



Wayne C. Luker, President
Steven N. Kline, Vice President
Michael LeFevre, Manager
Jay W. Blumenthal, Treasurer

1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

Zoning Hearing Notice

Notice is hereby given that the Zoning Hearing Board of the Township of Abington will hold a meeting as required by the Township's Zoning Ordinance at the Abington Township Administration Building, 1176 Old York Road, Abington, Pennsylvania, on:

Tuesday, December 15 2015 at 7:00 p.m., at which time a public hearing will commence on the following application:

15-16: This is the application of **J Bonze, LLC**, owner of the property located at 397 Stewart Avenue, Jenkintown, Pa. 19046. The applicant seeks a use variance from Section 502.2.A and dimensional variances from Section 502.3 & Section 706.H, Use H-1.f.2 of the Zoning Ordinance of the Township of Abington. In addition, the applicant requires a variance from Section 1202.1.H of the Zoning Ordinance for the site plan submitted with the application. The applicant seeks approval to convert the building into an apartment building. The building is proposed to contain 1 two bedroom apartment and 2 three bedroom apartments. An addition is proposed to be added to the rear of the structure that encroaches into the side yard setback area. This property was involved in two other prior Zoning Hearing Board applications known as Case #11-01 and Case #12-09.

The property is zoned within the (SI) Suburban Industrial District of Ward #12 of the Township of Abington. A copy of the application and site plan are on file with the Planning & Zoning Office and is available for review during normal business hours.

By Order of the Zoning Hearing Board.

Mark A. Penecale
Planning & Zoning Officer

Note: There is a 30 day period after the date the decision is rendered for any and all aggrieved persons to file an appeal in the appropriate court to contest the actions of the Zoning Hearing Board. Applicants that take action on a Zoning Hearing Board Approval during the 30 day appeal period, do so at their own risk. If there are questions that you may have, please feel free to contact the Zoning Officer at 267-536-1017. If you are unable to attend the hearing, written comment may be entered into the record by submitting them in advance of the hearing to the Planning & Zoning Officer.



Zoning Hearing Board Application

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271. Telephone: 267-536-1000



This application must be accompanied by a minimum of ten (10) copies of the plot plan of the property, prepared and signed by a registered land surveyor or professional engineer. The plan must include lot area, lot dimensions, coverage percentages, existing structures, other improvements, proposed improvements, off-street parking, buffers and all characteristics on the site.

The Undersigned herein makes application for:

- Request for Variance from the Zoning Ordinance.
- Request for a Special Exception as provided by the Zoning Ordinance.
- Appeal from the actions of the Zoning Officer.

1. Name and address of the owner of the land: Phone number:
J Bonze LLC 267-716-7637
David Nabit
397 Stewart Ave.
Jenkintown, PA 19046

2. Name and address of the applicant: Phone number:
The Doylestown Building Group LLC 215-703-7561
David Sultanik
6385 Saw Mill Rd
Pipersville, PA 18947

3. Name and address of the attorney: Phone number:

4. If the applicant is not the owner of the property, list the applicant's interest in filing this application.
Example: equitable owner, agent, lessee, etc.
Equitable Owner

5. Description of the property:
Address/location 397 Stewart Ave., Jenkintown PA 19046
Present use Being refurbished to continue lawful pre-existing restaurant use.
Proposed improvement Request zoning change to zoning use H-1, Apartment/Multiplex Unit

Zoning Hearing Board Application

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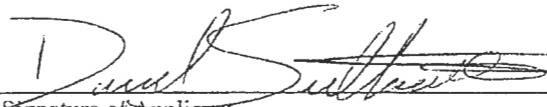
6. State briefly the reasons for which the proposed improvements or use does not meet the requirements of the Zoning Ordinance, and the nature of relief you are seeking:
The property is located within the SI (Suburban Industrial) zoning district and we are requesting it be zoned for use H-1, Apartment Building/Multiplex Unit so that we may convert the building into a 3 unit apartment. The building sits among other single family and multi-family residential properties and feel this is the best use for this specific property and will have to lowest impact on the neighborhood and neighboring properties.

7. List the specific section of the Zoning Ordinance upon which the application for a variance or special exception is based:
We are seeking relief from sections Suburban Industrial sections 502.2 A,B,C, Uses by Right, Uses by Conditional Approval and Uses by Special Exception. The property has been zoned for the lawful use as a deli/restaurant and we are asking to re-zone for the lawful use outlined in section 403, Apartment/Office Districts. We also seek relief for dimensional variance section 502.3, side yard and section 1202.1 H, Application for Appeal, Special Exemption or Variance, Plot Plan, plot plans prepared by registered professional for subject property have already been submitted and recorded at the township.

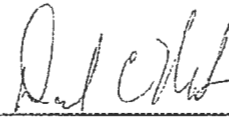
8. Describe in detail the grounds for the appeal, or the reasons both in law and in fact for the granting of the variance or special exception, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application.
The building and current lawful zoning for the subject property poses a significant impact on the surrounding neighborhood of mostly single family residential homes. This lawful use as a restaurant will have a major negative impact on the neighborhood and will make it difficult for the community and the restaurant. We are seeking to revert the zoning back to multi-tenant residential as we are confident this will have a essentially eliminated the negative impact on the neighborhood.

9. List any and all prior Zoning Hearing Board action regarding the property. List the date, case number and the nature of the zoning relief granted.
Application No. 11-01; Decision dated July 12, 2011; Re-established the non-conforming restaurant/catering use.

10. List any and all additional information, records, transcripts which may be helpful to the Zoning Hearing Board in rendering a decision: A minimum of eight (8) copies are required to be submitted.



Signature of Applicant



Signature of Owner

Internal Validation:

Date Received:

Fee Paid:

Case:

Signature of the Zoning Officer



Wayne C. Luker, President
Steven N. Kline, Vice President
Michael LeFevre, Manager
Jay W. Blumenthal, Treasurer

1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

November 17, 2015

Mr. David Nabit
J Bonzell LLC Property Management
397 Stewart Avenue
Abington, PA 19002

RE: 397 Stewart Avenue Rehabilitation of existing structure - sanitary sewer capacity

Dear Mr. Nabit,

The property located at 397 Stewart Avenue (formerly the Switchville Tavern) was allocated an additional 1 EDU from the credits released by PaDEP in November of 2013. The total allocated sanitary sewer capacity is 2 EDU's at this time. The associated tapping fee for the additional 1 EDU totals \$3,500.00. The peak daily water use for the 2 EDU's equates to 530 gallons per day (gpd) [2 EDU X 265 gpd/EDU]. If in the future the recorded peak daily water use exceeds 530 gpd for 60 days or longer, an additional EDU would be required to be purchased or the total daily flow would need to be reduced below 530 gpd.

In your November 16, 2015 correspondence you stated that the current development plan is to renovate the building to include a total of eight beds (one bed per bedroom). It is estimated that each occupant will use about 60 gpd of water, therefore, the estimated total daily flow would be 480 gpd. The allocated capacity would therefore be sufficient for the proposed use.

If you have any questions I can be reached at 215-884-8329 or gwrigley@abington.org.

Sincerely,

George R. Wrigley, Director
Abington Wastewater Utilities Department

pc: Mr. Larry Matteo, Director of Code Enforcement
Mr. Mark Penecale, Zoning Officer





Carol T. DiJoseph, President
Peggy Myers, Vice President
Michael LeFevre, Manager
Jay W. Blumenthal, Treasurer

1176 Old York Road, Abington PA 19001-3713, www.abington.org

July 13, 2011

Michael Yanoff, Esq.
101 Greenwood Avenue
Jenkintown, PA 19046

Re: **Application No. 11-01 – Gerald and David Nabit**
1909 Wharton Road, 397 Stewart Avenue and holder to 1903 Wharton

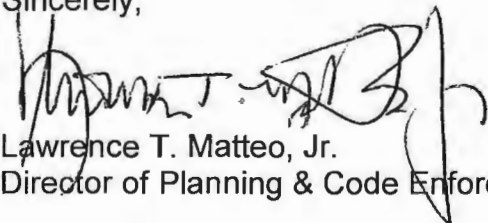
Dear Mr. Yanoff:

At the stated meeting of the Abington Township Zoning Hearing Board, Tuesday, July 12, 2011, your application to reestablish a non-conforming restaurant/catering use at 397 Stewart Avenue was **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. Business can be open no earlier than 7am and close no later than 3 pm.
2. All deliveries, except for bread must be made between the hours of 2 pm and 4 pm.
3. Trash pickup will be done only after 9 am with a minimum of once weekly.
4. Dumpsters must be enclosed pursuant to the Township Codes.
5. No liquor license and no BYOB permitted on the property.
6. Plantings to be implemented to separate Wharton/Stewart Avenue.
7. Must meet all Township approval including loading, handicap parking, and drop-off locations in front of the property.

The properties are zoned in the (SI) Suburban Industrial District in Ward No. 12 of the Township of Abington.

Sincerely,



Lawrence T. Matteo, Jr.
Director of Planning & Code Enforcement

Enclosure

c: Commissioner Carol DiJoseph
Zoning Hearing Board
Bruce Eckel, Esq.
Code Enforcement Department

Telephone: 267-536-1000 Fax: 215-884-8271 TTY/TDD: 215-884-2700





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1176 Old York Road, Abington PA 19001-3713, www.abington.org

Mr. David Nabit
J. Bonze, LLC
397 Stewart Avenue
Jenkintown, Pa. 19046

October 17, 2012

Re: Application No. 12-09 – J. Bonze, LLC, located at 397 Stewart Avenue, Jenkintown, Pa. 19046.

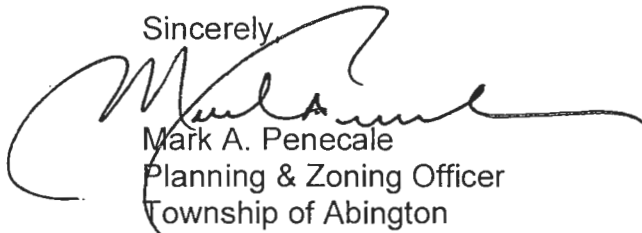
Dear Mr. Nabit,

At the stated meeting of the Zoning Hearing Board of the Township of Abington, Tuesday, October 16, 2012 your application for an amendment to the prior Zoning Hearing Board decision on application #11-01 was **APPROVED** with the following condition.

1. The parking lot improvements must be completed in accordance with plan submitted and testimony.

The property involved in this application is zoned within the (SI) Suburban Industrial District of Ward #12 of the Township of Abington.

Sincerely,



Mark A. Penecale
Planning & Zoning Officer
Township of Abington

Cc: Commissioner DiJoseph
Zoning Hearing Board
Bruce Eckel, Esq.
Richard Berlinger, Esq.
Code Enforcement Department



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