



## Montgomery Township Zoning Hearing Board

**Meeting Date: June 17, 2020**

**\*\*The applications below have been assigned specific time slots in order to adhere to the COVID-19 guidelines. Should you wish to be present for a specific hearing, please wait in the lobby area until the application is called into the room to be heard.**

**A face mask must be worn at all times within the Township building and during the hearing (unless unable to due to a medical condition). The meeting will be held with less than 25 people while maintaining a social distance of at least 6 feet.\*\***

### ***The agenda for the scheduled hearing is as follows:***

**7:30 PM:** **1. Application #20030001 McDonalds USA, LLC / 1200 Welsh Road** - The applicant, McDonald's USA, LLC is a tenant of the condominium unit within the Montgomery Commons Shopping Center located at 1200 Welsh Road. The property is improved with a McDonalds restaurant with dual drive thru lanes, parking, and related improvements. The property sits within the S – Shopping Center District.

In 2009, the applicant received approval for one presell board (11 sq ft in size) and two menu boards (each 42 sq ft in size) for a total of 95 square feet.

McDonalds proposes to update their existing presell and menu board signage. They are proposing to install two new presell boards (each 8.8 sq ft in size) and two menu boards (each 17.6 sq ft in size) for a total of 52.8 square feet of outdoor menu related signage. The proposed signs use LED technology and change for breakfast, lunch, and dinner only.

The applicant requests a Special Exception per Section 230-123A(36) and 230-185 to allow two Pre Sell Boards and two Menu Boards as miscellaneous signs and a Variance per Section 230-127A(1)(a)[1] to allow each menu board to have changeable copy area exceeding 16 square feet.

**8:15 PM:** **2. Application #20020001 Mehta / 103 Robertson Court** - The applicants are the owners and occupants of the single family home located at 103 Robertson Court within the Ashburn Village development. The 15,009 square foot lot sits within the R-1 Residential District with the Historical Cluster Overlay. The property is currently improved with a 5,554 square foot home, 1144 square foot patio, and gazebo.

The applicants propose to construct an in-ground swimming pool adding an additional 617 square feet of coping/decking to the property. During the plan review, it was noted that the existing patio encroaches into the side yard setback and the gazebo encroaches into the side and rear yard setbacks. The proposed additional pool decking brings the total impervious coverage to 6,537 square feet (43.56% of the lot) where the maximum allowed is 6,003 square feet (40% of the lot).

The applicants request the following relief from the provisions of the Code of Montgomery Township:

1. **Section 230-240D** – Variance to allow patio to encroach into the side yard setback, minimum 10 feet from the property is required, applicant proposing 7 feet.
2. **Variance 230-240D&F** – Variance to allow gazebo to encroach into side and rear yard setbacks, minimum 10 feet and 30 feet respectively is required, applicant proposing 8 feet from the side property line and 26 feet from the rear property line.
3. **Section 230-240G** – Variance to allow 43.56% impervious coverage where the maximum allowed is 40%.

**8:45 PM: 3. Application #20060001 Roth / 103 Sparks Circle** - The applicants, Lawrence V. and Judith Roth, are the owners and occupants of the single family home located at 103 Sparks Circle within the Wynwood Estates development. The 24,672 square foot irregular shaped lot sits within the R-2 Residential District. The property is currently improved with a 2,825 square foot home and 464 square foot deck.

The applicants constructed in 2019 a 275 square foot roof over the existing deck 3 feet from the rear property line. A minimum of 30 feet is required.

The home was constructed in 1990 and sits on an angle on the lot with the left rear corner of the home 16 feet from the rear property line. At that time, the minimum requirement was 15 feet from the rear property line. In 1996, the ordinance was updated and the minimum rear yard setback for a home / roof structure was changed to 30 feet.

The applicants request the following relief from the provisions of the Code of Montgomery Township:

1. **Section 230-33 and 230-149B(1)(a)** – Variances to allow the existing deck and roof structure to encroach into the rear yard setback, minimum 15 feet (open deck) and 30 feet (roof structure) from the rear property line is required, applicant is proposing 3 feet at the closest point.

**\*\*Copies of the Application(s) and accompanying documents are on file in the Township's Planning and Zoning Department and may be seen upon request.**