

## 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, June 21, 2016** at 7:00 p.m., at which time a public hearing will commence on the following application:

**16-15:** This is the application of **Moose Holding LLC c/o Brixton Pet Health**, applicant for the property located at 1901 Davisville Rd., Willow Grove, PA 19090 also known as Tax Parcel # 300041760006. The applicant has requested a Use Variance of Sections 502.3 also variances from Sections 706.B-2.a, 706.B-2.b & 706.A-6.a of the Zoning Ordinance of the Township of Abington. The applicant seeks approval to convert the property into use for the boarding, grooming and daycare of pets, primarily cats and dogs. Additionally, the applicant seeks approval for a dimensional variance requiring the minimum of 5 acres for a Kennel use. The property has a site area of 0.91 acres. A dimensional variance is also requested for the restriction of any animal shelter located within 100 feet of a property line; the building is proposed to be located between 35-50 feet from all adjoining property lines. Finally, approval is requested to allow for the installation of a 6 foot high fence within the front yard setback along Davisville Road and Maplewood Ave.

The property is zoned within the (SI) Suburban Industrial District of Ward # 5 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 267-536-1014. 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.



THE LAW OFFICES of  
**CAROLINE  
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Caroline A. Edwards  
Attorney at Law

Admitted in PA & NJ

May 19, 2016

**SENT VIA FEDEX PRIORITY**

Lawrence T. Matteo, Jr.  
Director of Planning and Code Enforcement  
Abington Township Municipal Offices  
1176 Old York Road  
Abington PA 19001

RE: Application to Zoning Hearing Board of Moose Holding LLC  
1901 Davisville Road, Abington PA

Dear Larry:

As the attorney for the applicant, Moose Holding LLC, I am enclosing the following documents in connection with the Zoning Hearing Board Application for the above-referenced property:

1. Original, completed Zoning Hearing Board Application, signed by the applicant, Moose Holding LLC, and by the property owner, Fast by Ferracci, Inc. I am also enclosing an additional copy of the Application, which I would ask you to stamp with the date of receipt, and return to me in the attached stamped, addressed envelope.
2. A check payable to "Abington Township" in the amount of \$1,500.00, as the filing fee for the Application.
3. A copy of the Contract dated April 15, 2016, showing that the Applicant is the purchaser/equitable owner of the property.
4. Ten (10) copies of the Zoning Plan for the property dated May 16, 2016, prepared by Bohler Engineering.

We would ask that this Application be placed on the Zoning Hearing Board's agenda for June 21, 2016. If there is anything else that you require, please don't hesitate to call me.

Sincerely yours,

Caroline A. Edwards

cc: Moose Holding LLC (via email)

## 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: 215-657-1276

Fast by Ferracci, Inc.  
1901 Davisville Road  
Willow Grove PA 19090

2. Name and address of the applicant: Phone number: 832-443-8542

Moose Holding LLC, c/o Brixton Pet Health  
19717 62nd Ave. South, Suite F103  
Kent WA 98032

3. Name and address of the attorney: Phone number: 215-504-8840  
Email: caedwards@caedwardsesq.com

Caroline A. Edwards, Esq.  
The Law Offices of Caroline Achey Edwards  
9 W. Centre Ave., PO Box 1586  
Newtown PA 18940

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 1901 Davisville Road, Willow Grove PA 19090

Present use Sales of motorcycles, parts and accessories

Proposed ~~improvement~~ <sup>use</sup> Pet boarding and grooming

**Zoning Hearing Board Application**



Abington Township, PA

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

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

MOOSE HOLDING LLC

FAST BY FERRACCI, INC.

BY: *Charles Ferrucci*  
Signature of Applicant

BY: *Robert Ferrucci*  
Signature of Owner

Internal Validation:

Date Received: *5/20/16*

Fee Paid: *\$1500.00 v# 1015989*

Case: *16-15*

**RECEIVED**  
MAY 20 2016

BY: *WYONAS*

*[Signature]*  
Signature of the Zoning Officer

**APPLICATION OF MOOSE HOLDING LLC**  
**TO THE ABINGTON TOWNSHIP ZONING HEARING BOARD**

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 the relief you are seeking:**

The Applicant is seeking relief to allow a use other than the permitted uses in the Suburban Industrial District on the property. The variances seek to allow a Use B-2 Kennel on a 0.91 acre site.

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

A variance from Section 502.2, which sets forth the uses permitted in the Suburban Industrial District, to allow a Use B-2, Kennel.

A variance from Section 706.B.2(a), which requires a minimum site area of five (5) acres for a Use B-2, to permit a site area of 0.91 acres.

A variance from Section 706.B.2(b), which states that no animal shelter or runway shall be located closer than 100 feet from any property line for a Use B-2, to permit animal shelter and/or runway to be located within the building and as shown on the Zoning Plan.

A variance from Section 706.A.6(a) which states that the maximum permitted height of a fence shall be four (4) feet in the front yard, to permit a fence height of six (6) feet in the front yard on Davisville Road and Maplewood Avenue.

8. **Describe in detail the reasons both in law and in fact for the granting of the variance, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application:**

a. The Property is an irregularly shaped parcel with frontage on Davisville Road and Maplewood Avenue, with an address at 1901 Davisville Road, Willow Grove PA.

b. The Property contains 0.91 acres, with existing structures totaling 16,079 square feet, and is located in the SI Suburban Industrial District.

c. The current use of the Property is Fast by Ferracci, a business involving the sale and service of motorcycles and accessories. The current use is not a permitted use in the SI District.

Application of Moose Holding LLC  
To the Abington Township Zoning Hearing Board

- d. The immediately adjoining use on Davisville Road is the Center for Forensic Research and Science Education at 2300 Stratford Avenue, within the SI District.
- e. On the opposite corner of the Maplewood Avenue/Davisville Road intersection within the SI District is DaVita Dialysis at 1849 Davisville Road, which is not a permitted use in the Suburban Industrial District, and was approved for use by variance.
- f. Behind DaVita Dialysis, across Fairview Avenue, at 2232 Maplewood Avenue within the SI District is CrossFit T1, a gym/fitness center, which is not a permitted use in the Suburban Industrial District, and was approved for use by variance.
- g. Across Davisville Road from the Property is a KFC fast food restaurant and Papa John's Pizza restaurant.
- h. To the rear of the Property are the rear yards of five single family detached residences.
- i. The size and configuration of the Property, and the location of buildings on the Property, do not allow for truck circulation and access to loading docks that would be consistent with uses permitted in the SI District.
- j. The existing buildings and the other uses in the vicinity impact the ability to effectively use the Property for a permitted use in the SI District.
- k. The proposed use will provide boarding, grooming and daycare services for pets, primarily dogs and cats.
- l. All boarding will occur completely within the buildings.
- m. The Applicant will design the facility to include soundproofing so that any pet noises are contained within the buildings.
- n. The outdoor areas will be used for parking and for supervised exercise only. Exercise areas will be limited to the portions of the Property in front of the buildings facing Davisville Road.
- o. The estimated number of cars accessing the site on a daily basis is approximately 80 customer cars, plus 7 employee cars. Customer visits are spread throughout the day, with hours of operation being 7 AM to 7 PM.

Application of Moose Holding LLC  
To the Abington Township Zoning Hearing Board

p. The proposed use will have less traffic impact associated with the use than the current use, or permitted uses in the S I District.

q. The Applicant will be improving the Property by installing landscaping as shown on the zoning plan, and making interior and exterior improvements to the buildings.

r. The variances requested are required to address the unnecessary hardship affecting the Property as a result of the Property configuration and size, existing building locations, and surrounding uses.

s. The variances requested are the minimum variances necessary to afford relief, and represent the least modification possible to the ordinances at issue.

t. The variances, if granted, will not alter the essential character of the neighborhood and district in which the Property is located.

u. The variances, if granted, will not substantially or permanently impair, or in any way impact, the appropriate use or development of adjacent property, nor be detrimental to the public welfare.



# RECEIPT OF PAYMENT - PAID TO ABINGTON TOWNSHIP, MONTGOMERY COUNTY PA

Phone: 267-536-1000 Fax: 215-884-8271

Receipt Number: 20164274  
Receipt Date: 05/20/2016  
Reference/Permit Number: PRZ1201601362  
Check Number: 101989  
Payment Type: Check  
Amount: \$1,500.00  
Amount Paid: \$1,500.00

**Paid By: No Name**

**Line Item:**

| Type       | Fee Amount | Paid Amount |
|------------|------------|-------------|
| Custom Fee | \$1,500.00 | \$1,500.00  |
| Total      | \$1,500.00 | \$1,500.00  |

**Contacts:**

| Name and Street Address  | Primary Phone      |
|--|--------------------|
| FAST BY FERRACCI INC , 1901 DAVISVILLE RD<br>WILLOW GROVE PA 19090                           | <NO PRIMARY PHONE> |
| MOOSE HOLDING LLC C/O BRIXTON PET HEALTH, 19717<br>62ND AV SOUTH KENT , WA 98032, SUITE F103 | (832) 443-8542     |

**Location:** 1901 DAVISVILLE RD WILLOW GROVE PA 19090

*ZHB- 16-15*