

# LAND USE, PLANNING AND ZONING COMMITTEE

*Minutes of the Meeting of January 5, 2023*

## Members Present

- |                           |  |
|---------------------------|--|
| ✓ Steve Gendler, Co-chair | ✓ Joyce Lenhardt                           |
| ✓ Chris Linn, Co-chair    | ✓ Jean McCoubrey                           |
| ✓ Jan Albaum              | ✓ Andrew Moroz                             |
| Jason Friedland           | Camille Peluso                             |
| ✓ John Landis             | ✓ Craig Schelter                           |
| ✓ Greg Lattanzi           | Kathi Clayton, President CHCA (ex-officio) |
|                           | ✓ Larry McEwen, VP Physical CHCA           |

## Others Attending:

Daniel Spillane, owners 113 W Chestnut Hill Ave  
Jeff Regan, contractor 113 W Chestnut Hill Ave  
Tallulah Regan, designer 113 W Chestnut Hill Ave  
Justin Krik, attorney 113 W Chestnut Hill Ave  
Merrie Allison, neighbor 113 W Chestnut Hill Ave  
David Wallace, neighbor 113 W Chestnut Hill Ave  
Kimberly Dukes, owner 5 E Chestnut Hill Ave  
Vern Anastasio, attorney 5 E Chestnut Hill Ave  
Ben Loughlin, architect at Millan Associates, 5 E Chestnut Hill Ave  
Patricia Cove, HDAC and consultant 5 E Chestnut Hill Ave  
Richard Bartholomew  
Melissa Degenhardt  
Matthew Ruff, CHCA  
Anne McNiff, Executive Director CHCA  
Celeste Hardester, Development Review Facilitator  
Melissa Nash, recorder

The meeting was opened at 8:03 pm by Chris Linn, co-chair. This meeting was conducted remotely using Zoom. Attendees introduced themselves. Minutes will be reviewed at the end of the meeting.

## **113 West Chestnut Hill Avenue**

•Presentation: C Linn noted that the project was seen by the LUPZC and HDAC and made its first DRC appearance at the December meeting. Proximity issue and storm water issues were to have been addressed. The project was seen by HDAC and now LUPZC. J Landis stated that the setback was proposed to be changed from 3' to 6'. Merrie Allison (117) and David Wallace (115) still want 10', which is what would be required if the building were an ADU or primary structure. Richard Bartholomew noted that the Spillanes prefer the 3' setback to avoid impacting the view from their kitchen window over the backyard. He studied cones of view with the garage in various locations and found there was not a significant difference. P Cove stated that the HDAC wants 10' with no compromise. C Linn asked why there is no solution. Justin Krik noted that the storm water drainage has been addressed as has the placement of the HVAC unit. The 3' setback is for the garage as of right. 10' as discussed but the kitchen window's view is impacted. 6' is a compromise. Increasing

the setback moves the new structure closer to the main house. D Wallace appreciated the attention to storm water but still wants 10'. M Allison agrees with the 10' setback as it fills code for the type of building. If 10' is not done, then it should not be built. The second floor of the garage is not an apartment. J Landis noted that the building presents itself as an ADU. J Krik reiterated that the building could be built as of right without the dormer. It should not be compared to a house.

•Committee Action/Motion: Craig Schelter presented the motion. It was moved that the LUPZC accept the application for a variance for this project if the side yard setback is 8'. P Cove added that the existing garage not be impacted by this project. J Lenhardt added that rentals or commercial uses will not be allowed. Melissa Degenhardt, an interested Chestnut Hill resident, asked if this is approved why everyone would not just build tall garages. This could be done legally without a dormer. J Lenhardt also suggested that the wall facing the neighbors be built in equal quality material as the rest of the garage. This was rephrased as the applicant should commit to using materials on the whole building. It was further added that storm water management arrangements be included. S Gendler asked about plantings on the property line. J Krik noted this has not been specifically planned but they are conscious of the need. The motion was restated: The LUPZC recommends approval of the application for a variance with the conditions that the side yard setback be 8', that the existing garage not be impacted, that no rental or commercial uses be allowed, that the same materials be used on all sides of the building, and that storm water management be included. The motion was seconded. It was approved with 6 favor and 2 against. L McEwen will present the project to the Board. The DRC will supersede its vote to the Board. The special meeting will need to be scheduled over the weekend as the ZBA appointment is Wednesday. As M Allison cannot be present her attorney can represent her at the meeting J Krik will also speak to him. The meeting will be via Zoom. The applicants should attend. A McNiff will provide instructions for the meeting.

### **5 East Chestnut Hill Avenue**

•Presentation: Vern Anastasio, attorney for the project reviewed the refusal. The house presently has 5 apartments. The allowed number is reduced to 2 units. The proposed new building will add an additional unit with a total of 3. In the past there was a barn in the approximate location of the proposed. Moving the proposed building further from the property line impacts the existing. He reviewed the history of zoning for the property. Ben Loughlin, architect described the existing property and its additions. It is zoned RSD-3. There are institutional uses on the adjoining Germantown side (Hospital) and E Chestnut Hill Avenue side (Our Mother of Consolation Church). Across Germantown Avenue are a dental office and another church. Other near neighbors is residential. The existing house has deferred maintenance. The intent is to preserve both the interior and exterior. The project seeks to add a 3 car garage with a dwelling unit over. This requires a shortened side yard. 7' is required; 5'-4" is proposed. The property is in Wissahickon zone 5, which has no impervious restrictions. A planting plan was presented. Storm water management will include infiltration under the parking area. The plans for the new building were shown as were the proposed color and materials. The trees on the side property line are mostly on the hospital property. The two trees on this property may be affected but can probably be saved. It is possible to subdivide the property by right and build a second house on the property.

•Committee Comments and Questions: There is a concern for parking, open space, street trees and storm water management. The committee asked about how the property would be occupied. Kim Dukes stated that there will be 3 luxury condos, each with 2 bedrooms. The units in the house will

have ±3000 sq ft each and the third unit will have 1200 sq ft. There will be gardens and open space. This will be a boutique design. Anne McNiff asked if there would be an HOA. There will be. S Gendler asked how the open space will be protected. Vern Anastasio noted that this could be done by a deed restriction. K Dukes wants the open space to be preserved. There are means of protecting the open space without a conservation easement. This will be worked on. Landis stated the committee would like a proposal for open space by the DRC. K Dukes stated that she needs to have the third unit for viability. J Landis stated that the materials shown in the renderings do not work with the materials on the wonderful old house; Wissahickon schist might be a better choice. There needs to be a better relationship. Ben Loughlin noted that the brick was chosen for its warmth; there is some brick on the older building; some is stucco colored. Discussion continued on materials. K Dukes said that brick was richer. V Anastasio noted that the colors in the renderings can be jarring. S Gendler noted the styling does not match the former barn. Color was also discussed. J Landis suggested creating alternate color schemes shown with a truer rendering and reconsidering window placements. Jan Albaum noted that the landscaping has been improved but that liriopie is not a native plant. K Dukes stated that liriopie was chosen due to the harshness of the location. The landscape plan is not finalized. Changes can be made. J Landis asked about the internal configuration of the older house. The rear addition and the porch will be restored/reconstructed. The first two floors will be one unit and the third and fourth floors will be the second unit. Both units will have entrances off the parking area. The lower unit will have the current door for its main entrance. The upper unit will include an elevator as well as stairs. Each of these units will have 2 bedrooms, two baths, an office, walk-in closets, etc. The committee expressed confusion about the number of units planned. There were originally 4 units (3 + 1) planned but is now 3 units (2 + 1). J McCoubrey asked about the side yard setback. She suggested the carriage house could be slid closer to Germantown Avenue, allowing the building to be moved off the setback. The carriage house depth could also be reduced. It was suggested by V Anastasio that the alignment of the structures was desirable. To have a full setback, would make the access too tight. K Dukes stated that she has spoken to neighbors and has mailed letters and made up personal packets. It was suggested that evidence of neighbor notification and support be shown at the DRC. C Linn asked that details of handling the runoff be shown. There is a difference in ground level between the hospital and the project; the church is at roughly the same level. Storm water management will be incorporated.

•Motion: J Landis moved that the LUPZC provisionally support the variance for 5 E Chestnut Hill Ave subject to presentation of 2 additional exterior treatment schemes, documentation of support/non-support of adjacent neighbors, provide good faith documentation of the need for a proposed side yard variance and provide approaches to protecting the open space of the property. During the motion process there was discussion about the requirements given in the motion, especially neighbor notification.

### **Minutes**

•The minutes were reviewed. Errors and improvements noted include correction of the professions of the Regans, wording about the height of the ridge of the garage roof and the addition of the word “principal” when referring to the second structure on the site. It was moved that the minutes be approved with those changes. The motion was seconded and the minutes were approved.

### **Adjournment**

•The meeting was adjourned at 10:30 PM.