

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:

16-18: This is the application of **Joao Paulo Miranda**, owner and applicant for the vacant lot known as 1278 Meadowbrook Road, Jenkintown PA, 19046, also known as Parcel # 300042499005, Lot # 4. The applicant seeks approval to construct a house with an attached deck. Due to the fact that the structures are proposed to encroach into the side, rear and front yard setbacks, dimensional variances are requested from Sections 301.3 & 801.C.8 of the Zoning Ordinance of the Township of Abington. As this lot is located within the 100 year floodplain as set by FEMA, the setbacks are measured from the edge of the floodplain.

The property is zoned within the (R-1) Residential District of Ward #1 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.



HOWLAND ■ HESS ■ GUINAN ■ TORPEY ■ CASSIDY & O'CONNELL, LLP

A T T O R N E Y S A T L A W

ROBERT G. HESS
RICHARD I. TORPEY
GEORGE P. O'CONNELL*
JOHN R. HOWLAND
THOMAS M. GUINAN+
BRUCE D. HESS
MICHAEL W. CASSIDY
KAREN F. ANGELUCCI
DENNIS R. MEAKIM**
KAREN C. MAVROS+
JOSEPH W. WINNING+

2444 HUNTINGDON PIKE
HUNTINGDON VALLEY, PA 19006-6189
PHONE: 215-947-6240 FAX: 215-947-6254
www.howlandhess.com

THOMAS S. HOWLAND (1935-1988)
JOHN W. DEAN, III (1980-2009)
HARRY C. BARBIN* (1954-2010)
WILLIAM M. O'CONNELL III* (1977-2011)

New Jersey Office:
769 ROUTE 9
SUITE 10
BAYVILLE, NJ 08721
PHONE: 732-269-0040
FAX: 732-269-0282

Of Counsel:
DIANE L. SLIFER+

JENEEN MAGNIN, Paralegal
DONNA GREENWOOD, Paralegal

Direct Dial: 215-914-2412
jhowland@howlandhess.com

Reply to Pennsylvania Office

*Also admitted in NJ
*Formerly of Barbin & O'Connell
(215) 379-3015

May 23, 2016

HAND DELIVERED

Mr. Mark A. Penecale
Planning and Zoning Officer
Abington Township
1176 Old York Road
Abington, PA 19001



- RE: **Zoning Applications**
1. 1262 Meadowbrook Road (Lot 3)
 2. 1278 Meadowbrook Road (Lot 4)

Dear Mark:

I am counsel for the applicant and owner, J.P. Miranda. I enclose two (2) applications for zoning variances for the above-captioned lots, together with the following items for each application:

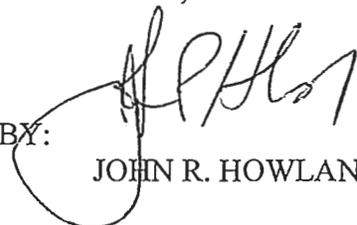
1. Deed
2. Zoning Plan (10 copies)
3. Existing Features Plan (10 copies)
4. 1978 approved Subdivision Plan (10 copies)
5. Mark Penecale letter dated 11/25/08 (8 copies)
6. Check for filing fee (\$400.00)

It is my understanding that this matter shall be listed on the agenda for the Zoning Hearing Board for June 21, 2016.

Please contact me if you require any additional information or documentation.

Thank you.

HOWLAND, HESS, GUINAN, TORPEY, CASSIDY &
O'CONNELL, LLP

BY: 
JOHN R. HOWLAND

JRH/kk

Enclosures

cc (w/encls.): J.P. Miranda
Vincent Fioravante

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, converge 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:

Joao Paulo Miranda
6031 Harbison Avenue
Philadelphia, PA 19135

973-725-9235

2. Name and address of the applicant: Phone number:

Joao Paulo Miranda
6031 Harbison Avenue
Philadelphia, PA 19135

973-725-9235

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

John R. Howland, Esquire
Howland Hess O'Connell
2444 Huntingdon Pike
Huntingdon Valley, PA 19006

215-914-2412

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.

5. Description of the property:

Address/location 1278 Meadowbrook Road, Meadowbrook, PA 19046 (Lot 4)

Present use vacant

Proposed improvement Single family dwelling

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:

Front and rear yard setbacks, when measured from the inside edge of the resource zones (stream flood plain to the front, and wetlands to the rear).

Front Yard – 39.1 feet

Rear Yard – 5.94 feet

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

Section 8.1 C. 8

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 lot is severely impacted by the existence of both a stream/flood plain along the length of its front yard, as well as a non-contiguous wetlands area along the length of its rear yard. Note that were it not for these natural constraints, both front yard and rear yard setbacks would greatly exceed the requirement of the ordinance. By virtue of the flood plan and wetlands constraints, the building envelope is extremely narrow.

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.

None known.

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.

Letter dated November 25, 2008 from Mark A. Penecale concerning staff review of Permit Plans.



Signature of Applicant

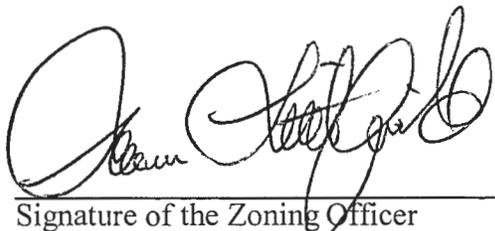
Signature of Owner

Internal Validation:

Date Received: 5/23/16 *JK*

Fee Paid: \$400.00 *ck# 265*

Case: #16-18



Signature of the Zoning Officer

Prepared by:

Trident Land Transfer Company LP
431 West Lancaster Avenue
Devon, PA 19333
Phone: (610)889-7660

Return To:

ATTN: Post-Closing Department
Trident Land Transfer Company LP
Parcel No.: 30-00-42499-00-5 and 30-00-42499-10-4

File No.: 15PA07865

DEED

John Springrose

to

Joao Paulo Miranda

PREMISES:

Lots 3 & 4 Meadowbrook Road
Township of Abington
County of Montgomery
Pennsylvania

Parcel No.: 30-00-42499-00-5 and 30-00-42499-10-4

The address of the above named Grantee(s) is:

Lots 3 & 4 Meadowbrook Road
Rydal, PA 19046

Certified by: _____

EXHIBIT A

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Abington, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan of property of Meadowbrook made for the Estate of Alice W. Herkness, deceased, by Charles Shoemaker, Inc., Engineer and Surveyor, Abington, Pa., dated 7/19/98 as follows, to wit: BEGINNING at a point on Southwesterly side of Meadowbrook Road (41.50 feet wide at this point, as widened as the original width of 33 feet wide by the addition of 8.5 feet wide on the Southwesterly side) said point being measured the 4 following courses and distances from a point of intersection which center line of Washington Lane (33 feet wide) makes with the center line in the bed of Meadowbrook Road; (1) thence extending along the center line the bed of Meadowbrook Road in a Southeasterly direction, 360 feet to a point; (2) South 71 degrees, 57 minutes, 30 seconds West, 25 feet to a point of beginning, said point of beginning being a corner of lands now or late of Martin A. Maurin; (3) thence extending along the Southwesterly side of Meadowbrook Road, South 18 degrees, 02 minutes, 30 seconds East, 65.30 feet to a point; (4) South 23 degrees, 16 minutes, 30 seconds East, and crossing the Northwesterly side of a certain easement and access; 139.44 feet to a point in the center line on the bed of said easement, said point being a point of beginning, said point also being a point, a corner of Lot No. 4 as shown on the abovementioned plan; thence extending from said point of beginning along the Southwesterly side of Meadowbrook Road, South 23 degrees, 16 minutes, 30 seconds East, 135.45 feet to a point of curve on the same; thence extending from said point of curve along the Southwesterly and Northwesterly side of the Meadowbrook Road on the arc of a circle curving to the right having a radius of 125 feet and crossing a certain limit 100 year flood plain and crossing a certain stream the arc distance of 84.51 feet to a point on the Northwesterly side of Meadowbrook Road, said point being a corner of Lot No. 2 as shown on the above mentioned plan; thence extending along the aforesaid lot, North 84 degrees, 20 minutes, 14 seconds West and recrossing the 100 year flood plain and also crossing the aforementioned stream and also crossing another limit 100 year flood plain the distance of 348.72 feet to a point, a corner of lands now or late of A. Richard and Deborah D. Kendall; thence extending along the aforesaid lands North 12 degrees, 29 minutes, 33 seconds East, 88 feet to a point, a corner of Lot No. 4 as shown on the above mentioned plan; thence extending along the aforesaid lot North 71 degrees, 57 minutes, 30 seconds East, and crossing aforementioned easement for access and also recrossing the aforementioned 100 year flood plain and also recrossing aforementioned stream, 282.85 feet to the first mentioned point and place of beginning. BEING Lot No. 3 as shown on the above mentioned plan. ALSO ALL THAT CERTAIN lot or piece of ground, SITUATE in the Township of Abington, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan of property of Meadowbrook made for the Estate of Alice W. Herkness, deceased, by Charles E. Shoemaker, Inc., Engineer and Surveyor, Abington, Pa., dated 7/19/1978 as follows, to wit: BEGINNING at a corner of Southwesterly side of Meadowbrook Road (41.50 feet wide at this point as widened from its original width of 33 feet by the addition of 8.5 feet on the Southwesterly side) said point being measured the 2 following courses and distances from a point of intersection which the center line of Washington Lane (33 feet wide) makes with the title line in the bed of Meadowbrook Road; (1) thence extending along the center line in the bed of Meadowbrook Road in a Southeasterly direction, 360 feet to a point; (2) South 71 degrees, 57 minutes, 30 seconds West, 25 feet to a point of beginning, said point of beginning being a corner of lands now or late of Martin A. Maurin; thence extending from said point of beginning along the Southwesterly side of Meadowbrook Road the 2 following courses and distances; (1) South 18 degrees, 02 minutes, 30 seconds East, 65.30 feet to a point; (2) South 23 degrees, 16 minutes, 30 seconds East, and crossing the Northwesterly side of a certain easement for access, 139.44 feet to a point, a corner of Lot No. 3 as shown on the above mentioned plan, said point being a title line in the bed of the aforesaid access easement; thence extending along the aforesaid lot and aforesaid easement and also crossing a certain stream and 2 certain limit of 100 year flood plain, South 71 degrees, 57 minutes, 30 seconds West, 282.85 feet to a point, a corner of lands now or late of A. Richard and Deborah O. Kendall; thence extending along the aforesaid lands and also along lands now or late of Ann Cook Skinner and Annan F. Cook, North 12 degrees, 29 minutes, 33 seconds East, 237.03 feet to a point, a corner of lands now or late of Martin A. Maurin; thence extending along the aforesaid lands North 71 degrees, 57 minutes, 30 seconds East, and recrossing the aforementioned flood plans and also recrossing the aforementioned stream, 149.73 feet to the first mentioned point and place of beginning. BEING Lot No. 4 as shown on the above mentioned plan. BEING PARCEL NO. 30-00-42499-10-4 and 30-00-42499-00-5 Being the same which Springbar, Inc., a PA Corp. by Deed dated 3/28/2003 and recorded 9/17/2003 in the County of Montgomery in Deed Book 5473 page 1130 conveyed unto John Springrose, in fee.

Parcel No.: 30-00-42499-00-5 and 30-00-42499-10-4

IN THE WITNESS WHEREOF, the said Grantors has/have caused these presents to be duly executed dated the day and year first above written.

SEALED AND DELIVERED

In the presence of us:



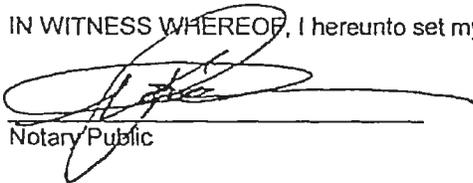
John Springrose

Commonwealth of Pennsylvania

County of _____

On this, the 26th day of September 2015, before me, the undersigned Notary Public, personally appeared John Springrose known to me (or satisfactorily proven) to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public

My Commission Expires: 3-28-22

NICHOLAS PISTONE
Notary Public, South Carolina
My Commission Expires
March 28, 2022



Carol T. DiJoseph, President
Peggy Myers, Vice President
Burton T. Conway, Manager
Jay W. Blumenthal, Treasurer

1176 Old York Road, Abington PA 19001, www.abington.org, 267-536-1000, Fax 215-884-8271

Leon D. McGuire, Jr., P.E.
Fioravanti, Inc.
618 Street Road
Southampton, Pa. 18966

November 25, 2008

Re: **Zoning Compliance Letter for Unit #062 & Unit #017, Block #014,
Meadowbrook Road, Meadowbrook, Pa. 19046.**

Dear Mr. McGuire,

This letter is written in response to your request for staff review comments on the "Permit Plans" for Unit #62 and Unit #17 within Block #014 of the Township of Abington. I have forwarded a copy of your plans and the storm water management reports to Michael E. Powers, Abington Township Engineer for his review. Those comments will be contained within this letter.

The comments contained within this letter are based on the plans and reports submitted for review. Both plans submitted are sealed by Vincent W. Fioravanti, P.E. and have a last revised date of October 27, 2008. Changes to the plans submitted may void the comments contained within this letter.

The properties are zoned within the R-1 Residential District of Ward #1 of the Township of Abington. The properties are currently subdivided and comply with the dimensional requirements of lot frontage, lot width, lot depth, lot area and coverage percentages of Section 301.3 of the Zoning Ordinance of the Township of Abington. Please be aware that the building setbacks are measured from the closest point of the 100 year flood plain, wetlands area, or any other easement, right-of-way or protected natural resource. Both plans contain a detail that of what appears to be shaded and dotted area that does not appear in the "Legend Box" of the plans submitted. I believe that the shaded and dotted area is marking out the 50 foot required front yard that is measured from the outer edge of the 100 year food plain.

Separate permits will be required for stream crossing, installation of the sanitary sewer connection, disturbance and/or relocation of defined wetlands and for the soil erosion control plans. Please be aware that steep slope disturbance is limited to 25% as per the requirements of Section 602 of the Zoning Ordinance of the Township of Abington.



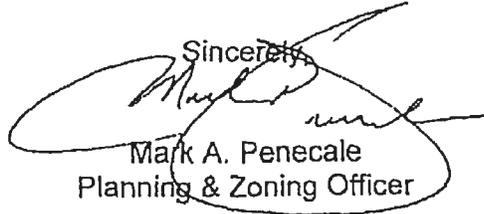
Serving "One of America's Top 100 Communities" With Pride



The Engineering Department of the Township of Abington has provided the following comments.

1. This Department suggests that each dwelling be tied-into the sanitary sewer system with an ejector pump. The two inch lines can coverage into 2 inch sewer line that will tie into the sewer main that is along side the Meadowbrook right-of-way. However, each dwelling lateral line will require a back-flow preventor.
2. Any disturbance to the creek will require review and approval by the Department of Environmental Protection, (DEP).
3. The assigned addresses for these properties will be as follows.
 - Block #14 – Unit #17 = 1278 Meadowbrook Road
 - Block #14 – Unit #62 = 1262 Meadowbrook Road
4. Any construction within the right-of-way of Meadowbrook Road requires a permit from the Engineering Department of the Township of Abington.

If there are any questions that you may have, please feel free to contact me at 267-536-1017.

Sincerely,

Mark A. Penecale
Planning & Zoning Officer

Cc: Lawrence T. Matteo, Jr.; Director of Planning & Code Enforcement
Michael E. Powers; Engineer, Township of Abington
File Copy (2)