

MEMORANDUM

APPEAL NO. 3909

223 N. Highland Avenue & 280 Melrose Avenue, Merion Station, PA 19066

1. Description:

223 N. Highland Avenue is a generally square shaped lot with frontages of 422' along N. Highland Avenue, 470' along Old Lancaster Road and 380' along Melrose Avenue. The parcel is improved with the Akiba Academy, encompassing a three-story estate house and a connected two-story classroom addition and multipurpose room addition. The property is a Class II Historic Resource.

280 Melrose Avenue is a rectangular shaped lot with 204' of frontage along Melrose Avenue. The parcel is improved with a single family detached dwelling, attached garage/greenhouse and a swimming pool.

2. Applicant and applicant's interest in property:

Akiba Hebrew Academy - Owner and Applicant
Fred B. Fromhold - Attorney for Applicant

3. Present zoning classification: R 1 residence district

4. Relief sought: Akiba Academy seeks to reinstate the approvals granted in Appeal No. 3433 (August 6, 1996) but never pursued. They seek a special exception under §155-11 S(2) to build a third floor addition and a three-story addition to the existing two-story classroom wing, build a two-story addition between the classroom wing and the original estate house, and install 29 parking spaces. They also seek a special exception under §155-11 S(2)(b) to convert the dwelling at 280 Melrose Avenue to administrative offices.

5. Miscellaneous: Akiba Academy proposes to consolidate the two parcels, build several additions, add parking and convert the existing dwelling into administrative offices for the school. Zoning approval was granted with conditions in Appeal No. 3433 for a similar request, however; Akiba did not move forward with the additions or conversion and the special exceptions that were granted have expired.

The applicants contend that the current student population would not increase, that the proposed additional parking is not required, that a planted buffer area would be installed, and the special exceptions should be granted.

6. Previous appeals:

Appeal No. 3609, May 20, 1999: temporary approval granted to increase the student population from 350 to 390 for 8 weeks during the 1999-2000 & 2000-2001 school years.

Appeal No. 3433, June 20, 1996: special exception granted to build additions and convert the dwelling at 280 Melrose Avenue to administrative offices.

Appeal No. 3378 (1995): special exception and variance to build additions. Postponed by the applicant.

Appeal No. 3313, April 28, 1994: denied special exception and variances to build four additions.

Appeal No. 3167 (1991): special exception and variance to build additions. Postponed by the applicant.

Appeal No. 2299, March 31, 1974: special exception and variance granted to construct a gymnasium addition and classroom addition and increase the student population to 350.

Appeal No. 121 A, September 24, 1971: special exception granted (Rule 12) to enclose a porte cochere and a portion of unroofed area of the building.

Appeal No. 1970, July 29, 1956: special exception granted to construct tennis court and special exception denied to construct a basketball court.

Appeal No. 1409, November 29, 1956: special exception granted to increase student population to 225.

Appeal No. 1357, January 12, 1956: special exception granted for private educational institution with a maximum occupancy of 175.

Appeal No. 1202, June 24, 1953: special exception denied to open a school of music.

7. Any known objections: none at this time

8. Estimated hearing time: 1 hour

9. Hearing date: May 20, 2004

Hearing deadline: May 21, 2004

10. Applicable codes:

§ 155-11. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

S. [Added 7-18-1990 by Ord. No. 3199] The following uses when authorized as a special exception:

(2) [Amended 6-17-1998 by Ord. No. 3491; 7-19-2000 by Ord. No. 3578] Accredited educational institution. An educational camp, fraternity, sorority, nonlicensed nursery school, student residence hall and administrative offices are permitted only as accessory uses to an accredited educational institution.

(b) The area devoted to administrative office use by the accredited educational institution may not exceed 10% of the habitable floor area of the principal building(s) on the lot.

T. No residential use authorized under Subsection Q, R or S above shall be permitted if any other residential use listed in those subsections or any nonconforming use is located in any residential zoning district except R 7 and within 500 feet, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use. Family day care shall be considered a residential use. Student homes shall also be subject to the spacing provisions of § 155-141.3. [Added 7-18-1990 by Ord. No. 3199; amended 6-17-1992 by Ord. No. 3286] by Ord. No. 3199]

Y. Except for those uses permitted by §§ 155-11S(7), 155-128, 155-144 and 155-141.4, and except for those uses involving fewer than seven residents/participants per day, the special exception or conditional use permitting the initial use or the expansion thereof shall

only be granted if the applicant's evidence establishes compliance with the following conditions: [Added 6-17-1998 by Ord. No. 3491]

(1) Traffic impact study. The traffic generated by the proposed use, when combined with the current use, shall not result in a level of service lower than C, or, if the level of service is already C or below, shall not alter such level of service for adjacent streets and/or the nearest intersections thereof. The Director of Building and Planning shall require a traffic impact study if needed to assure compliance with this subsection. If required, the Township Engineer shall determine the scope of the study and the assumptions utilized. The Zoning Hearing Board may impose conditions to mitigate the adverse impact of traffic generated by the proposed use, such as requiring staggered starting and ending times, site circulation or enrollment/public access limits. [Amended 1-19-2002 by Ord. No. 3631]

(a) The applicant must demonstrate that the proposed use does not create an unsafe traffic condition due to site obstructions at the points of ingress and egress.

(2) General information. Applicants shall submit with their application for special exception data quantifying the anticipated intensity of the proposed use in terms measuring the amount and frequency of public access. Such data shall include, without limitation, the anticipated:

(a) Total number of participants, quantified by type (including but not limited to users/members, teachers, staff, volunteers, residents, students) and by their method and time of arrival and departure from the site.

(b) Age distribution of participants.

(c) Days and hours of operation, including normal periods of concentrated ingress and egress.

(d) Description and expected attendance at regularly scheduled events, including third-party and other uses of the property beyond those commonly associated with like uses of similar properties.

(3) Spacing and density regulations. No more than one property whose use is regulated by this subsection shall be permitted:

(a) Within the same block, defined as both sides of an uninterrupted road segment between two intersections; and

(b) Within 500 feet of another use regulated by this subsection and/or a nonconforming use, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use.

(4) Loading/queuing requirements. Loading/queuing requirements shall be provided on site in compliance with the following standards:

(a) One loading/queuing space per 10 participants to be dropped off/picked up by automobile per hour at the maximum anticipated level of such activity.

(b) One oversized loading/queuing space per bus loading or discharging at the site at any one time.

(c) Loading and queuing areas shall not block on- or off-site through traffic or required parking spaces.

(d) Only a new use or that portion of the property proposed for an expanded use shall be required to meet these loading/queuing standards.

(5) Lighting. Lighting shall be provided in compliance with the following and with § 155-139 hereof:

(a) Lighting shall be provided along all interior walkways and parking areas to be used after dusk.

(b) Lighting for interior walkways shall be no more than 12 feet above finished grade.

(c) Lighting for parking areas shall be no more than 12 feet above finished grade unless the applicant can demonstrate that taller lights are necessary for safety purposes.

(d) The source of illumination for all light fixtures on the exterior of the building shall be screened from off-site view.

(6) Buffering. Landscaped buffer areas (including a wall, fence, suitable planting or combination thereof if approved by the Township), incorporating a variety of deciduous and evergreen trees and shrubs shall be provided along all property lines in compliance with the following:

(a) Buffer areas shall be a minimum of 20 feet in width along the side or rear property lines with an additional one foot in width added for every 1,000 square feet (or portion thereof) of new or expanded floor area in excess of 7,000 square feet of habitable floor area, with a maximum buffer requirement of 50 feet. If the application is for an expanded use regulated by this section, any existing improvements that project into the required buffer area may remain, provided that they were lawful when built.

(b) Buffer area plantings shall comply with § 101-9B through F thereof (which may include existing, healthy trees and shrubs).

(c) The Zoning Hearing Board may waive the buffer requirements if the adjacent property is a nonresidential use.

(7) Impervious surfaces. A use regulated by this section which utilizes an existing structure and which limits the size of the expansion to no more than 50% of the floor area of the existing structure measured on all floors at or above ground level may exceed the impervious surface provisions by up to 5%. The additional volume of stormwater runoff generated during a one-hundred-year storm event for this increase shall be fully recharged in a system approved by the Township Engineer.