



Wayne C. Luker, President
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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, July 14, 2015 at 7:00 p.m., at which time a public hearing will commence on the following application:

15-09: This is the application of **Donna's Danceworks, Inc.**, applicant for the property located at 905 Jenkintown Road, Elkins Park, Pa. The applicants have requested a use variance from Section 400.2.A and determination from the Zoning Hearing Board on Section 1110.1.2 of the Zoning Ordinance of the Township of Abington. The applicant propose to operate a Use C-7 Commercial School, "Dance Studio" from the site. The applicant contends the use as proposed will require five off-street parking stalls and 18 parking spaces are provided.

The property is zoned within the (TC) Town Commercial District of Ward #3 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: 215-740-0907
Mitchell Meyer
325 Evergreen Road
Jenkintown, PA 19046

2. Name and address of the applicant: Phone number: 215-920-4563
Donna's Danceworks, Inc.
10158 Ferndale Street
Philadelphia, PA 19116

3. Name and address of the attorney: Phone number: 215-659-7680
Scot W. Semisch, Esquire
408 N. Easton Road
P.O. Box 306
Willow Grove, PA 19090-0306

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. Tenant

5. Description of the property:

Address/location 905 Jenkintown Road, Abington Township

Present use vacant / non-conforming D-1 use

Proposed improvement Applicant proposes a change to the use

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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:

See attached memo.

7. List the specific section of the Zoning Ordinance upon which the application for a variance or special exception is based:

See attached memo

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.

See attached memo

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.

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.

See attached.

[Signature]
Signature of Applicant

[Signature]
Signature of Owner

Internal Validation:

Date Received: *6/15/15*

Fee Paid: *1,500.00*

Case: *15-09*

BY:

RECEIVED
JUN 15 2015

[Signature]
Signature of the Zoning Officer

RECEIVED
JUN 15 2015

BY:

Check # 1186
Rec # 881656

APPLICANT'S MEMORANDUM

INTRODUCTION.

The property that is the subject of the Application is 905 Jenkintown Road, Abington Township (parcel number 30-00-33628-002) (the "Property"). It is located at the corner of Cadawalder Avenue and Jenkintown Road. Across Jenkintown Road is a ~~fire station and gas station. Adjacent to the Property on Cadawalder Road is a residential property that has had a retail aspect to it in the past. To the rear of the Property (opposite Jenkintown Road) is a landscape business and a dry cleaning business.~~

The Property is located in the TC Town Commercial District. It is improved with a commercial building and parking.

CURRENT USE.

The Property is currently vacant. The last use was for a sales office and wholesale distribution. Goods would be shipped to the Property, such as from China, and the goods would be repackaged and shipped out. Tractor trailers would make deliveries to the Property. The hours of operation was from 7:30 a.m. to 6:00 p.m. 5 days a week. The use is a legal non-conforming use (see the attached Certificate of Occupancy). Under the current Zoning Ordinance, the use would be a D-1 Use.

Section 706.D Industrial Uses. Use D-1: Assembly Plant: A building, structure, or use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage and distribution of such products, but excluding fundamental industrial processing.

PROPOSED USE.

Applicant desires to use the Property as a dance studio, which is a lesser non-conforming use than the existing non-conforming use. Applicant has been in business for approximately 20 years. Applicant's proposed use is a C-7 use.

706.C Commercial Uses

7. Use C-7: Commercial School: Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like.

Applicant currently operates from September 1 to June 30 each year. On Mondays through Fridays, Applicant operates from 4:30 p.m. to 10:00 p.m. On Saturdays, Applicant operates from 10:00 a.m. through 4:00 p.m. Saturday.

The students are typically between the ages of 2 years and 18 years. Applicant proposes to have 2 classrooms in the building. Each class typically has 10 to 25 students. Each class has one teacher.

** 2nd Alarmers, Sunoco gas station, landscaping, cleaners, across Cadawalder is a fire station, to the left is businesses and apartments and behind it is a residence.*

There are 18 parking spaces on the Property (see plan submitted with the Application). Typically, only 2 to 3 students drive themselves as the vast majority of the students are between the ages of 2 and 12.

Applicant would agree to a condition that requires all traffic to enter from Cadawalder Avenue and to exit onto Jenkintown Road.

Applicant does not propose to make any exterior changes to the building or to the driveway and parking area except to re-stripe the parking area as indicated on the Plan.

Applicant proposes to have one Wall sign that is 3 feet by 8 feet. The sign is less than 15% of the Wall, it is less than 100 square feet, and less than 20 feet in height from the ground level. Therefore, Applicant's sign complies with section 1008.2.1(a)(1) of the Zoning Code.

VARIANCES REQUESTED

Applicant requests the following variances:

From section 1110.I.2 to change an existing non-conforming use to a lesser non-conforming use;

From section 400.2 to use the Property for a dance studio; and

From section 901 and in particular 901.3 C7 to have 18 parking spaces. Although, Applicant believes that no variance for parking is required based on the following calculation:

- 1 faculty requires 1.25 parking spaces;
- 1 faculty for second classroom requires 1.25 parking spaces;
- 3 children of driving age requires 2 spaces.

Therefore, 5 spaces are required and Applicant has 18 spaces.

REASONS TO GRANT THE APPLICATION

Applicant's proposed use is not out of line with the purpose of the Town Commercial District set forth in section 400.1 in that it is a small use that can "adequately function in isolation to anchor stores and planned associations of larger scale business activity."

Applicant's operation between September and June and its hours have less impact on the neighborhood than some uses allowed by right under section 400.2, such as a tavern/bar, restaurant, retail take-out food, medical office, bank, personal care business, etc.

Applicant's proposed use is a lesser non-conforming use than the present permitted use for the Property. No industrial or "D" uses are permitted in the TC District, whereas 11 Commercial or "C" uses are permitted in the District. Applicant will not have any tractor trailers come to the Property.

There are only 2 faculty on site and only 2 to 3 students drive themselves. Therefore, 18 parking spaces will be sufficient for the use.

CONCLUSION

Applicant respectfully requests that the Zoning Hearing Board approve its Application.

Respectfully submitted,
Semisch and Semisch

A handwritten signature in black ink, appearing to read "Scot W. Semisch". The signature is fluid and cursive, with the first name "Scot" being the most prominent.

Scot W. Semisch, Esquire