



BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

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ZONING NOTICE

JUNE 15TH, 2020 ZONING HEARING BOARD MEETING TO OCCUR VIA REMOTE MEANS

ZONING HEARING Z-2018-13

NOTICE IS HEREBY given that the Conshohocken Zoning Hearing Board will conduct a public hearing on June 15th, 2020 at 7:00 p.m. prevailing time via remote means. The public is encouraged to participate as set forth below.

In response to the Governor's Stay at Home Order due to COVID-19, this meeting will be held using a Go-To-Meeting Platform. To the extent possible, members of Conshohocken Zoning Hearing Board and Borough staff/professionals will participate via both video and audio. (INSTRUCTIONS ON SECOND PAGE)

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following request.

PETITIONER: Howlin Equities, LLC
c/o Josh Denenberg
801 Waverly Rd., Bryn Mawr, PA 19010

PREMISES INVOLVED: 1023 Fayette St., Conshohocken, PA 19428
Residential Office Zoning District

OWNER OF RECORD: Same as Petitioner

The Petitioner is requesting an extension of zoning relief, originally granted in 2018 to the predecessor-in-interest 1023 Fayette Street LLC, from the following sections of the Conshohocken Zoning Ordinance: 27-703.E.6(a) – special exception of a change of non-conforming use; 27-703.D – expansion of a non-conforming use beyond 25% of the gross floor area; 27-2002 – the number of required off-street parking spaces; 27-1207.B and C – buffering and landscaping requirements in the RO District; and 27-2007.K – parking space sizes.

Persons who wish to become parties to the application must notify the Borough of their intent to ask for party status at least five (5) days prior to the scheduled hearing by emailing the attached entry of appearance form to zoning@conshohockenpa.gov. Said persons must be available to participate in the zoning hearing on the scheduled date and time. It is noted that submitting the attached entry of appearance form does not guarantee that you will be granted party status. The Zoning Hearing Board decides who may participate in the hearing before it as a party, subject to Section 908(3) of the Municipalities Planning Code (MPC). The MPC permits party status to any person "affected" by the application. Having taxpayer status alone is not enough to claim party status; however, a person whose property or business abuts the property that is the subject of the appeal is affected and should qualify as a party. Ultimately, the ZHB makes the party status determination after reviewing the request.

Thank you,
Zoning Hearing Board

ZONING HEARING REMOTE SESSION ACCESS INSTRUCTIONS

The public is encouraged to participate as follows:

Audio Feed Participation: You may dial-in to access the audio feed of the meeting. All participants (whether listening or providing comments) must use this method of audio participation, even those using Go-To-Meeting to access the video feed. To access audio, please use the below number and access code/ password information.

You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 633-884-013

We ask that you please keep your phones on mute at all times, unless giving a public comment as set forth in the Public Comment section below.

Video Feed Participation: The public may access the video feed by using the link provided below.

Please join my meeting from your computer, tablet or smartphone. (Link is also on the Borough of Conshohocken website: www.conshohockenpa.gov)

<https://global.gotomeeting.com/join/633884013>

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/633884013>

If you have already downloaded the Go-To-Meeting application, the link will redirect you to the application itself. Please follow the instructions.

It is recommended that you download the application in advance of the meeting time. If you attempt to sign in prior to the start of the meeting, the Go-To-Meeting application will inform you that the meeting has not started. Please close the application and log back in at the time of the meeting (7:00 PM).

Public Comment: There will be a designated time on the agenda for public comment. Those with public comment shall state their name and address. Prior to the start of the meeting, you may submit written comments by e-mailing them to Bmyrsiades@conshohockenpa.gov. Similarly, during the meeting, you may submit written comments by e-mailing them to bmyrsiades@conshohockenpa.gov.

Public comments submitted in this manner will be read by a member of Borough Administration during the public comment period. Because the actual time of the public comment period is determined by the pace of the meeting, please submit all comments as soon as possible, whether before or during the meeting. Written comments shall include the submitting person's name, address and property in question.

The Conshohocken Zoning Hearing Board thanks you in advance for your cooperation during the remote meeting. If you encounter problems participating during the meeting, or have questions regarding the above prior to the meeting, please contact the Borough at bmyrsiades@conshohockenpa.gov.

The Borough of Conshohocken Zoning Hearing Board Entry of Appearance as a Party

I/We _____

Request to be granted party status in Application Z _____.

Applicant: _____

Please print name and address below:

Please Sign Below:

Please return form via mail or e-mail to the below:
(Entry must be received no later than Wednesday June 10th, 2020)

MAIL:
Borough of Conshohocken
Attn: Bobbi Jo Myrsiades
400 Fayette St.
Conshohocken, PA 19428

E-MAIL:
zoning@conshohockenpa.gov



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Stephanie Cecco
Borough Manager

MEMORANDUM

Date: June 4, 2020
To: Stephanie Cecco, Brittany Rogers
From: Eric P. Johnson, P.E.
Re: Z-2018-13 - 1023 Fayette Street Extension Request

History of the Site: 1023 Fayette Street is a 4,476 square-foot lot located on the southwest corner of East 11th Avenue and Fayette Street, in the Residential Office Zoning District. The property is currently improved with an existing one-story, 960 square-foot building and parking lot. Originally, the building was occupied by a doctor's office, but over the years has been used for a number of different office uses. The property is considered a legal non-conforming use and is not a Victorian or early Twentieth Century design.

In August, 2018 a zoning hearing was held to consider a petition to expand the building to two (2) stories and re-configure the parking on the site. The size of the building would be increased to 3,200 square feet and eight (8) off-street parking spaces would be provided. Zoning relief was granted from the following sections of the Zoning Ordinance with no conditions attached to the approval:

- §27-703.E.6(a): A Special Exception for a change of non-conforming use
- §27-703(D): A Special Exception to physically expand a non-conforming use more than twenty-five percent (25%) of the gross square footage of the building
- §27-1207.B and C: A Variance to reduce the required buffering and landscaping on the site
- §27-2002: A variance to reduce the required number of off-street parking spaces

Per §27-613 of the Zoning Ordinance, the zoning relief granted expires six (6) months from the time of the decision. In February, 2019 a zoning hearing was held to consider a petition to extend the granted zoning relief for an additional year. The requested extension was granted and expired on February 26, 2020.

Current Request: The current property owner, Howlin Equities, LLC, is requesting an extension of zoning relief originally granted to the predecessor-in-interest, 1023 Fayette Street LLC, for an additional one (1) year. The extension request was received prior to the expiration of the prior extension.

Zoning Determination: The current property owner acquired title to the property from the prior owner on September 11, 2019. In seeking the extension of zoning relief, the owner has indicated they are currently in the process of recording Land Development Record Plans, developing new building interior layout plans, and preparing to relocate business operations. Therefore, an extension of the relief originally granted in 2018, and previously extended in 2019 to allow the project to continue.

THE LAW OFFICES OF ANDREW M. SLOM, ESQ., LLC

ANDREW M. SLOM
ATTORNEY AT LAW

Licensed in NJ and PA

1617 JFK BOULEVARD
SUITE 1250
PHILADELPHIA, PA 19103
Phone (267) 328-4783
Fax (267) 348-7222
Andrew@slomlegal.com

May 15, 2020

Via E-mail

Eric Johnson, PE, Zoning Officer
Borough of Conshohocken
400 Fayette Street, Suite 200
Conshohocken, PA 19428

**RE: 1023 Fayette Street, Conshohocken, PA 19428
Application No. Z-2018-13**

Dear Mr. Johnson:

Please be advised that I represent Howlin Equities, LLC (the "Applicant"), owner of the above-referenced property. This letter shall serve as our latest request for a one-year extension of the approvals obtained from the Zoning Hearing Board under application no. Z-2018-13 for the 1023 Fayette Street project.

The original application was filed by Applicant's predecessor-in-interest, 1023 Fayette Street, LLC (the "Prior Owner"), and was granted by the Zoning Hearing Board on October 2, 2018. Applicant subsequently acquired title to the Property from the Prior Owner on September 11, 2019.

With the prior zoning approvals set to expire on February 26, 2020, the owner of the Applicant, Josh Denenberg, submitted a request for extension of the previously-granted zoning relief on January 13, 2020 (a true and correct copy of the Zoning Extension Letter is attached hereto as **Exhibit "A"** and made a part hereof). As the zoning relief runs with the land, Applicant is entitled to request an extension of the zoning relief obtained from the Prior Owner, and respectfully requests that its request for an extension be placed on the next available agenda of the Zoning Hearing Board for their consideration.

Should you have any questions or require any additional information, please reach out to me and I will gladly supplement my request as needed.

Sincerely,



Andrew M. Slom
Attorney for Howlin Equities, LLC

AMS

cc: Client (*via email*)

EXHIBIT "A"



Conshohocken Zoning Officer, Christine Stetler
Conshohocken Borough Hall
400 Fayette St., Suite 200
Conshohocken, PA 19428

1/13/20

Ref: Zoning Hearing LD-2019-03

Dear Christine,

We are writing this request for an extension for the zoning relief that was previously granted. Howlin Equities LLC is our new entity that purchased the below property for Kay Lighting. We are coordinating the move and design of our lighting showroom and have several moving pieces to nail down before we can begin construction. This involves moving our warehouse/inventory which will take some time.

We are changing the interior layout of the building to work for our business and expect to finalize our plans within the next couple months if not sooner to submit for final approval for the below address.

I know plans also needed to be recorded within 90 days of signatures- please advise if we need to get an extension on that approval as well.

1023 Fayette St
Conshohocken, PA 19428

Thanks in advance,

Josh Denenberg
President, Kay Lighting

PA Showroom • 317 Ridge Pike • Conshohocken, PA 19428 • 610-825-0100
NYC Sales Office • 116 East 27th St. 11th Fl. • New York, NY 10016 • 610-837-9000



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Stephanie Cecco
Borough Manager

February 27, 2019

1023 Fayette Street, LLC
c/o Robert Caucci
359 Summit Avenue
Conshohocken, PA 19482

Re: Z-2018-13 Extension of Zoning Relief

Dear Bob:

The Conshohocken Zoning Hearing Board at its February 26, 2019 meeting extended zoning relief granted in 2018 for your project at 1023 Fayette Street. Relief was granted for one (1) year through February 26, 2020.

All other conditions and representations related to the project remain in effect. Permits for work on the project must be secured within the extension period, and compliance with all federal, state, and local ordinances is required.

Do not hesitate to contact me if you have any question on the extension or next steps in the process.

Sincerely,

Christine M. Stetler

cc: J. DiPietro, Esq.



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Borough Manager

Conshohocken Zoning Hearing Board

February 26, 2019 - 7:00 p.m.
Conshohocken Borough Hall - 400 Fayette Street
Conshohocken, PA 19428

Z-2018-13: Request for an Extension of Zoning Relief
1023 Fayette Street, Conshohocken, PA

By letter dated 2/4/19, an extension of relief granted in 2018 for the project at 1023 Fayette Street was requested.

John Adam DiPietro, Esq. represented the owner of the property. Mr. DiPietro agreed to have the hearing on the extension before a three (3) member Zoning Hearing Board. Mr. Danek recused himself from the hearing.

Zoning relief remains in effect for six (6) months and the Petitioner is required to secure permits for the project within that time period. Because the project involves a commercial property, the land development process is required. The Developer sought a single tenant for the building that would not be a problem for neighboring residential properties. There also was a change in engineering staff for the project. The time involved in seeking a tenant and the change in engineers delayed submission of a land development application. Zoning on the project expired on 2/22/19. In order to complete the project an extension of zoning relief is required.

Special exceptions were granted for the change and expansion of a non-conforming use. Variances were granted for the required number of off-street parking spaces, the required buffering of parking lots, and parking space size.

Mr. DiPietro explained that there have been no changes in the project or in the plans presented to the Zoning Hearing Board in 2018. All representations made at the original zoning hearing remain the same. It was noted that the size of the building actually may diminish. The project will meet all other requirements of the Residential Office Zoning District.

Mr. Robert Caucci, the owner of the property, corroborated Mr. DiPietro's explanation of the status of the project.

David Rollins, 1013 Fayette Street, questioned the setback of the proposed second floor of the building. It was explained that the building was non-conforming with regard to set backs, and that second floor would have the same footprint as the first floor of the building.

MOTION: TO EXTEND THE ZONING RELIEF GRANTED IN 2018 FOR 1023 FAYETTE STREET FOR ONE (1) YEAR FROM 2/26/19.

Scharff Yes

Danek Recused

Cardamone Yes

Barton Yes

Motion Approved.



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P-3

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James Griffin, Member
Tina Sokolowski, Member
Karen Tutino, Member

MEMORANDUM

Stephanie Cecco
Borough Manager

Date: February 13, 2019

To: Zoning Hearing Board, ZHB Solicitor, Stephanie Cecco, and Brittany Rogers

From: Chris Stetler

Re: 1023 Fayette Street Extension Request

History of the Site: 1023 Fayette Street is located in the Residential Office Zoning District. The lot is 4,476 square feet, and is located at the south corner of East 11th Avenue and Fayette Street. Located on the property is a one story building of 960 square feet, with most of the remaining area on the lot paved for parking. Originally, the building was a doctor's office, but over the years has been used for a number of different office uses. The property is considered a legal non-conforming use, and is not considered a Victorian or early Twentieth Century design.

In August, 2018, a zoning hearing was held to consider a petition to expand the building to two (2) stories; and to re-configure the parking at the site. The size of the building would be increased to 3,200 square feet, and eight (8) off-street parking spaces would be provided. Zoning relief was sought to the following sections of the Zoning Ordinance:

§27-703 6. (a): A Special Exception for a change of non-conforming use;
§27-703 (D): A Special Exception to physically expand a non-conforming use more than twenty-five percent (25%) of the gross square footage of the building;
§27-1207 B and C: A Variance to reduce the required buffering and landscaping at the site; and
§27-2002: A variance to reduce the required number of off-street parking spaces.

The Special Exceptions and Variances were granted, and no conditions were attached to the approval.

Zoning relief granted expires six (6) months from the time of the decision per §27-613 of the Zoning Ordinance; and expires if permits for the project are not secured. The Special Exceptions and variances for 1023 Fayette Street will expire 2/20/19.

Current Proposal: The owner of the property requests a six (6) month extension of the zoning relief granted in 2018.

Zoning Determination: The property in question is a commercial property. Changes to a commercial property constitute a land development under the Pennsylvania Municipalities Planning Code. For this reason the project is required to complete the Borough's established land development process, which requires review by the Borough and County Planning Commissions, and approval by

Conshohocken Borough Council. The land development process can require ninety (90) days or more to complete; and a property owner or developer cannot apply for permits until the project is approved.

For a variety of reasons, the Owner of 1023 Fayette Street did not proceed immediately with the land development process. While the land development process is beginning, it will not be completed by the time the zoning approval for the project expires. For this reason an extension of the relief granted in 2018 is required.

BEFORE THE ZONING HEARING BOARD OF CONSHOHOCKEN

P-4

IN RE: APPLICATION OF 1023 FAYETTE STREET, LLC

REGARDING

1023 FAYETTE STREET

2018-13

DECISION OF THE BOARD

I. HISTORY

On or about July 10, 2018, 1023 Fayette Street, LLC (hereinafter "Applicant") filed the within Application seeking special exceptions from the terms of 27-703(6)(A) and 27-703(6)(D), and variances from the terms of Sections 27-2002, 27-1207(B), 27-1207(C), and 27-2007(K), of the Conshohocken Borough Zoning Ordinance of 2001 (together with all amendments thereto, the "Zoning Ordinance"), seeking permission to expand the existing one-story building by adding a second floor, which will increase the square footage of the building from 960 square feet to 3,200 square feet, for a property located at 1023 Fayette Street, Conshohocken, Pennsylvania (hereinafter called "Subject Property"). The Applicant also seeks relief to only provide 9 parking spaces where 16 are required; reduce the required parking space size to 8' x 18'; and limit the size and landscaping of required buffer strips.

After notice was duly given and advertised for each application, a hearing was held on said Appeal at Borough Hall on Monday August 20, 2018 at 7:00 p.m.

At the hearing, the following Exhibits were introduced and admitted:

P-1 – Zoning Notice.

P-2 – Zoning Application.

P-3 – Addendum.

P-4 –Site Plan.

P-5 – Tax Map.

P-6 – Memo from Chris Stetler

P-7 – Letter from Michael Peters, Esquire

P-8 – Board of Assessment Records

P-9 - Deed

A-1 – Memorandum of law.

A-2- Rendering of Building

FINDINGS OF FACT

1. The Subject Property is located at 1023 Fayette Street, Conshohocken, Pennsylvania in the Borough Residential Office Zoning District.
2. The Subject Property is owned by 1023 Fayette Street, LLC.
3. The Applicant was represented by John Adam DiPietro, Esquire.
4. The Applicant is requesting two special exceptions and multiple variances in order to expand the one-story building by adding a second story.
5. Specifically, the Applicant seeks special exceptions from the terms of 27-703(6)(A) and 27- 703(6)(D), and variances from the terms of Sections 27-2002, 27-1207(B), 27-1207(C), and 27-2007(K).
6. As a result of adding square footage through the second floor addition, the Application would require relief for associated parking and is further asking for relief from certain buffering and landscaping requirements referenced in the Zoning Code.
7. Specifically, the Applicant proposes to increase the square footage of the building from 960 square feet to 3,200 square feet; provide 9 parking spaces where 16 are required; reduce

the required parking space size to 8' x 18'; and limit the size and landscaping of required buffer strips.

8. During the hearing Mr. DiPietro, Esquire called Mr. Robert Caucci, Jr. to testify.

After being sworn in, Mr. Caucci testified to the following:

- a. He is the principal of 1023 Fayette Street, LLC.
- b. The current building is 960 square feet and is not in the greatest of condition.
- c. Due to the size of the building it is difficult to lease and was previously vacant for 10 or 11 months before the current tenant moved in.
- d. The building pre-dates the Borough's Zoning Code and therefore is non-conforming.
- e. He would like to rent out the building to a single tenant once the improvements are completed. He is not looking to rent out the Subject Property to multiple tenants.
- f. One of the reasons he is trying to expand the building is that the current size is very difficult to market and the Subject Property was previously vacant for a long period of time.
- g. His goal is to construct the new building and then find a tenant that can occupy the space.
- h. Currently the parking lot only accommodates approximately seven cars. With the proposed addition, he would be required to have 16 off-street spaces.
- i. Based on the size of the lot, he could only offer nine off-street spaces if the parking spots were reduced from 9' x 18' to 8' x 18'.

- j. The project would be similar to the redeveloped Conshohocken Physical Therapy building which is also owned by the Applicant.
- k. In the neighborhood surrounding the Subject Property is a mix of commercial and residential properties.
- l. The proposed building would only be 27 feet high. Most of the residential properties in the neighborhood are closer to 35 feet high.
- m. He has owned Conshohocken Physical Therapy for 9 years and does not believe parking is an issue in this section of the Borough.
- n. None of the other businesses in the area have off-street parking.
- o. The existing building does not meet the front or side yard setback requirements.

9. During the hearing the Applicant amended the application to no longer ask for relief to reduce the parking spaces to 8'x18'. However, due to this change, the Applicant's relief regarding the amount of off-street parking increased by one, he will only be able to provide eight spaces.

10. Mr. DiPietro, Esquire, also called Mr. Samuel Kim to testify. After being sworn in Mr. Kim testified to the following:

- a. He is an architect and the principal of Ambit Architecture.
- b. He is familiar with Conshohocken and designed the Conshohocken Physical Therapy building.
- c. As a result of the propose improvements, the impervious coverage on the Subject Property would actually decrease.
- d. In order to increase the parking, the curb cut is going to be re-located so traffic will flow better within the parking area.

- e. Currently the Subject Property has a 0 foot setback and is non-conforming as the code requires a 25-foot setback.
- f. The side yard setback would also be 0 feet and is also non-conforming.
- g. The existing impervious coverage is 100% while the code only allows 50%. The proposed project will reduce impervious coverage by six percent (6%), and will add green space to the Subject Property.
- h. The wall on the side of the neighboring residential property will be all brick and will not have any windows pursuant to the building code and concerns with fire safety.
- i. The utilities will be on the first floor in a closet as the Subject Property does not have a basement.

11. There were a few neighbors that expressed their concerns with the project, particularly the side yard setbacks and traffic in the neighborhood based on the commercial use of the Subject Property. The Zoning Hearing Board understands the neighbors' concerns and took them into consideration when making a decision on this Application.

II. DISCUSSION

Section 27-703 states:

“ The following regulations shall govern all properties to which nonconforming status is applied:

A. Nonconforming status shall continue, and a property may continue to be used as nonconforming until it complies with the requirements of this Chapter.

B. Change of Use.

(1) A nonconforming use may be changed to another nonconforming use which is equally appropriate or more appropriate to the district in which the property is located, and is no more detrimental than the existing nonconforming use, as a special exception by the Zoning Hearing Board in accordance with the provisions of Part 6 of this Chapter.

(2) A nonconforming use shall not be changed to another nonconforming use that is less appropriate to the district in which the property is located, and/or is more detrimental than the existing nonconforming use.

(3) If a nonconforming use is changed to a conforming use, then the previous nonconforming status shall become null and void in accordance with § 27-703(C) below.

C. Discontinuance. A nonconforming use, when discontinued, may be resumed any time within one year from such discontinuance, but not thereafter, unless a variance is granted by the Zoning Hearing Board in accordance with Part 6 of this Chapter. The resumption may be of the same use, or another nonconforming use which is equally appropriate or more appropriate to the district in which it is located, but shall not be less appropriate or more detrimental than the previous nonconforming use.

D. Physical Expansion. Physical expansion of a nonconforming building or building housing a nonconforming use shall be permitted only one time and shall be limited to 25% of the gross floor area of the existing building.

E. Extension or Expansion. A nonconforming use, building, or structure, not including signs, may be extended or expanded in compliance with all of the following:

(1) The parcel on which extension or expansion occurs shall include only that lot, held in single and separate ownership, on which the use, building, or structure existed at the time it became nonconforming. Expansion onto adjoining lots is prohibited.

(2) Nonconforming use of a building may be extended throughout the building only in compliance with § 27-703(D) of this Chapter.

(3) A building, which houses a nonconforming use, may be expanded only in compliance with § 27-703(D) of this Chapter.

(4) A nonconforming use may not be extended to a new building.

(5) A nonconforming building may be expanded only in compliance with § 27-703(E)(6) of this Chapter.

(6) In addition to § 27-703(A), (B), (C), (D), and (E) above, nonconforming uses must comply with the following:

(a) Extension and/or expansion as permitted in § 27-703(E)(1) through (5) above, shall be permitted only by special exception in accordance with Part 6 of this Chapter, only to the extent that all new construction shall comply with the dimensional standards of the district in which the use is located or the district in which the use is permitted, whichever is more restrictive.

(b) In addition, when a nonconforming use is expanded, the applicant must comply with all performance standards of the district in which the use is permitted or the district in which the use is located, whichever is more restrictive. The performance standards include, but are not limited to, the following: parking, signage lighting, landscaping, noise, and building and impervious coverage.

(c) In cases where a building is nonconforming as to front, side, or rear yard setback, an addition may be built on a line with the existing building, as long as it does not create an additional encroachment into a required yard. Any further encroachment with regard to required setbacks will require a variance.

1) Expansion shall not be permitted to extend closer to the road legal right-of-way than the front wall of the existing dwelling closest to the road.

2) Expansion shall not be permitted to create a new violation of the minimum side yard setback. An existing dwelling that violates the side yard may be expanded to the rear along the side yard building setback established by the wall of the existing building.

3) An existing dwelling that violates the rear yard may be expanded to the sides along the rear yard building setback established by the rear wall of the existing building.

F. Additional Building Regulations. The following regulations apply to buildings:

(1) When new ordinance provisions are adopted and affect planned construction, which has not been completed:

(a) Buildings under construction as of the date of adoption of new ordinance provisions, to the extent of completion of footings, may be completed as nonconforming buildings provided that valid building permits have been issued for those buildings.

(b) The use or uses of buildings governed by subsection (F)(1)(a) above shall comply with the permitted uses for the district in which they are located.

(2) Nonconforming primary structures damaged or destroyed by fire, explosion, accident, or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used as before, provided that:

(a) If repairs constitute substantial improvement, as herein defined, the structure may be reconstructed only within strict conformity with all applicable regulations of this Chapter. If the repairs constitute less than substantial improvement, as herein defined, the structure may be reconstructed so as to match the dimensions and location of the damaged building, including height, width, depth and volume.

(b) Building reconstruction shall be started within one year from the date the building was damaged or destroyed, and shall be carried out without interruption.

(c) The building will pose no hazards to safety by virtue of its location.

(3) Legally condemned nonconforming buildings shall not be rebuilt or used except in conformance with this Chapter.

G. Contiguous Undeveloped Lots. Where two or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorded prior to the effective date of this Chapter, which lots are individually not of the required minimum area or width for the district in which they are situated, such lots may be developed only in groups thereof in order to provide the minimum lot area and width required. When all lots in single ownership are combined and still do not meet area and/or width requirements, they may be considered a single nonconforming lot in accordance with § 27-703(G) of this Chapter.

H. Nonconforming Signs. If and when a nonconforming sign is replaced, the new sign shall comply with the requirements of this Chapter. "Replacement" shall not include simply revising the text or color of the sign, but shall refer to structural replacement and/or relocation of the sign.

I. Conforming Uses in Nonconforming Buildings or Lots. The conversion of one conforming use to another conforming use on a lot or in a building that is nonconforming shall be permitted by special exception from the Zoning Hearing Board in accordance with the provisions of Part 6 of this Chapter."

Section 27-2002 is titled "Required Off-Street Parking Capacity" and states:

"Any building or structure erected, altered, or used, and any lot used or occupied for any of the following purposes shall be provided with the minimum number of parking spaces set forth below, together with adequate driveways and street access in compliance with the requirements of the Conshohocken Borough Subdivision and Land Development Ordinance [Chapter 22]. When a use is not specifically listed below, the requirements of the most similar use shall apply.

Use	Requirement
Dwelling unit, multifamily dwelling (studio, efficiency or one-bedroom units)	1 1/2 spaces per dwelling unit.
Dwelling unit:	
Elderly/disabled housing	1 space per dwelling unit.
Independent living	1 space per dwelling unit.
Personal care home	1 space per every 2 private living units.
Dwelling unit, all other types	2 spaces per dwelling unit.
Places of assembly, such as church or auditorium	1 space per 4 seats.
Retail stores	1 space per 150 square feet of gross floor area.
Shopping centers	1 space per 200 square feet of gross leasable area.
Business or administrative offices	1 space per 250 square feet of gross floor area.
Laboratory or industry	The larger of 1 space per employee or per 450 square feet of gross floor area.
Services:	
1. Doctor, dentist, or similar type, including out-patient clinics	7 spaces per doctor, dentist, or similar practitioner.
2. Barber, beautician, tailor, or similar type	3 spaces per barber, beautician or similar practitioner.
3. Plus	1 space per 2 employees not included in subsection (1) or (2) above.
Tourist home, rooming house, bed-and-breakfast	2 spaces, plus 1 space per rental unit.
Self-service laundry	1 space per 3 washers, dryers and/or dry cleaning machines.
Place of indoor amusements (not sports or exercise)	1 space per 100 square feet of gross floor area.
The following uses require 1 space per employee and/or volunteer on the largest shift or during peak periods, plus the number of spaces listed below:	
1. Library, museum or similar place	1 space per 800 square feet of floor area in public use.
2. Hotel, motel, or similar use	1 space per rental unit.
3. Motor vehicle repairs (body or mechanical)	3 spaces per service bay.
4. Vehicle sales	1 space per 500 square feet of indoor sales area, plus 1 space per 5,000 square feet of outdoor sales area.
5. Meeting, training, or classroom space as a primary use	1 space per 2 seats of total seating capacity.
Restaurants:	

Use	Requirement
1. Drive-in or fast-food	The larger of 1 1/2 spaces per table or booth, or 1 space per 50 square feet of gross floor area; minimum of 25 spaces.
2. All others	1 space per 50 square feet of gross floor area.
Indoor sports facility	1 1/2 spaces per person for maximum court and exercise equipment capacity.
Studio for dance, art, music or photography	1 space per 5 students, and/or 1 space per 300 square feet of gross floor area for nonstudent patrons.
Day-care center	1 space per 3 children at maximum capacity.
Bank, financial institution	6 spaces per teller window, plus 3 spaces per automatic teller machine.
Elementary or intermediate schools	1 3/4 spaces per classroom.
High schools	5 spaces per classroom.”

Section 27-1207 is titled “Parking Lot Requirement” and states “In addition to the requirements found in Part 20, Off-Street Parking and Loading, the following requirements shall apply to all uses in the R-O District.

A. There shall be no parking permitted in the front yard.

B. The following setbacks apply to all parking lots in the R-O District:

(1) From the rear property line: 10 feet.

(2) From the side property line: five feet.

(3) From the rear of the main building: five feet.

C. Landscaping in conformance with § 27-2007 of this Chapter. Use of native plant materials and naturalistic design is encouraged...”

In a request for a variance, the Board is guided by Section 27-611 of the Ordinance and Section 910.2 of the Pennsylvania Municipalities Planning Code (hereinafter called “MPC”). An applicant for a variance has the burden of establishing that a literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship as that term is defined by law, including

court decisions, and that the allowance of the variance will not be contrary to the public interest. Section 27-611 of the Zoning Ordinance and Section 910.2 of the MPC permit the Board to grant a variance where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the Applicant and when the Board can make certain prescribed findings where relevant in a given case.

As the testimony and evidence presented to the Board in this case have shown, the Project appears to attempt to accommodate both a positive use of the Property with minimal relief being requested.

As a result of all the above, the Application meets the requirements of “unnecessary hardship” required under the MPC. See id. The Board, upon thorough and deliberate review of the materials submitted and testimony offered, has determined that the proposed variances are appropriate in consideration of the unique characteristics of the Property. Additionally, the requested variance will not adversely affect the public interest.

Additionally, in a request for a special exception, the Board is guided by both the Ordinance and the Pennsylvania Municipalities Planning Code. An applicant for a special exception has the burden of showing that the request adheres to the express standards and criteria of the special exceptions delineated by the governing body. The Zoning Board must decide requests for special exceptions in accordance with such standards and criteria and how the special exception would impact the public welfare. The Zoning Hearing Board has determined that the granting of the requested special exception would not negatively impact the public welfare.

III. CONCLUSIONS OF LAW

From the facts presented, it is the judgment of the Board that Applicant shall be granted the requested variances and special exceptions. The Applicant has proven an unnecessary hardship

unique or peculiar to the property and that the variance is not contrary to the public interest. Accordingly, the Board is able to make the following relevant findings under Section 910.2 of the MPC:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the property, and that the unnecessary hardship is due to such condition, and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization for a variance is therefore necessary to enable the reasonable use of the Subject Property;

3. That the variance will not alter the essential character of the neighborhood or district in which the Subject property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, or be detrimental to the public welfare;

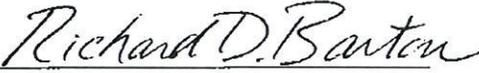
4. That the unnecessary hardship has not been created by the Appellant; and,

5. That the variance will represent the minimum variance that will afford relief and will represent the least modification possible under Section 27-611.

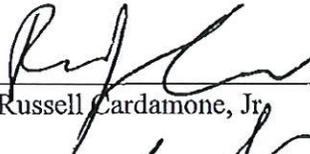
ORDER

AND NOW, this Friday of October, 2018, upon the Application of 1023 Fayette Street, LLC, seeking special exceptions from the terms of 27-703(6)(A) and 27-703(6)(A), and variances from the terms of Sections 27-2002, 27-1207(B) and 27-1207(C), seeking permission to expand the existing one-story building by adding a second floor, which will increase the square footage of the building from 960 square feet to 3,200 square feet, in addition to only providing 8 off-street parking spaces and limiting the size and landscaping of the required buffer strips is hereby GRANTED.

CONSHOHOCKEN ZONING HEARING BOARD



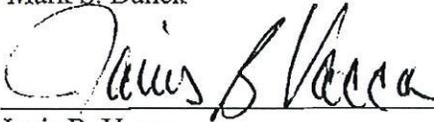
Richard D. Barton, Chairman



Russell Cardamone, Jr.



Mark S. Danek



Janis B. Vacca



Gregory Scharff