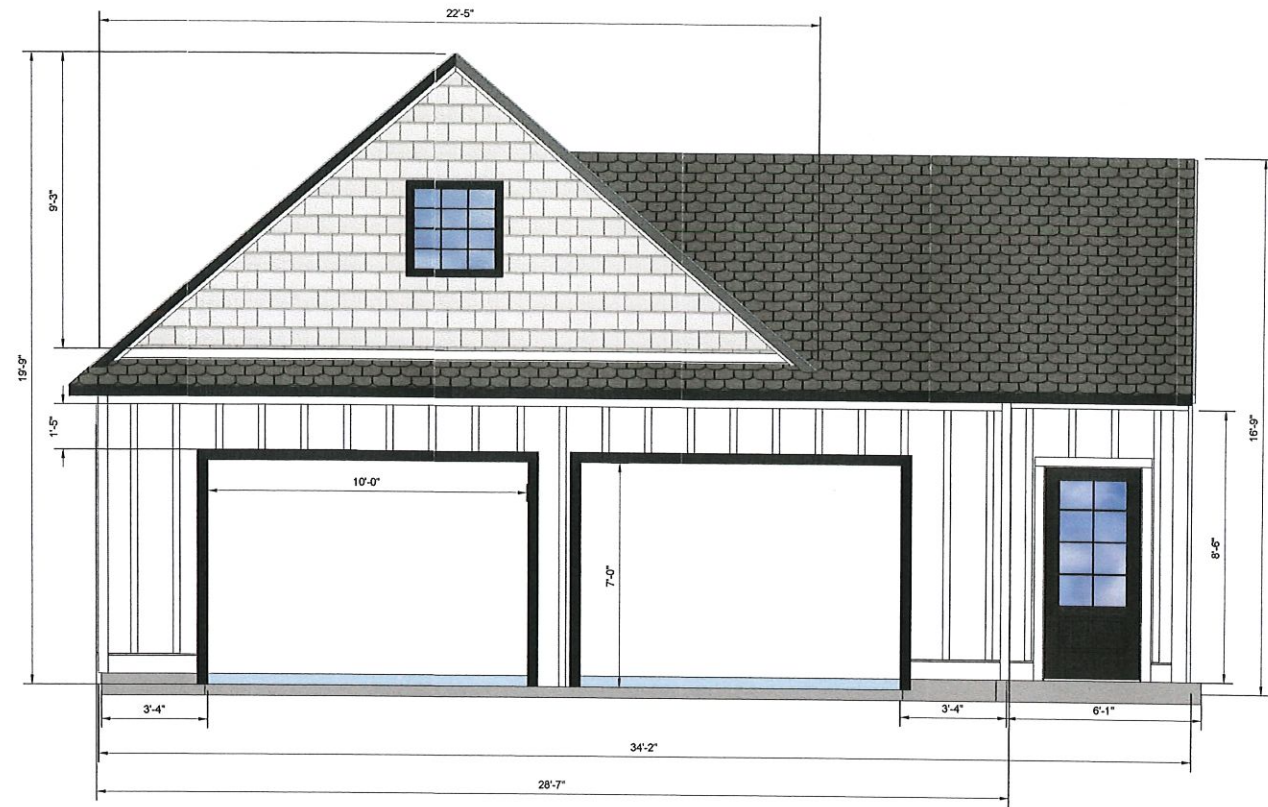
Floor Plan
 SCALE: 1/2"=1'-0"
 1
 A.02

Window Schedule

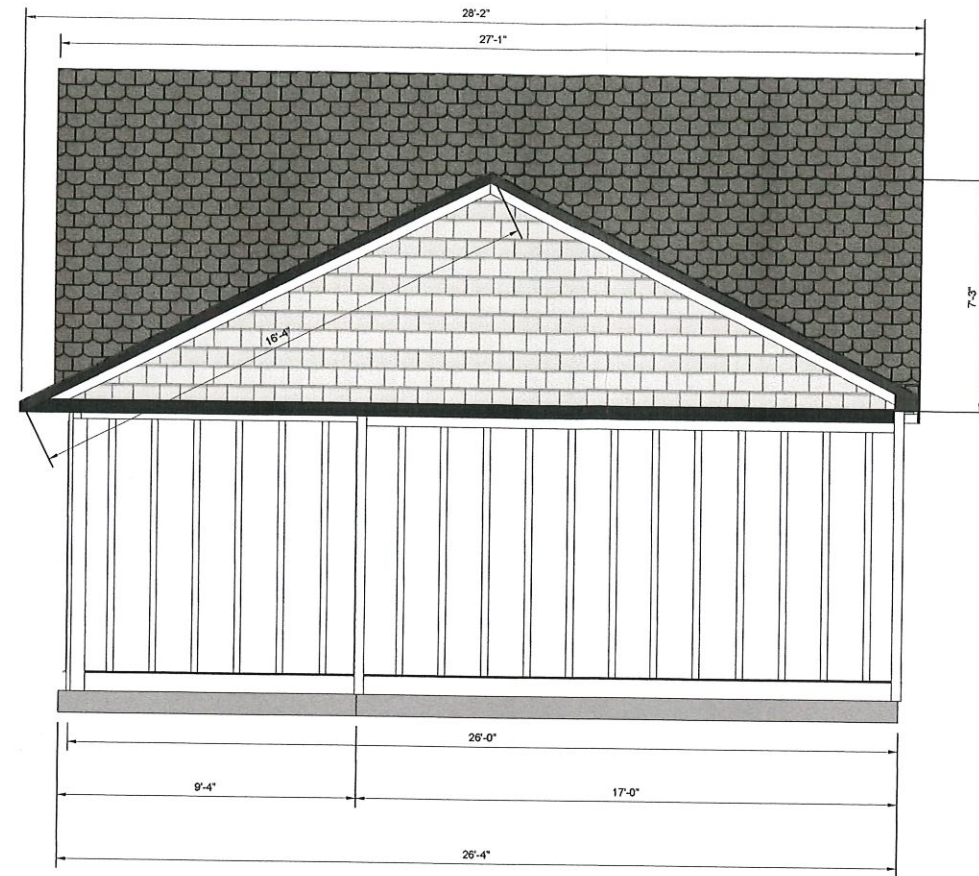
Window	Style	Frame Width	Frame Height	RO
001	Fixed Transom	71"	19"	72" x 20"
02	Fixed Square	35"	35"	36" x 36"

Door Schedule

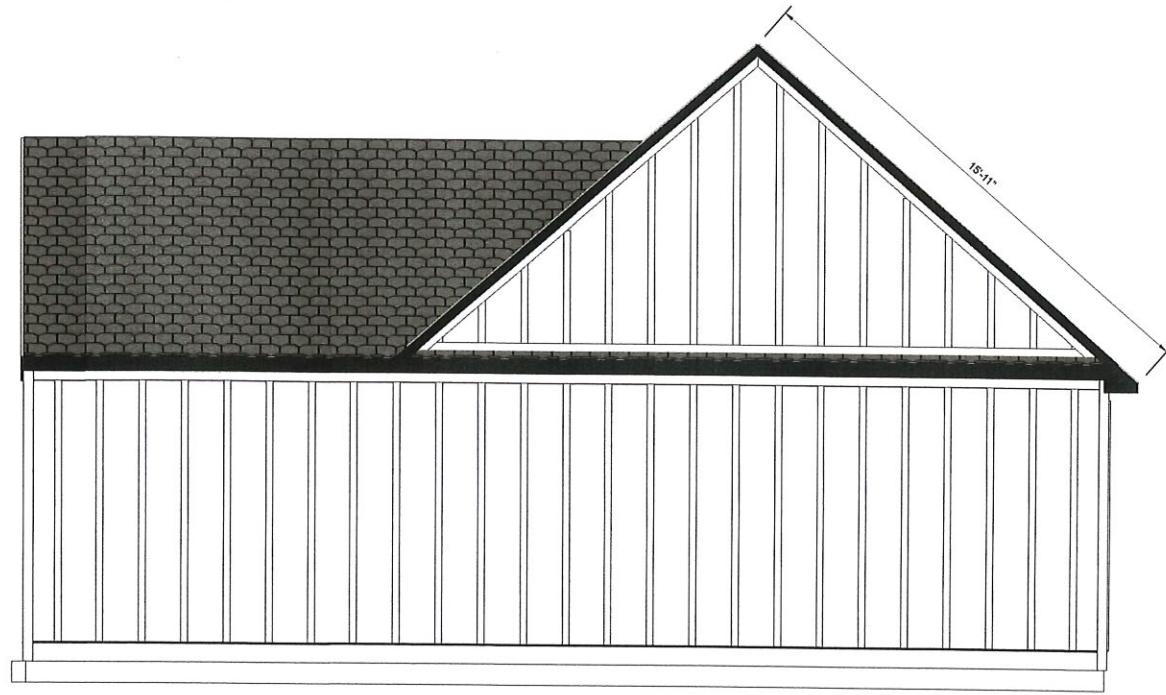
Door	Style	Door Width	Door Height	RO
1	3/4 Lite Fiberglass	36"	80"	38.5' x 82.5'



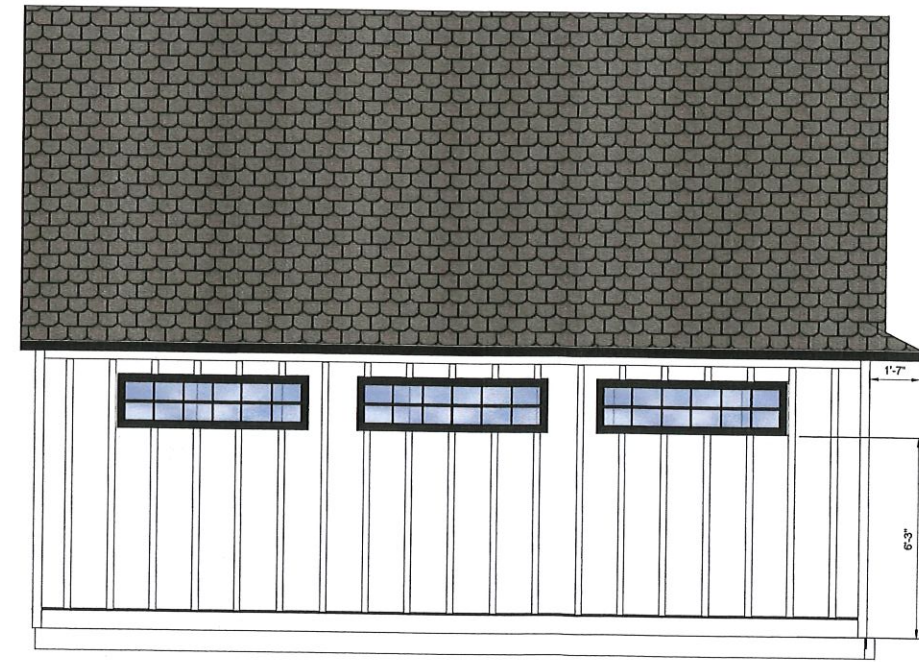
1
Front Elevation
Scale: 3/8"=1'
A.03



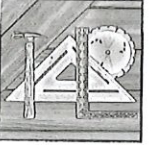
2
Right Elevation
Scale: 3/8"=1'
A.03



4
Rear Elevation
Scale: 3/8"=1'
A.03



3
Left Elevation
Scale: 3/8"=1'
A.03



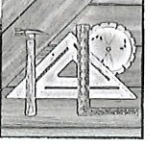
HILLCREST CONSTRUCTION
150 Hillcrest Ave
Phoenixville, PA 19460

CLIENT
Brad and Tara Kerr
307 Woods Rd
Glenside, PA 19038

PROJECT
Kerr Garage

ISSUE
April 28, 2021
DRAWN BY
AL

Exterior Elevations

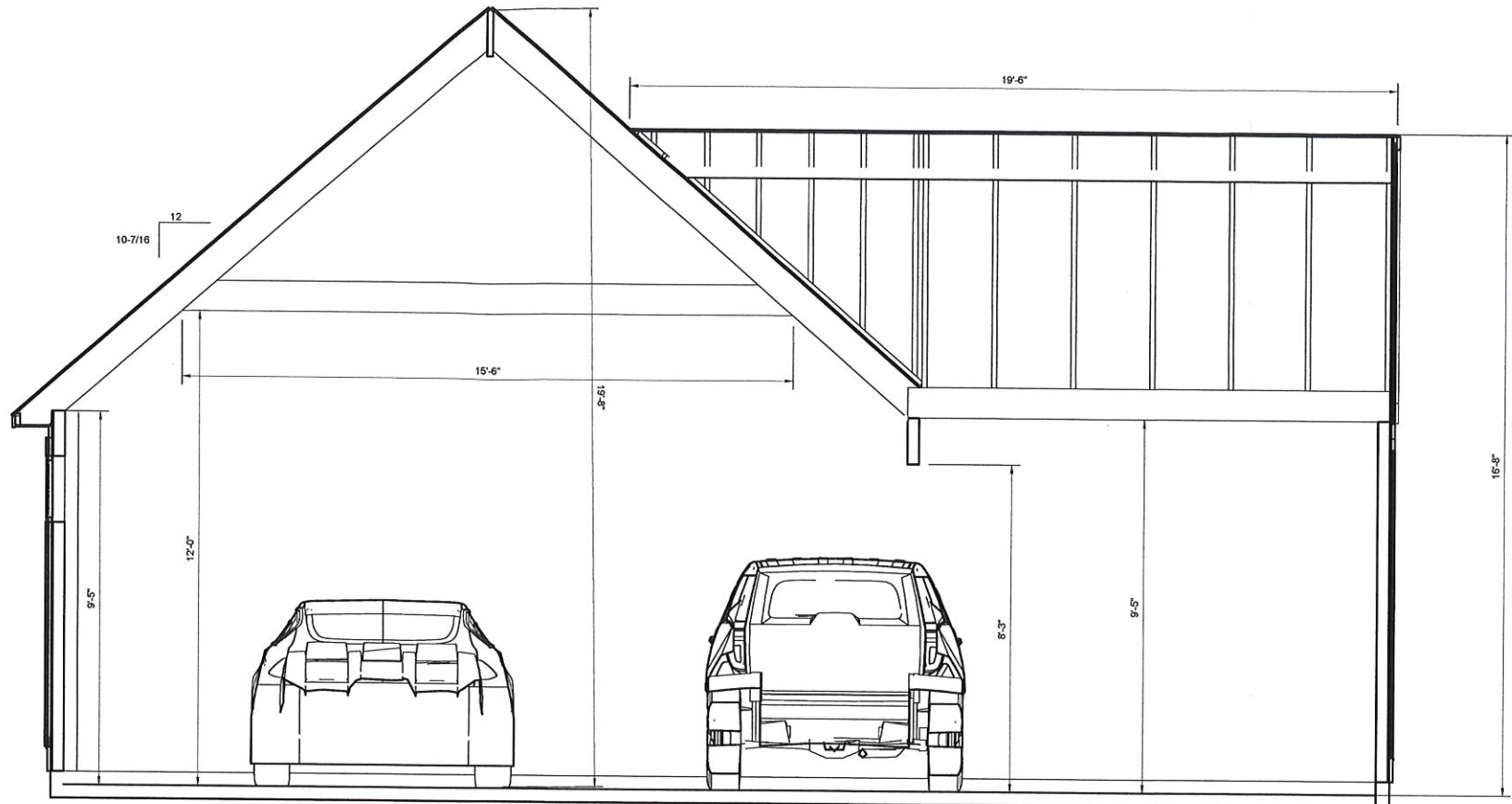


HILLCREST CONSTRUCTION
150 Hillcrest Ave
Phoenixville, PA 19460

CLIENT
Brad and Tara Kerr
307 Woods Rd
Glenside, PA 19038

PROJECT
Kerr Garage

ISSUE
April 28, 2021
DRAWN BY
AL



Cut-Thru Section
1/4" = 1'-0"

Sections

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY
1510 PAPER MILL ROAD
WYNDMOOR, PA 19038

NO. 21-11

DATE: 4/30/2021

PETITION

SPRINGFIELD TOWNSHIP ZONING HEARING BOARD

We Edward & Eliabeth Nescio

(Name of Applicant)

Of (Address) 818 Glendalough Road, Erdenheim, PA 19038

(Telephone No.) 267-246-6904

do hereby make application before the Springfield Township Zoning Hearing Board to request:

 An **appeal** from the decision of the Zoning/Building Official.

 A **special exception** as provided for in Article , Section ,
Subsection , of the Springfield Township Zoning Code.

 X A **variance** from the requirements set forth in Article 114, Section 131,
Subsection C (2), of the Springfield Township Zoning Code.

 Other (please specify)

The property concerned is located at 818 Glendalough Road, Erdenheim, PA 19038

Petitioner's Interest in the property is Property Owner

Present use of property Primary Residence

Springfield Township
Montgomery County
Received

APR 30 2021

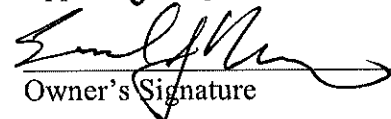
Community Development
Department

Explanation of Petition: Variance and Special Exception Requests must meet the statutory guidelines Outlined in Section 114-165 of the Township Zoning Code. The following explanation should indicate Compliance with those guidelines.

We are requesting a dimensional variance from Section 114-131.C. (2) to allow for the placement of a shed within my rear yard that will be 3 feet from the side property line & 4 feet from the rear property line. We have a small rear yard & with 3 young children we would like them outside as much as possible. A shed 7 feet from the property lines takes up valuable playing space. Our rear yard is our primary playing space with no sidewalks in the neighborhood. See attached for additional information.

APPLICANT NOTE: Petition must be accompanied by eight (8) sets of scaled drawings or plans, Application Fee and a copy of the property deed.


Applicant's Signature


Owner's Signature

*\$5000
check #501 #666
CASE #Z1-11*

Do not write in this space.

Petition granted.

Petition refused.

The following special conditions are imposed.

By Order of the Zoning Hearing Board



**TOWNSHIP OF SPRINGFIELD
COMMUNITY DEVELOPMENT
ZONING INFORMATION AND FEE SCHEDULE**

**NOTICE TO APPLICANTS WHO WISH TO APPEAR BEFORE
THE ZONING HEARING BOARD OF SPRINGFIELD TOWNSHIP**

Application Procedures

Applicants must complete the standard Petition form **TYPED** and signed in **TRIPLICATE** and file same with the Zoning Officer by the **last day** of the month preceding the public hearing date. The Zoning Board Hearings are normally held on the **fourth Monday** of each month with the exception of a chosen

summer month.

Applications **must** be accompanied by eight (**8**) copies of **scaled** drawings including sketches, or drawings indicating lot lines, building dimensions, yard distances, and any other illustrative data relating to the Petition. Pertinent photographs and letters from immediate neighbors are also helpful for the record but need not be filed unless required by the Zoning Hearing Board.

A copy of the property deed must accompany all applications. **No applications will be accepted without the deed.**

An explanation of the Petition must be provided with specific details on the nature of the Petition, relief being requested, pertinent code sections, lot and setback criteria, etc.

In order for the Zoning Board to grant a special exception and/or variance request, the statutory guidelines outlined in Section 114-165 of the Township Zoning Code must be met. The explanation of the petition should indicate compliance with those guidelines. It is the applicant's responsibility to provide all necessary information pertaining to the petition.

It is required that the Applicant, or in the case of an organization to have one of its corporate officers, be present to testify at the hearing. Applicants have the right to be represented by an attorney.

Petitions are listed on the Zoning Hearing Board Agenda in the date order in which they are received.

In accordance with the **Pennsylvania Municipalities Planning Code, Act 247, Section 908**, it will be necessary for Springfield Township to post notice of this Hearing. Such posting is to be conspicuously displayed on the affected tract of land or building.

Filing Fees and Costs

Each applicant must pay the requisite application fee when filing a Petition to the Zoning Hearing Board:

1. A filing fee of **\$500.00** shall be required with respect to any Petition dealing exclusively with single or two-family residential property and the residential use, including accessory use thereof. Such a Petition may involve an appeal from a decision of the Zoning Officer, an application for a Special Exception, and/or a Variance or any other appeal the Board is empowered to hear.
2. A filing fee of **\$1,200.00** shall be required with respect to any petition to the Zoning Hearing Board for any matter dealing with non-residential property or the non-residential use thereof, and/or multi-family use.
3. A continuance fee equal to 50% of the application fee will be charged for each continuance that is requested by the applicant.

Filing fees are applied to clerical, advertising, mailing, administrative, legal and stenographic costs associated with the Hearing and are not refundable to Applicant. The filing fee has been established to pay the costs associated with one hearing. In those instances where hearings are continued and the original filing fee and/or continuance fee does not cover the additional costs incurred by the Township, the costs will be assessed upon the Applicant.

Should a written record, including a stenographic transcript, of the proceedings before the Zoning Hearing Board, be appropriate or required, the Applicant or the Appellant, as the case may be, will be billed and required to pay for the costs of preparing such a written record. In such a case there shall not be any credit granted to anyone as a result of the filing fee initially paid.

The Zoning Hearing Board may deem it appropriate to have a stenographic transcript of the proceedings in any matter before it in order that a decision and opinion may be made. In such a case the cost thereof shall be borne initially by the Applicant and thereafter by the Appellant, upon appeal as a part of the cost of the entire written record of the proceedings.

I have read the Application Procedure and the Schedule of Filing Fees and Costs and agree to be bound by the provisions thereof.

Edward J. Nescio

Printed Name of Applicant

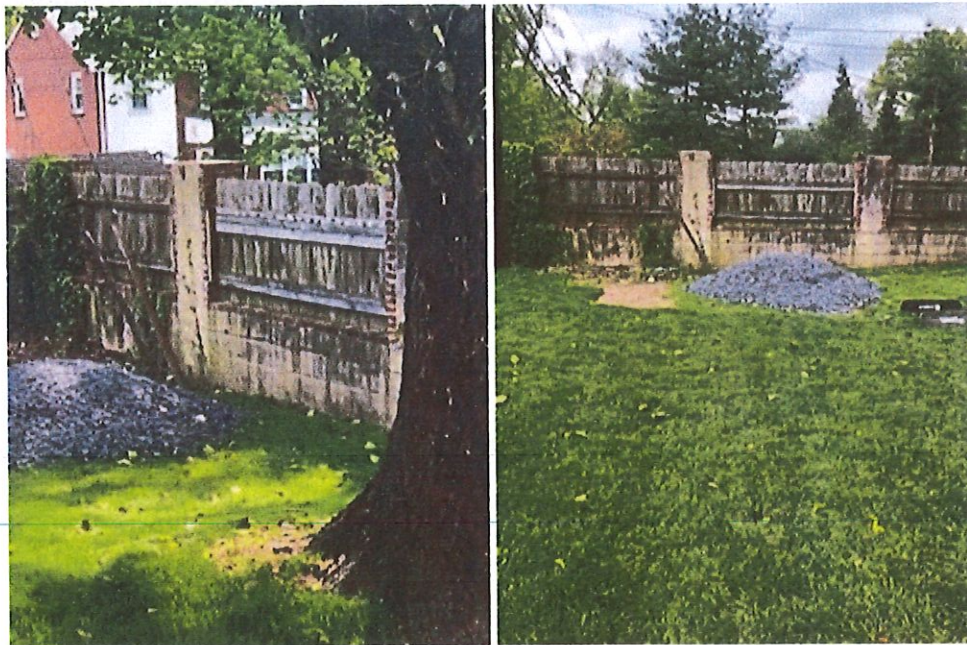
Edward J. Nescio 4/30/21

Applicant's Signature and Date

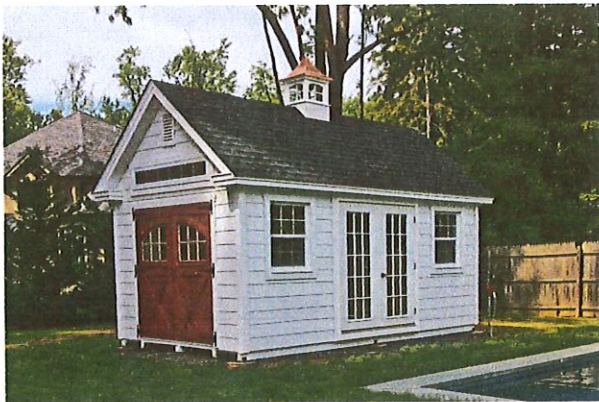
We are also trying to cover up an unfinished cinder block wall fence that belongs to our neighbors. While their side is covered in brick, our side is unfinished, and the cinder block is exposed. Being able to slide the shed back a little further would help up cover the unfinished part.

We would like a variance to put the shed 3 feet from the side property line and 4 feet from the back property line.

Area we would like to put shed



Shed we based our design off the we want to put in

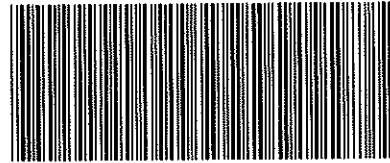




RECORDER OF DEEDS
MONTGOMERY COUNTY
Jeanne Sorg

One Montgomery Plaza
Swede and Airy Streets ~ Suite 303
P.O. Box 311 ~ Norristown, PA 19404
Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 6212 PG 00363 to 00367
INSTRUMENT # : 2021012181
RECORDED DATE: 02/02/2021 06:25:29 AM



5885297-0020\$

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed
Document Date: 12/31/2020
Reference Info:

Transaction #: 6232613 - 2 Doc(s)
Document Page Count: 4
Operator Id: JSorg

RETURN TO: (Simplifile)
First Platinum Abstract, LLC
2416 Bristol Road
Bensalem, PA 19020
(215) 741-2000

PAID BY:
FIRST PLATINUM ABSTRACT LLC

*** PROPERTY DATA:**

Parcel ID #: 52-00-07207-00-4
Address: 818 GLENDALOUGH RD

ERDENHEIM PA
19038
Municipality: Springfield Township (100%)
School District: Springfield

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$537,000.00
TAXABLE AMOUNT: \$537,000.00

DEED BK 6212 PG 00363 to 00367
Recorded Date: 02/02/2021 06:25:29 AM

FEES / TAXES:

Recording Fee:Deed	\$86.75
State RTT	\$5,370.00
Springfield Township RTT	\$2,685.00
Springfield School District RTT	\$2,685.00
Total:	\$10,826.75

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



Jeanne Sorg
Recorder of Deeds

Rev1 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION

Prepared by and Return to:
First Platinum Abstract, LLC
2416 Bristol Road
Bensalem, PA 19020
215-741-2000

File No. 24969-FPA
UPI # 52-00-07207-00-4

This Indenture, made the 31st day of December, 2020,

Between

DANIEL BERNARD KANE

(hereinafter called the Grantor), of the one part, and

EDWARD NESCIIO AND ELIZABETH NESCIIO

(hereinafter called the Grantees), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of **Five Hundred Thirty-Seven Thousand And 00/100 Dollars (\$537,000.00)** lawful money of the United States of America, unto him well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantees, as tenants by the entirety

ALL THAT CERTAIN lot or piece of ground with the buildings, and improvements thereon erected, Situate in the Township of Springfield, County of Montgomery and Commonwealth of Pennsylvania, described according to a survey or plan thereof made on October 18, 1939, by Barton and Martin, Engineers of Philadelphia, which plan is entitled "Chesney Downs", and duly recorded at Norristown, in the Office of the Recording of Deeds, in Deed Book No. 1087, Page 600 as follows, to wit:

BEGINNING at a point on the Northeasterly side of Glendalough Road (50 feet wide) at the distance of 36.73 feet measured Southeastwardly along the Northeasterly side of Glendalough Road, on a line curving to the left with a radius of 1,347.86 feet from another point, which last mentioned point is measured South 19 degrees, 03 minutes 30 seconds East 172.36 feet along the Northeasterly side of Glendalough Road from the point of intersection formed by the Northeasterly side of Glendalough Road with the Southeasterly side of Chesney Lane (50 feet wide); thence extending Southeastwardly along the Northeasterly side of Glendalough Road on a line curving to the left with a radius of 1,347.86 feet the arc distance of 67.05 feet to a point; thence extending North 66 degrees 31 minutes 48 seconds East 130.00 feet to a point; thence extending Northwestwardly on a line curving to the right with a radius of 1,217.86 feet the arc distance of 60.58 feet to a point; thence extending South 69 degrees 22 minutes 49

seconds West 130 feet to the Northeasterly side of Glendalough Road, and the first mentioned point and place of beginning.

BEING Lot No. 4, Block "E" on said plan.

PARCEL NO. 52-00-07207-00-4

BEING the same premises which Estate of Charles K. Ferguson, deceased, by Eric Ferguson, Administrator, by Deed dated 08/23/2018 and recorded 08/30/2018 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 6105, Page 92, granted and conveyed unto Daniel Bernard Kane.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of him, the said grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.

And the said Grantor, for himself and his heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that he, the said Grantor, and his heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against him, the said Grantor, and his heirs, will **WARRANT SPECIALLY** and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, the party of the first part has hereunto set his hand and seal. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

_____ {SEAL}
Daniel Bernard Kane

Commonwealth of Pennsylvania }
County of Bucks } ss

This record was acknowledged before me on December 31, 2020 by Daniel Bernard Kane.

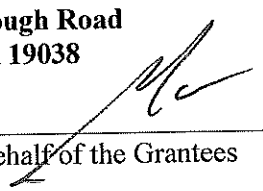


Notary Public

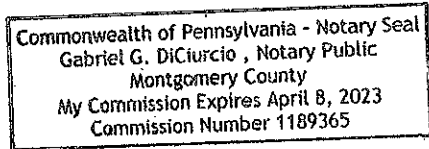
My commission expires _____

The precise residence and the complete post office address of the above-named Grantees is:

**818 Glendalough Road
Glenside, PA 19038**



On behalf of the Grantees



File No. **24969-FPA**

Record and return to:
**First Platinum Abstract, LLC
2416 Bristol Road
Bensalem, PA 19020**

Deed

UPI # 52-00-07207-00-4

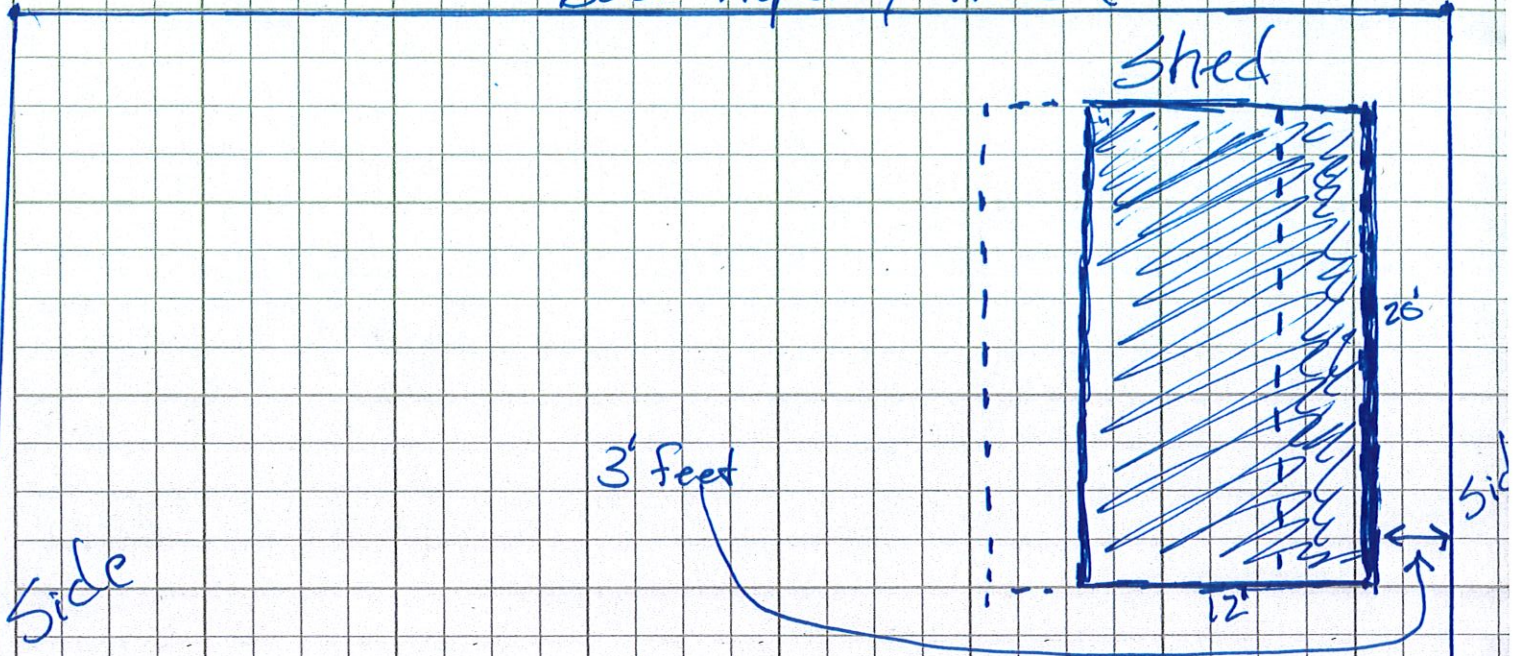
Daniel Bernard Kane

TO

Edward Nescio and Elizabeth Nescio

First Platinum Abstract, LLC
2416 Bristol Road
Bensalem, PA 19020
Telephone: 215-741-2000 Fax: 215-741-1440

Back Property line (60 feet)

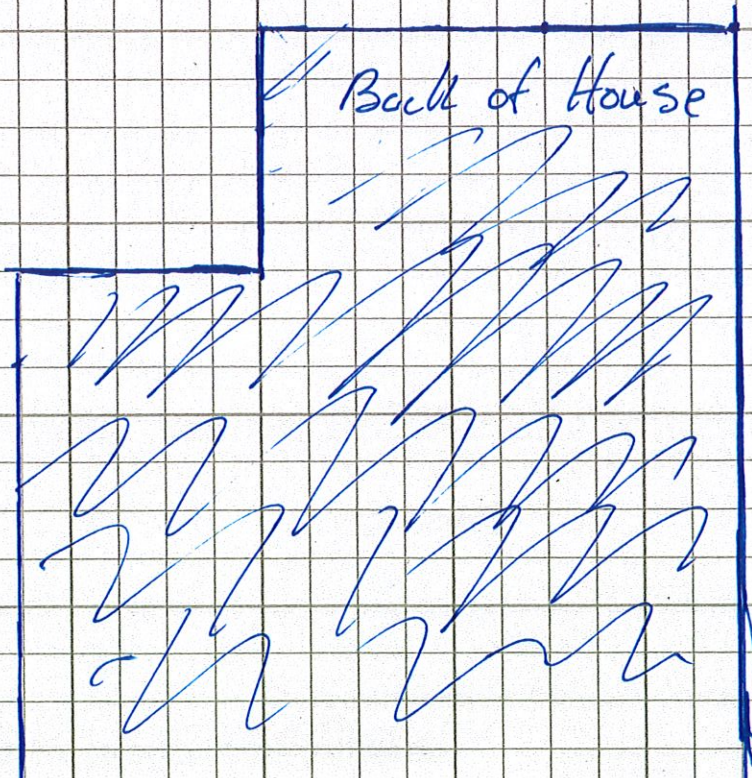


Each Box ~~is~~ 2 by 2 or 4 Square feet

--- = Shed by code

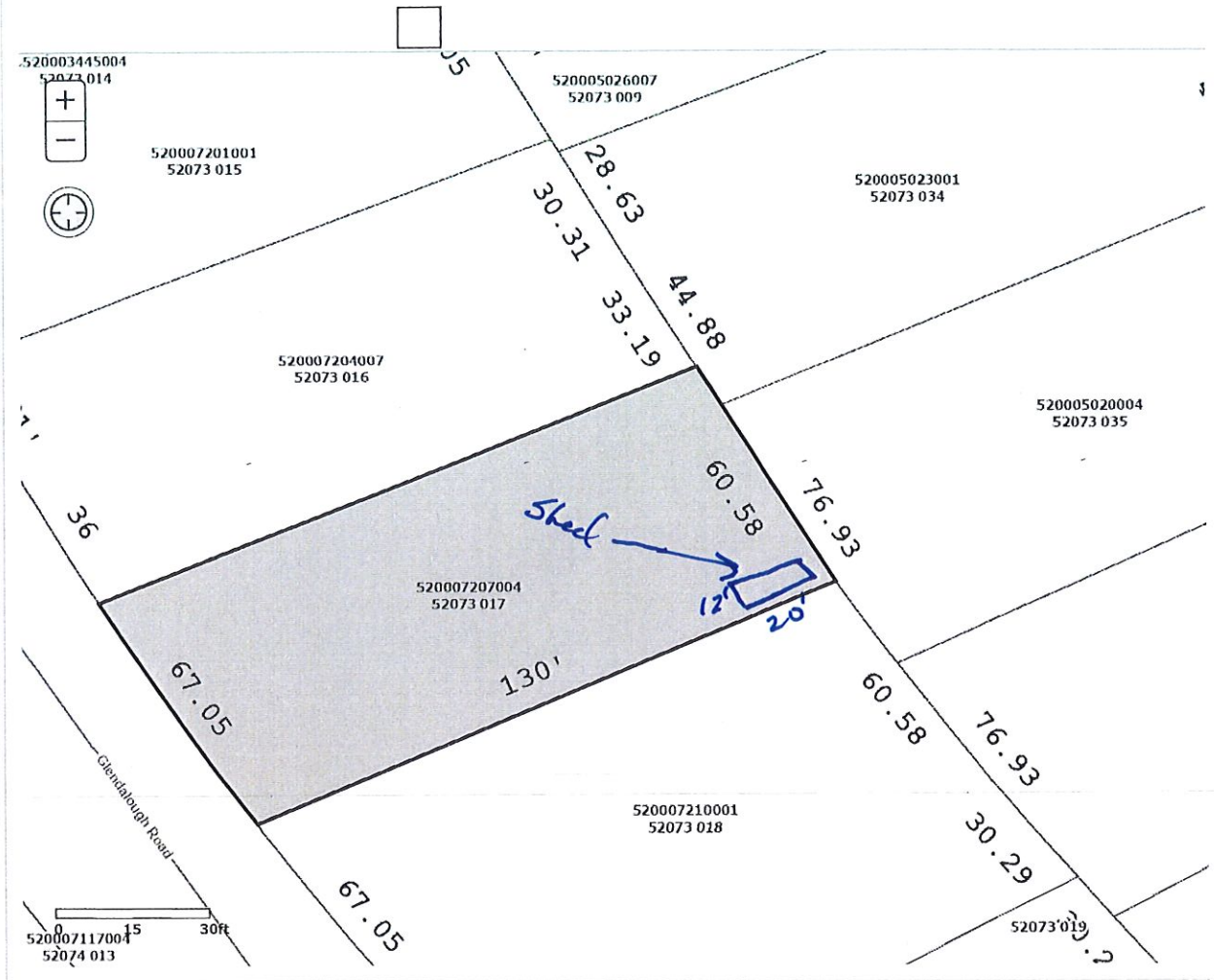
— = Requested Variance for Shed

Shed is 20 by 12



- Profile
- Accessory Structures
- Assessment Breakdown
- Assessment History
- Commercial
- Lot
- Map
- Permits
- Photos
- Residential
- Sales
- Sketch
- Splits and Combinations

PARID: 520007207004
 NESCIO EDWARD & ELIZABETH



- Profile
- Accessory Structures
- Assessment Breakdown
- Assessment History
- Commercial
- Lot
- Map**
- Permits
- Photos
- Residential
- Sales
- Sketch
- Splits and Combinations

PARID: 520007207004
 NESCIO EDWARD & ELIZABETH



PARID: 520007207004
NESCIO EDWARD & ELIZABETH

818 GLENDALOUGH RD

Parcel

TaxMapID	52073 017
Parid	52-00-07207-00-4
Land Use Code	1101
Land Use Description	R - SINGLE FAMILY
Property Location	818 GLENDALOUGH RD
Lot #	
Lot Size	8710 SF
Front Feet	67
Municipality	SPRINGFIELD
School District	SPRINGFIELD TWP
Utilities	ALL PUBLIC//

Owner

Name(s)	NESCIO EDWARD & ELIZABETH
Name(s)	
Mailing Address	818 GLENDALOUGH RD
Care Of	
Mailing Address	
Mailing Address	GLENSIDE PA 19038

Current Assessment

Appraised Value	Assessed Value	Restrict Code
166,370	166,370	

Estimated Taxes

County	604
Montco Community College	65
Municipality	751
School District	5,735
Total	7,155
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	31-DEC-20
Sale Price	\$537,000
Tax Stamps	5370
Deed Book and Page	6212-00363
Grantor	KANE DANIEL BERNARD
Grantee	NESCIO EDWARD & ELIZABETH
Date Recorded	02-FEB-21

Section 114-131.B (2) Side yards.

(1) No building and no part of a building shall be erected within or shall project into the required side yard, except:

(a) Cornices, eaves, gutters or chimneys projecting not more than 18 inches.

(b) Steps.

[Amended 11-10-1993 by Ord. No. 797]

(2) In residential zoning districts, accessory buildings used solely for residential purposes may be constructed within one of the side yards if:

[Amended 5-9-1984 by Ord. No. 724]

(a) Entirely separated from the main building.

(b) Located at least 10 feet farther back from the front building line than the rearmost portion of the main building.

(c) Located no closer to the side property line than seven feet if constructed of wood frame or combustible material and no closer than four feet if constructed of masonry or noncombustible material.

(d) The building shall not exceed nine feet in height if it has a flat roof, 12 feet in height if it has a slope roof or one story, whichever is less. The height of the building shall be defined as in § 114-21 of the Springfield Township Code.

Section 114-131.C (2)

In residential zoning districts, accessory buildings used solely for residential purposes may be constructed within the required rear yard if:
[Amended 5-9-1984 by Ord. No. 724]

- (a)** Entirely separated from the main building.
- (b)** Located at least 10 feet farther back from the front building line than the rearmost portion of the main building.
- (c)** Located no closer to the rear property line than seven feet if constructed of wood frame or combustible material and no closer than four feet if constructed of masonry or noncombustible material.
- (d)** The building shall not exceed nine feet in height if it has a flat roof, 12 feet in height if it has a slope roof or one story, whichever is less. The height of the building shall be defined as in § **114-21** of the Springfield Township Code.

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY
1510 PAPER MILL ROAD
WYNDMOOR, PA 19038

NO. 21-08

DATE: 4/9/2021

PETITION

SPRINGFIELD TOWNSHIP ZONING HEARING BOARD

We Arthur Morton
(Name of Applicant)

Of (Address) c/o Ameer S. Farrell, Esquire, 910 Harvest Drive, Blue Bell, PA 19422

(Telephone No.) (610) 941-2547

do hereby make application before the Springfield Township Zoning Hearing Board to request:

An **appeal** from the decision of the Zoning/Building Official.

A **special exception** as provided for in Article _____, Section _____, Subsection _____, of the Springfield Township Zoning Code.

A **variance** from the requirements set forth in Article _____, Section _____, Subsection _____, of the Springfield Township Zoning Code.

Other (please specify) A reasonable accommodation under the Fair Housing Act to allow a sober living residence as described in the attached Addendum.

The property concerned is located at 7914 Cheltenham Avenue, Wyndmoor, PA 19038

Petitioner's Interest in the property is Owner

Present use of property Single-Family Residence

Springfield Township
Montgomery County
Received

APR 9 2021

Community Development
Department

Explanation of Petition: Variance and Special Exception Requests must meet the statutory guidelines Outlined in Section 114-165 of the Township Zoning Code. The following explanation should indicate Compliance with those guidelines.

See attached Addendum

APPLICANT NOTE: Petition must be accompanied by eight (8) sets of scaled drawings or plans, Application Fee and a copy of the property deed.

Springfield Township
Montgomery County
Received


APR 9 2021

Community Development
Department

21-08
Check # 22270
\$500.00



Applicant's Signature



Owner's Signature
By: Anee S. Farrell, Esquire
Attorney for Applicant/Owner

Do not write in this space.

Petition granted.

Petition refused.

The following special conditions are imposed.

By Order of the Zoning Hearing Board

**TOWNSHIP OF SPRINGFIELD
COMMUNITY DEVELOPMENT
ZONING INFORMATION AND FEE SCHEDULE**

**NOTICE TO APPLICANTS WHO WISH TO APPEAR BEFORE
THE ZONING HEARING BOARD OF SPRINGFIELD TOWNSHIP**

Application Procedures

Applicants must complete the standard Petition form **TYPED** and signed in **TRIPPLICATE** and file same with the Zoning Officer by the **last day** of the month preceding the public hearing date. The Zoning Board Hearings are normally held on the **fourth Monday** of each month with the exception of a chosen

summer month.

Applications **must** be accompanied by eight (8) copies of **scaled** drawings including sketches, or drawings indicating lot lines, building dimensions, yard distances, and any other illustrative data relating to the Petition. Pertinent photographs and letters from immediate neighbors are also helpful for the record but need not be filed unless required by the Zoning Hearing Board.

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An explanation of the Petition must be provided with specific details on the nature of the Petition, relief being requested, pertinent code sections, lot and setback criteria, etc.

In order for the Zoning Board to grant a special exception and/or variance request, the statutory guidelines outlined in Section 114-165 of the Township Zoning Code must be met. The explanation of the petition should indicate compliance with those guidelines. It is the applicant's responsibility to provide all necessary information pertaining to the petition.

It is required that the Applicant, or in the case of an organization to have one of its corporate officers, be present to testify at the hearing. Applicants have the right to be represented by an attorney.

Petitions are listed on the Zoning Hearing Board Agenda in the date order in which they are received.

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Filing Fees and Costs

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1. A filing fee of \$500.00 shall be required with respect to any Petition dealing exclusively with single or two-family residential property and the residential use, including accessory use thereof. Such a Petition may involve an appeal from a decision of the Zoning Officer, an application for a Special Exception, and/or a Variance or any other appeal the Board is empowered to hear.
2. A filing fee of \$1,200.00 shall be required with respect to any petition to the Zoning Hearing Board for any matter dealing with non-residential property or the non-residential use thereof, and/or multi-family use.
3. A continuance fee equal to 50% of the application fee will be charged for each continuance that is requested by the applicant.

Filing fees are applied to clerical, advertising, mailing, administrative, legal and stenographic costs associated with the Hearing and are not refundable to Applicant. The filing fee has been established to pay the costs associated with one hearing. In those instances where hearings are continued and the original filing fee and/or continuance fee does not cover the additional costs incurred by the Township, the costs will be assessed upon the Applicant.

Should a written record, including a stenographic transcript, of the proceedings before the Zoning Hearing Board, be appropriate or required, the Applicant or the Appellant, as the case may be, will be billed and required to pay for the costs of preparing such a written record. In such a case there shall not be any credit granted to anyone as a result of the filing fee initially paid.

The Zoning Hearing Board may deem it appropriate to have a stenographic transcript of the proceedings in any matter before it in order that a decision and opinion may be made. In such a case the cost thereof shall be borne initially by the Applicant and thereafter by the Appellant, upon appeal as a part of the cost of the entire written record of the proceedings.

I have read the Application Procedure and the Schedule of Filing Fees and Costs and agree to be bound by the provisions thereof.

Amee S. Farrell, Esquire/Attorney for Applicant/Owner
Printed Name of Applicant


Applicant's Signature and Date

Date: 04/08/2021

**Amee S. Farrell, Esquire
Daniel P. Rowley, Esquire
Attorneys for Applicant
Union Meeting Corporate Center
910 Harvest Drive
Blue Bell, PA 19422
(610) 260-6000
afarrell@kaplaw.com
drowley@kaplaw.com
www.kaplaw.com**

**BEFORE THE ZONING HEARING BOARD OF THE
TOWNSHIP OF SPRINGFIELD, MONTGOMERY COUNTY, PENNSYLVANIA**

IN THE MATTER OF	:	PREMISES:
ARTHUR MORTON	:	7914 CHELTENHAM AVENUE
	:	WYNDMOOR, PA 19038
APPELLANT	:	

**ADDENDUM TO ZONING HEARING BOARD APPLICATION APPEALING
MARCH 11, 2021 ZONING OFFICER DETERMINATION**

Arthur Morton, the owner of the property located at 7914 Cheltenham Avenue in Wyndmoor, Pennsylvania, by and through his attorneys, Amee S. Farrell, Esquire and Daniel P. Rowley, Esquire, hereby files this application for an appeal of the Zoning Officer Determination, dated March 11, 2021, and in the alternative, seeks a reasonable accommodation under the Fair Housing Act, and in support thereof states:

1. **Name and Address of Appellant.** Appellant is Arthur Morton (“Appellant”), the owner of the property located at 7914 Cheltenham Avenue in Wyndmoor, PA (“Property”). A deed for the Property is attached hereto as Exhibit “A” and is incorporated herein.
2. **Property, Improvements, and Zoning.** The Property contains an approximately 6,483 s.f. (+/-) two-story detached residential building with a garage, driveway, and related

improvements. Per the Springfield Township (“**Township**”) Zoning Code (“**Code**”), the Property is located in the B Residence District (“**B Residence District**”) which permits, *inter alia*, single-family detached dwellings.

3. **Background.** On February 19, 2021, Appellant submitted a Use and Occupancy Registration Permit (“**U&O Application**”), which sought a use and occupancy permit for a sober living residence (“**Sober Living Residence**”). A copy of the U&O Application is attached hereto as **Exhibit “B”** and incorporated herein. The U&O Application explained that the residents of the Property will have all completed a detoxification program and, as a result, are in recovery. No treatment is proposed to occur at the Property. The Property is proposed to be occupied as a residence only, with the residents living as a family unit – sharing cooking, cleaning, etc. responsibilities.

On March 11, 2021, Springfield Township Planning Director Mark Penecale (“**Planning Director**”) issued a letter to Appellant denying the U&O Application and determining that: (i) in accordance with the Code, the Sober Living Residence “could qualify as a “Family” use at the Property location if the number of proposed individuals residing at the premises was limited to five (5)”; and (ii) the Sober Living Residence “appears to meet the definition of “Group Home” contained in the Township Zoning Ordinance (other than the number of residents proposed therein) and is not a use permitted” in the B Residential District (“**Zoning Officer Determination**”).

4. **Legal Argument.** The Code improperly limits the number of handicapped individuals permitted in a family in direct contravention of federal law. Accordingly, the Zoning

Officer Determination is based upon errors of law and/or an abuse of discretion and must be dismissed or a reasonable accommodation provided, to comply with federal law¹.

i. Prohibiting a Sober Living Residence in a Residential District is a Violation of Federal Law.

Congress amended the Fair Housing Act, 42 U.S.C. §3601, *et seq.* (“FHA”) in 1988 to extend the guarantee of fair housing to handicapped individuals, and further authorized the Secretary of the United States Department of Housing and Urban Development to promulgate regulations necessary to implement the FHA. 42 U.S.C. §3614a. As specifically defined under the FHA, and further clarified under promulgated Regulations, the term “handicap” includes any individual with a “physical or mental impairment which substantially limits one or more of such person’s major life activities...” and includes “alcoholism” and “drug addiction” other than caused by current, illegal use of a controlled substance. 42 U.S.C. §3602(h) (emphasis added); 24 C.F.R. §100.201. *See also, Easter Seals Society, Inc. v. North Bergen*, 798 F.Supp. 228, 233 (D.N.J. 1992) (holding FHA protections apply to recovering alcoholics and addicts who are in recovery, and accordingly, not currently using an illegal substance).

Under the FHA, it is unlawful to deny a dwelling to a buyer or renter because of a handicap of that buyer or renter or to discriminate against a handicapped person in the terms, conditions, or privileges of the sale or rental of a dwelling. 42 U.S.C. §3604(f)(1) and (2). Further, and perhaps most significantly for the purposes of this appeal, “a refusal to make reasonable accommodations...when such accommodations may be necessary to afford such person equal

¹ In the Zoning Officer Determination, the Planning Director references that the Sober Living Residence may meet the definition of a “group home” under Code. However, these comments are inapplicable to the proposed Sober Living Residence. The Code requirements for group homes include supervision requirements, medical and counseling services, and “supervised specialized service” requirements that are not applicable to single-family dwellings or the proposed Sober Living Residence. Code §114-21. To categorize handicapped individuals living as a single housekeeping unit as a “group home” because they are actively recovering from drug and/or alcohol addiction is *per se* discrimination under the FHA.

opportunity to use and enjoy a dwelling” is *per se* discrimination under the FHA. 42 U.S.C. §3604(f)(3(B)). Any restriction or attempt to restrict the choices of a handicapped person in an effort to discourage or obstruct choices in a community, neighborhood, or development, is a violation of the FHA. 24 C.F.R. §100.70(a).

The legislative history of the FHA amendments makes clear that Congress specifically sought to prohibit the application of local land use and zoning laws in any way that will limit access to housing by people with disabilities, stating in pertinent part:

The Act is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of such [handicapped] individuals to live in the residence of their choice in the community.

H. Rep. No. 100-711, at 24 (1988).

In the land use and zoning context, the standards and provisions of the FHA have consistently been interpreted to require that municipalities provide “equal opportunity” for handicapped individuals – including those in alcohol and drug addiction recovery – to afford them an opportunity to “...live in single-family neighborhoods, for that right serves to end the exclusion of handicapped individuals from the American mainstream.” *Lapid-Laurel v. Zoning Board of Adjustment*, 284 F.3d 442, 459-60 (3d Cir. 2002) (quoting *Smith & Lee Associates, Inc. v. City of Taylor*, 102 F.3d 781 (6th Cir. 1996)). See also, *McKivitz v. Township of Stowe*, 769 F.Supp. 2d 803, 825-26 (W.D. Pa. 2010); *Bryant Woods Inn, Inc. v. Howard County*, 911 F. Supp. 918, 946 (D. Md. 1996) (holding the FHA prohibits local municipalities from imposing or applying land use regulations in such a way as to exclude disabled individuals entirely from zoning districts, “particularly residential neighborhoods,” or to provide disabled residents with less opportunity to

live in certain neighborhoods than people without disabilities), *affirmed*, 124 F.3d 597 (4th Cir. 1997).

The Township Code and the Zoning Officer Determination attempts to limit the accessibility to housing in residential district for handicapped individuals, in direct contravention of the FHA.

The Code defines “family” as follows:

A. Any number of individuals living together on a non-transient basis as a single housekeeping unit and doing its cooking on the premises when said individuals are related by blood, marriage, or adoption, including foster children.

B. No more than five unrelated individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises. The definition of ‘family’ shall not apply to the occupants of a club, fraternal institution, lodge, rooming-house or group home.

C. No more than five unrelated individuals deemed to be mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1988.

Code §114-21

Although the Code acknowledges that a group of handicapped individuals occupying a dwelling unit as a single housekeeping unit meets the definition of a family, it seeks to improperly impose a limit on the number of individuals in a handicapped family that is not imposed on related families and seeks to further discriminate against handicapped individuals by requiring they live within a non-profit setting. These types of zoning code limitations restrict persons with disabilities from living in the single family-zoned homes of their choice and are impermissible under federal law. *Dr. Gertrude A. Barber Ctr., Inc. v. Peters Twp.*, 273 F. Supp. 2d 643, 651 (W.D. Pa. 2003).

A refusal to waive or otherwise modify zoning provisions that restrictively define “family” to limit the number of unrelated individuals who may live together violates the FHA when such refusal has the effect of barring group residences for handicapped individuals in residential settings. *See Dr. Gertrude A. Barber Center, Inc. v. Peters Township*, 273 F. Supp. 2d 643, 656-59 (W.D. Pa. 2003); *Remed Recovery Care Centers v. Township of Willistown*, 36 F. Supp. 2d 676, 684-86 (E.D. Pa. 1999). *See also Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1185-86 (E.D.N.Y. 1993); *Oxford House, Inc. v. Township of Cherry Hill*, 799 F. Supp. 450, 462 (D.N.J. 1996). “In case after case, courts have concluded that the FHA has been violated where municipalities have attempted to prevent or restrict persons with disabilities from living in the single family-zoned homes of their choice, even when the number of residents exceeds the number of unrelated people permitted to live together under the applicable zoning ordinances.” *Dr. Gertrude A. Barber Ctr., Inc. v. Peters Twp.*, 273 F. Supp. 2d 643, 651 (W.D. Pa. 2003). *See also, Oxford House Evergreen v. City of Plainfield*, 769 F.Supp. 1329 (D.N.J.1991).

Additionally, federal courts have routinely found that municipalities have violated the FHA in the adoption, interpretation, and/or enforcement of municipal zoning ordinances when those ordinances have imposed obligations or restrictions on handicapped individuals that are not otherwise imposed on other individuals in residential districts. *See Dr. Gertrude A. Barber Center, Inc. v. Peters Township*, 273 F. Supp. 2d 643, 656-59 (W.D. Pa. 2003) (finding zoning ordinance excluding multi-resident homes for persons with disabilities from single-family residential districts was a clear violation of the FHA); *Community Housing Trust v. Department of Consumer Regulatory Affairs*, 257 F. Supp. 2d 208, 221-25 (D.D.C. 2003) (requiring a 6-person home for handicapped individuals to procure a certificate of occupancy when a 6-person home without handicapped individuals was not required to procure the same certificate was held to be a

discriminatory classification that violates the FHA); *New Jersey Coalition of Rooming and Boarding House Owners v. Mayor and Council of City of Asbury*, 152 F.3d 217, 221 (3d Cir. 1998) (finding municipal ordinance requiring new certificates of inspection each time a new resident moved into a group residence was “freighted with discriminatory intent” in violation of the FHA); *Potomac Group Home Corp. v. Montgomery County*, 823 F. Supp. 1285, 1296-97 (D. Md. 1993) (holding zoning ordinance requiring notice to neighbors of a group home’s existence constituted a discriminatory obligation in violation of the FHA because it was not imposed on any other residential unit within a residential district).

Any effort by the Township to restrict the operation of a sober living residence from the Property – or to impose restrictions or additional requirements on the residents or operator of that residence that it does not otherwise impose on other single-family residential properties – is a direct violation of the FHA. By issuing the Zoning Officer Determination and denying the U&O Application, the Township has abused its discretion, committed an error of law, and is attempting to unlawfully discriminate against the occupants of the Property on the basis of their handicap.

Municipalities can avoid violation of the FHA by providing a reasonable accommodation under the Code. The FHA makes it unlawful to refuse to make a “reasonable accommodation in rules, policies, practices, or services, when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. §3604(f)(3)(B). Allowing the proposed Sober Living Residence at the Property by modifying the Code provision regarding the number of unrelated individuals is a reasonable accommodation that will afford handicapped individuals the equal opportunity to enjoy and use a dwelling in a residential district. The Sober Living Residence as shown in the plans contained in the U&O Application can safely accommodate the future residents of the Property. The residents of the Property will all be in active

recovery and will live as a single housekeeping unit. There are no on-site medical services to be provided at the Sober Living Residence. As such, and to the extent necessary, the Property is suited for the proposed Sober Living Residence and a reasonable accommodation to use the Property in this manner is appropriate.

WHEREFORE, Appellant's appeal of the Zoning Officer Determination should be sustained, and to the extent necessary, a reasonable accommodation must be provided and the Planning Director directed to approve the U&O Application.

Respectfully submitted,



AMEE S. FARRELL, ESQUIRE
DANIEL P. ROWLEY, ESQUIRE
Attorneys for Appellant,
Arthur Morton

Dated: April 8, 2021

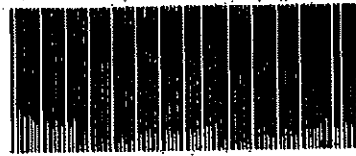
EXHIBIT "A"

**RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker**

One Montgomery Plaza
Swede and Airy Streets - Suite 303
P.O. Box 311 - Norristown, PA 19404
Office: (610) 278-3289 - Fax: (610) 278-3869



DEED BK 5653 PG 02016 to 02018.1
INSTRUMENT # : 2007079494
RECORDED DATE: 07/03/2007 10:55:40 AM



0155656-0015T

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 4

Document Type: Deed	Transaction #: 114894 - 4 Doc(s)
Document Date: 05/25/2007	Document Page Count: 2
Reference Info: Wilkins	Operator Id: emiller2
RETURN TO: (Pickup) Manito Abs/Mike Clerico	SUBMITTED BY: Manito Abs/Mike Clerico

*** PROPERTY DATA:**

Parcel ID #: 52-00-03161-00-9
Address: 7914 CHELTENHAM AVE

Municipality: PA
Springfield Township
School District: Springfield

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:	\$1.00
TAXABLE AMOUNT:	\$850,000.00
FEES / TAXES:	
Recording Fee:Deed	\$46.50
State RTT	\$3,250.00
Springfield Township RTT	\$1,625.00
Springfield School District RTT	\$1,625.00
Total:	\$6,546.50

DEED BK 5653 PG 02016 to 02018.1
Recorded Date: 07/03/2007 10:55:40 AM

I hereby CERTIFY that
this document is
recorded in the
Recorder of Deeds
Office in Montgomery
County, Pennsylvania.



Nancy J. Becker
Recorder of Deeds

PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.



**AFFIDAVIT
FILED**

E2/3

Return to: Prepared by:
Manito Abstract Company, Inc.
100 West Market Street
West Chester, PA 19382
(610) 436-4767
73808-M
UPI # 52-00-03161-00-9

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
52-00-03161-00-9 SPRINGFIELD
7914 CHELTENHAM AVE
WILKINS JAMES F III & MORTON ARTHUR
B 034 U 165 L 2 1101 DATE: 07/03/2007
\$5.00
BR

THIS DEED, made this 25th day of May, 2007

BETWEEN, James F. Wilkins, III and Arthur Morton (hereinafter called the "Grantors") of the one part, and Arthur Morton (hereinafter called the "Grantee"), of the other part.

WITNESSETH, That in consideration of One ... (\$1.00) ... and 00/100 Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantee, his heirs and assigns,

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate in the Township of Springfield, County of Montgomery and Commonwealth of Pennsylvania, described according to a Subdivision Plan prepared for Ann B. Moran made by Alpha Engineering Associates, Inc., Feasterville, PA, dated 6/2/1988 and last revised 8/16/1988 and recorded in Plan Book A-50 page 86, described as follows, to wit:

BEGINNING at a point on the Southwesterly legal right of way line of Cheltenham Avenue (60 feet wide) a corner of Lot #1 on said Plan; thence extending from said point of beginning and along Cheltenham Avenue South 51 degrees 00 minutes 00 seconds East 63.00 feet to a point; thence extending from Cheltenham Avenue South 38 degrees 36 minutes 16 seconds West 127.27 feet to a point; thence North 50 degrees 28 minutes 00 seconds West 63.02 feet to a corner of Lot #1 on said Plan; thence along the same North 38 degrees 36 minutes 38 seconds East 126.68 feet to a point on the Southwesterly legal right of way line of Cheltenham Avenue being the first mentioned point and place of beginning.

BEING Lot #2 on said Plan.

BEING Tax Parcel Number 52-00-03161-00-9.

BEING the same premises which Mary Catherine Miller and Tania G. Biddle by Deed dated January 15, 2001 and recorded March 12, 2001 in Montgomery County in Deed Book 5352 page 1693 granted and conveyed unto Barbara J. Morton, in fee.




BEING the same premises which Barbara J. Morton, by deed dated September 14, 2005 and recorded October 17, 2005 in the Office for the Recorder of Deeds in and for the County of Montgomery, and Commonwealth of Pennsylvania in Record Book 5575, page 1261, granted and conveyed unto Three Points Development Company, in fee.

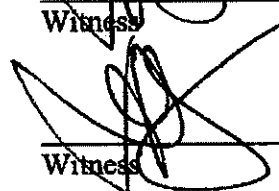
BEING the same premises which Three Points Development Company, by deed dated July 11, 2006 and recorded September 27, 2006 in the Office for the Recorder of Deeds in and for the County of Montgomery, and Commonwealth of Pennsylvania in Deed Book 5617, page 2013, granted and conveyed unto James F. Wilkins, III and Arthur Morton, in fee.

AND the said Grantors do hereby covenant to and with the said Grantee that they, the said Grantors **SHALL** and **WILL** by these presents, Warrant and forever Defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee his heirs and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under him, her, them or any of them.

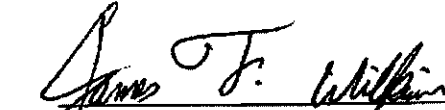
IN WITNESS WHEREOF , the said Grantors have caused these presents to be duly executed, the day and year first above written.

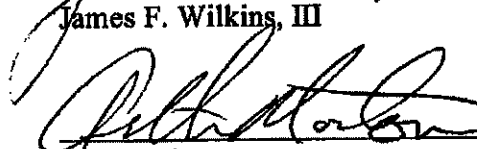
SEALED AND DELIVERED In the Presence of:



Witness


Witness



James F. Wilkins, III (SEAL)


Arthur Morton (SEAL)

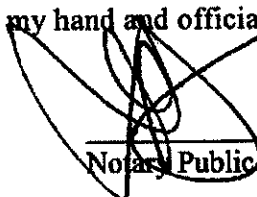
Commonwealth of Pennsylvania

County of Chester ss:

On this 25th day of May, 2007, before me, the undersigned officer, personally appeared James F. Wilkins, III and Arthur Morton, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notarial Seal
Samuel W. Rump, Notary Public
West Chester Boro, Chester County
My Commission Expires May 7, 2010
Member, Pennsylvania Association of Notaries



Notary Public

The address of the Grantee is:

7914 Cheltenham Avenue
Wyndmoor, PA 19038

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY, PA
- REGISTERED -

DATE 10-16-07 NO. _____

TOWNSHIP ENGINEER





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
PO BOX 280803
HARRISBURG PA 17128-0803

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

State Tax Paid	3,250.00
Book Number	5653
Page Number	2016
Date Recorded	7/3/07

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name	Arthur Morton	Telephone Number:	(267) 879-6806				
Street Address	7914 Cheltenham Avenue	City	Wyndmoor	State	PA	Zip Code	19038

B. TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s)	James F. Wilkins, III & Arthur Morton	Grantee(s)/Lessee(s)	Arthur Morton				
Street Address	7914 Cheltenham Avenue	Street Address	7914 Cheltenham Avenue				
City	Wyndmoor	City	Wyndmoor	State	PA	Zip Code	19038

C. PROPERTY LOCATION

Street Address	7914 Cheltenham Avenue	City, Township, Borough	Springfield Township		
County	Montgomery	School District	Springfield	Tax Parcel Number	52-00-03161-00-9

D. VALUATION DATA

1. Actual Cash Consideration	\$1.00	2. Other Consideration	+ 0	3. Total Consideration	= \$1.00
4. County Assessed Value	\$36,600.00	5. Common Level Ratio Factor	X 1.97	6. Fair Market Value	= \$72,102.00

E. EXEMPTION DATA

1a. Amount of Exemption Claimed	500 \$ 3,250.00	1b. Percentage of Interest Conveyed	50%
---------------------------------	----------------------------	-------------------------------------	-----

2. Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) Transfer of a half interest between two unrelated individuals. Tax was based on a \$650,000.00 appraisal by the lender.

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Date

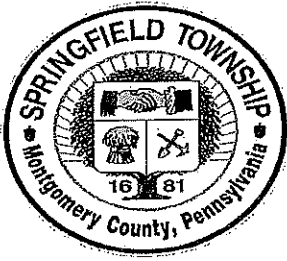
5/31/2007

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

eCertified copy of recorded # 2007079494 (page 4 of 4)
Montgomery County Recorder of Deeds



EXHIBIT "B"



1510 Paper Mill Road, Wyndmoor, PA

Use & Occupancy Application

Property Address: 7914 Cheltenham Avenue
Wyndmoor, PA 19038

Property Owner Name: Arthur Morton

Address: c/o Ameer S. Farrell, Esquire- Attorney for Applicant
Kaplan Stewart, 910 Harvest Drive, Blue Bell, PA 19422

Phone #: (610) 941-2547 Cell Phone #: _____

E-Mail Address: afarrell@kaplaw.com

Building Management Company: N/A

Address: _____

Phone #: _____ Cell Phone #: _____

E-Mail Address: _____

Lessee/Tenant: N/A

Address: _____

Phone #: _____ Cell Phone #: _____

E-Mail Address: _____

Type of Business: Sober Living Residence

Name of Business: _____


Tenant Space Square Footage: 6,483 s.f. (+/-)

Number Parking Spaces On-Site: 5 (+/-)

Fire Protection: Alarmed Sprinklered Monitored
 Inter-Connected Exit Lights Pull Stations
 Emergency Light

Notes.

1. The property address is required to be visible from the public right-of-way or main drive lane.
2. Separate permits are required for all signage proposed to be installed before the signage is erected on the property.
3. A fee of \$50.00 is required for all Home Occupation and \$150.00 for all commercially zoned properties. All checks are to be made payable to Springfield Township.

Signature of Applicant: 

By: Amee S. Farrell, Esquire - Attorney for Applicant

Date: _____ Check #: _____



Reviewed By: _____ Date: _____

Approved By: _____



The Township of Springfield

MONTGOMERY COUNTY, PENNSYLVANIA

Township Bldg., 1510 Paper Mill Rd., Wyndmoor, PA 19038

website: www.SpringfieldMontco.org Phone: 215-836-7600

March 11, 2021 Fax: 215-836-7180

COMMISSIONERS

Baird M. Standish
President

Eddie T. Graham
Vice President

Jeffrey T. Harbison
Peter D. Wilson
Michael E. Maxwell
Jonathan C. Cobb
James M. Lee

OFFICERS

A. Michael Taylor
Secretary-Manager

James J. Garrity
Solicitor

Bonny S. Davis
Treasurer / Tax Collector

Timothy P. Woodrow, PE
Engineer

VIA FIRST CLASS MAIL

Amee S. Farrell, Esquire
Kaplun Stewart Meloff Reiter & Stein, PC
Union Meeting Corporate Center
910 Harvest Drive, PO Box 3037
Blue Bell, PA 19422

RE: 7914 Cheltenham Ave. – Request for Use and Occupancy Permit

Ms. Farrell:

In my capacity as the Springfield Township (the “Township”) Planning Director, I am writing to you in response to the letter and application, including certain plans, that I received from you dated February 19, 2021 (the “Application”) on behalf of Arthur Morton (the “Applicant”) requesting a use and occupancy permit (“U&O”) for the property located at 7914 Cheltenham Avenue, Wyndmoor, Pennsylvania 19038, more particularly identified as Montgomery County Tax Parcel No. 52-00-03161-00-9 (the “Property”). The Application requests the issuance of a U&O for a “sober living residence” for “individuals in recovery from drug and alcohol addiction” (the “Proposed Use”). As you know, the Property is located in the Township’s “B” Residential zoning district and is improved with a building historically used as a single-family detached dwelling. Based on the plans included with the Application, it appears that the Applicant is requesting that the Proposed Use allow for up to twenty-three (23) unrelated, handicapped persons to reside in 15 bedrooms within the existing 4 bedroom single-family dwelling on the Property.

Section 114-61 of the Township Zoning Ordinance provides for the by-right principal use of properties zoned “B” Residential District for single-family detached dwelling, farming, and playground uses, as well as certain other uses by special exception. Pursuant to Section 114-21, single-family detached dwellings may house one (1) family. The Township Zoning Ordinance establishes a rather broad meaning for the term “Family”, defining it alternatively as any of the following:

- A. Any number of individuals living together on a non-transient basis as a single housekeeping unit and doing its cooking on the premises, when said individuals are related by blood, marriage or adoption, including foster children.
- B. No more than five unrelated individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking

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on the premises. The definition of 'family' shall not apply to the occupants of a club, fraternal institution, lodge, rooming-house or group home.

- C. No more than five unrelated individuals deemed to be mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1988.

See ZO § 114-21. Moreover, the Township Zoning Ordinance also defines the term "Group Home", in part, as follows:

An establishment that provides a home, including room and board, to persons who are residents by virtue of receiving supervised specialized services, limited to health, social and/or rehabilitative services that are provided by a governmental agency, their licensed or certified agents or a responsible nonprofit social service corporation.

See id. Group Homes are permitted as a principal use by-right for up to 8 persons in the Township's Institutional District and by special exception in the "B1" Business District.

The Proposed Use appears to meet the definition of "Group Home" contained in the Township Zoning Ordinance (other than the number of residents proposed therein) and is therefore not a use permitted in the "B" Residence District where the Property is located. However, it is possible that the Proposed Use could qualify as a "Family" use at the Cheltenham Avenue location if the number of proposed individuals residing at the premises was limited to five (5). Unfortunately, it is not in my power as the Township Planning Director to grant a variance from the terms of the Township Zoning Ordinance nor to analyze your assertion that the Applicant has a legal right to a "reasonable accommodation" to convert the home from four bedrooms to 15 bedrooms housing 23 residents. Instead, such an analysis or decision could only be made by the Township Zoning Hearing Board. Therefore, it appears that your Application was submitted to the Township (rather than to the Zoning Board) incorrectly, and I must therefore decline your request at this time. I respectfully suggest that (if your client wishes to do so) you request a variance for the Proposed Use from the Zoning Hearing Board (under the variance standards of the Pennsylvania Municipalities Planning Code, 53 P.S. 10101, *et seq.* ("MPC") and the Township Zoning Ordinance), and/or review with the Zoning Board

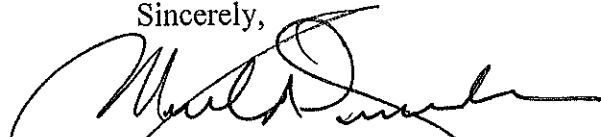
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your assertion of a right to a “reasonable accommodation” (under the standards of the Americans With Disabilities Act).

Under the provisions of the Pennsylvania Municipalities Planning Code, if the Applicant desires to appeal my decision as the Planning Director of Springfield Township to the Zoning Hearing Board, the Applicant has thirty (30) days from the issuance of this letter to do so.

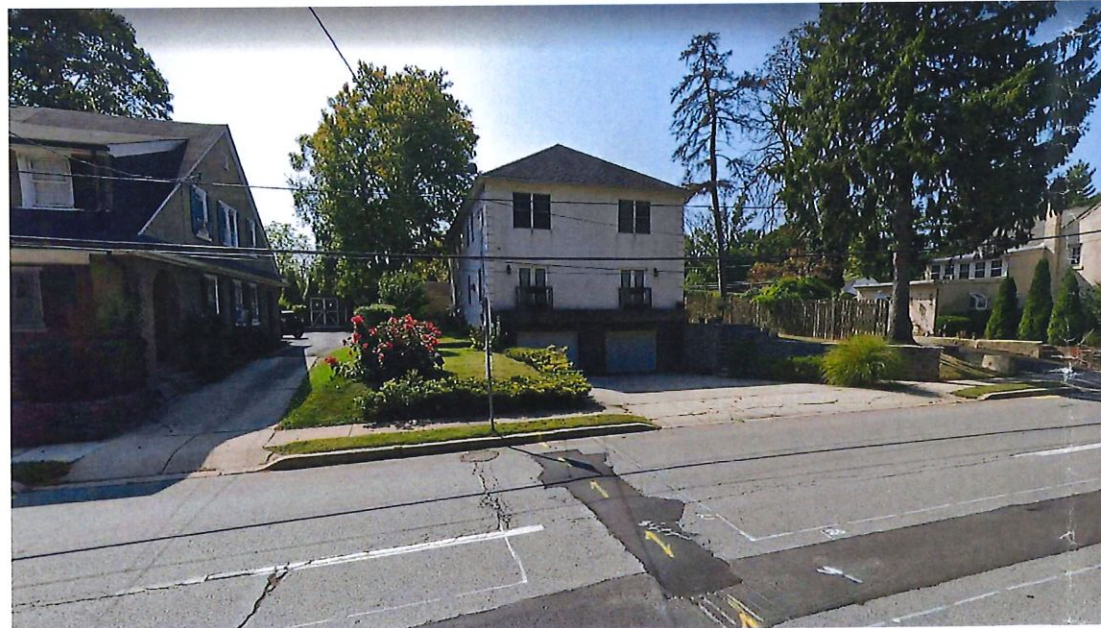
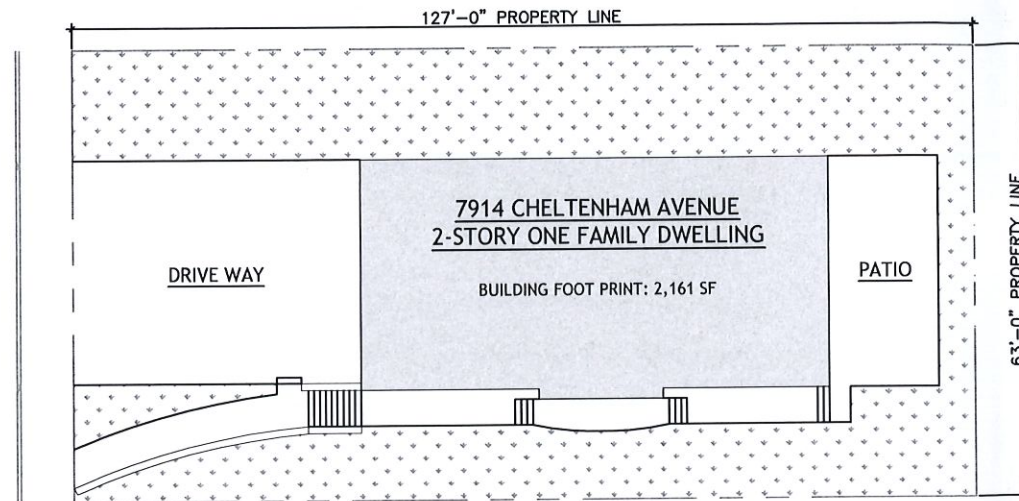
If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



MARK PENECALE
Planning Director
Springfield Township

Cc: Board of Commissioners
A. Michael Taylor, Township Manager
James J. Garrity, Esquire (Township Solicitor)
Catherine M. Harper, Esquire (Zoning Board Solicitor)



7914 CHELTENHAM AVENUE IS CURRENTLY A 3.5 BATH, OVERSIZED 2 CAR ATTACHED GARAGE COLONIAL LOCATED IN WYNDMOOR SECTION OF SPRINGFIELD TOWNSHIP AND SHALL BE CONVERTED TO 15 BEDROOMS. CENTRAL TO JUST ABOUT EVERYTHING FROM CENTER CITY (13.8 MILES), PHILA. INTERNATIONAL AIRPORT (19.1 MILES), UNIVERSITIES, PUBLIC/PRIVATE SCHOOLS (1.5 MILES), WYNDMOOR TRAIN STATION (1.4 MILES), PUBLIC TRANSPORTATION (ACROSS STREET), RESTAURANTS & SHOPPING!

INTERIOR

ROOMS/AREAS: LIVING ROOM, DINING ROOM, BEDROOM & KITCHEN, DEN, BASEMENT, FOYER, RECREATION ROOM, PRIMARY BATHROOM

INTERIOR FEATURES: FORMAL/SEPARATE DINING ROOM, CROWN MOLDINGS, FAMILY ROOM OFF KITCHEN, FLOOR PLAN - TRADITIONAL, KITCHEN - EAT-IN, KITCHEN - ISLAND, KITCHEN - TABLE SPACE, PRIMARY BATH(S), PANTRY, RECESSED LIGHTING, SAUNA, SOAKING TUB, STALL SHOWER, UPGRADED COUNTERTOPS, WALK-IN CLOSET(S), WINDOW TREATMENTS, WOOD FLOORS

FLOORING: HARDWOOD, CERAMIC TILE, CARPET

BATHROOMS

TOTAL BATHROOMS: 4, FULL BATHROOMS: 3, HALF BATHROOMS: 1

MAIN FLOOR BATHS: 4, MAIN - FULL BATHS: 3, MAIN - 1/2 BATHS: 1

BEDROOMS

TOTAL BEDROOMS: 15

OTHER ROOMS

FOYER/ENTRY: FOYER - FLOORING - TILE, MAIN

LIVING ROOM: LIVING ROOM - FLOORING - HARDWOOD, MAIN

KITCHEN: KITCHEN - COUNTERTOP(S) - GRANITE, CROWN MOLDING, KITCHEN - EAT-IN, KITCHEN - GAS COOKING, MAIN

DINING ROOM: DINING ROOM - FLOORING - HARDWOOD, MAIN

LAUNDRY: BASEMENT WASHER/DRYER

EXTERIOR-PORCH/PATIO/DECK: PATIO(S)

PARKING

GARAGE SPACES: 2

TOTAL SPACES: 2

PARKING FEATURES: ASPHALT DRIVEWAY

PARKING TYPE: ATTACHED GARAGE, DRIVEWAY, ON STREET

GARAGE DESCRIPTION: GARAGE - FRONT ENTRY, INSIDE ACCESS, OVERSIZED, GARAGE DOOR OPENER

LOCATION

AREA: SPRINGFIELD TWP (10652)

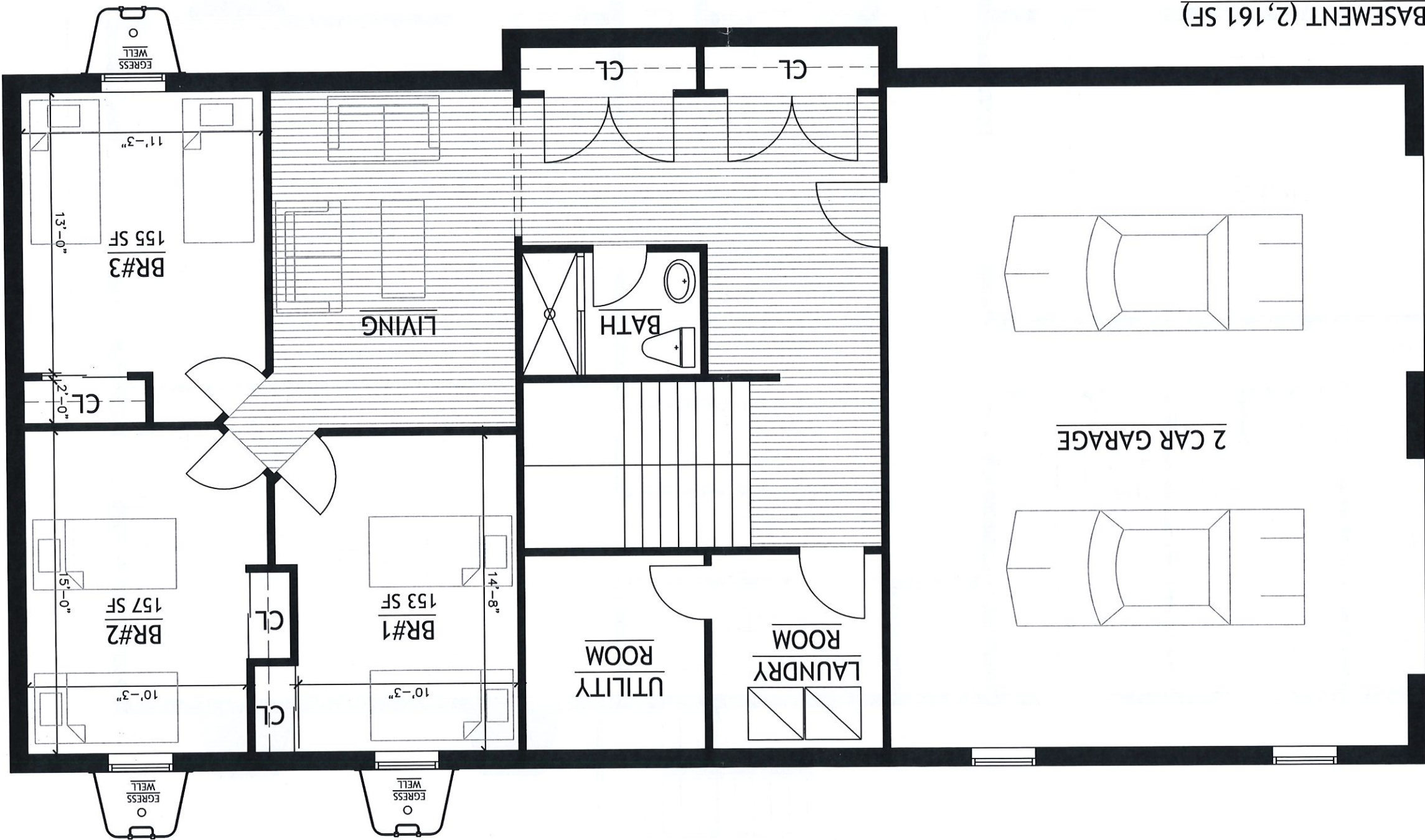
COUNTY: MONTGOMERY

SUBDIVISION: WYNDMOOR

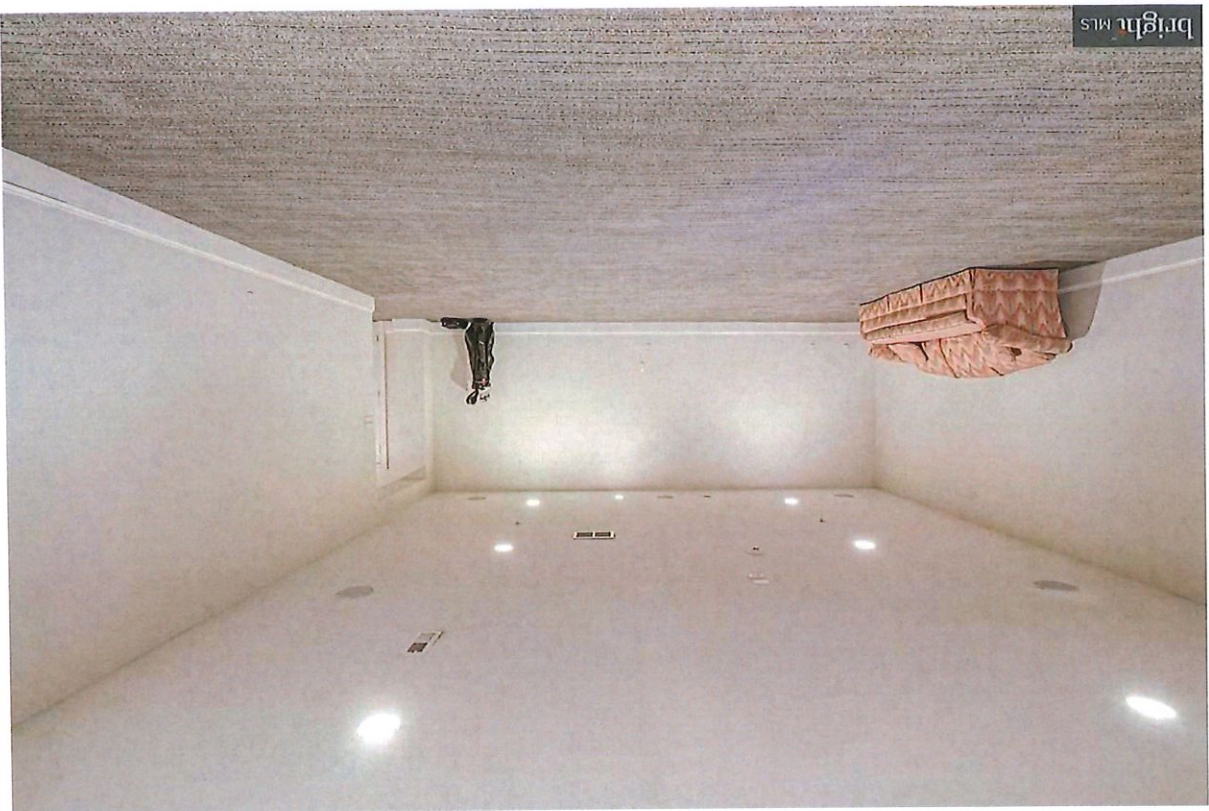
LOT SIZE (ACRES): 0.18

- LOT SIZE (SQ. FT.): 8,000
- LOT DIMENSIONS: 63.00 X 127.00
- LOT FEATURES: LEVEL, REAR YARD, SIDE YARD(S)
- ZONING: B

BASEMENT (2,161 SF)



7914 CHELTENHAM AVENUE



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7914 CHELTENHAM AVENUE

