



Montgomery Township Zoning Hearing Board

Meeting Date: August 5, 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 #20070002 Martin / 106 Sterling Drive - The applicants, Kirby and Eileen Martin, are the owners and occupants of the single family home located at 106 Sterling Drive within the Knapp Farm Development. The 16,142 square foot lot sits within the R-2 Historic Cluster Residential District. The property is currently improved with a 3,300 square foot single family home.

The applicants are currently constructing an in-ground swimming pool with decking and a 6 foot privacy fence. The property has an irregular shape. It sits along the curve of Sterling Drive creating a large front yard along the entire curve and smaller rear and side yards. The applicants propose to install a 6 foot solid fence to enclose the pool area. A portion of this fence would encroach into the "front yard" where a maximum height allowed for a fence is 3 feet. The fence would not be placed in front of the home, but because of the curve, it is considered the front yard.

The applicants request the following relief from the provisions of the Code of Montgomery Township in order to place the proposed 6 foot solid fence in a portion of the front yard (approx. 17 feet behind the curb):
Sections 230

8:00 PM: 2. Application #20070003 Hassan / 511-521 Stump Road - The applicant, Harry Hassan, is the owner of the two-story Village Shopping Center and former Village Tavern located at 511-521 Stump Road. The six acre property sits within the S-Shopping Center District.

The applicant's tenant, Ristorante Imperatore, has leased the vacant Village Tavern building and proposes to operate a restaurant with outdoor dining. In 2003, the Zoning Hearing Board granted relief for an 1100 square foot / 65 patron outdoor dining area with restrictions. The applicant proposes to expand the existing outdoor dining area 1200 square feet to accommodate an additional 74 patrons. The total outdoor dining area would be 2300 square feet in size accommodating up to 139 patrons.

The applicant requests relief from the following provisions of the Code of Montgomery Township in order to expand the outdoor dining area:

1. Modification of the 2003 Zoning Hearing Board decision for 1100 square foot outdoor dining area and restrictions in regards to hours, music, access, events, lighting, heat, and weather protection.
2. Special Exception pursuant to Section 230-156.4 to permit outdoor dining.
3. Variance from Section 230-156.4.B so as not to provide the additional 25 parking spaces required for the proposed 1200 square foot outdoor dining space expansion, where the property has excess parking spaces.

8:30 PM: 3. Application #20070001 McGeary / 132 Bedford Lane - The applicants, Donald and Kristen McGeary, are the owners and occupants of the single family home located at 132 Bedford Lane within the Heatherknoll Development. The 12,171 square foot lot sits within the R-5 Residential District. The property is currently improved with a 1,900 square foot home, in-ground swimming pool with pool decking, fence, and a deck.

The applicants constructed a 10x15 square foot roof structure over a 220 square foot patio. On May 14, 2020 the applicant was notified by the Township's Building Inspector that a permit was required for the construction work that was currently underway. A permit application was submitted to the Township on May 27, 2020 and subsequently denied due to zoning noncompliance. The patio and roof structure was installed 3 feet from the side property line where a minimum of 10 feet is required. The roof structure also sits 38 feet from the rear property line where a minimum of 40 feet is required.

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

1. **Variance request for the patio constructed:**
 - a. Section 230-149B(1)(a) and Section 230-66C(2)(a) – Minimum distance to side property line must be 10 feet. Proposing 3 feet
2. **Variances request for the roof structure over the patio constructed:**
 - a. Section 230-149B(1)(a) and Section 230-66C(2)(a) – Minimum distance to side property line must be 10 feet. Proposing 3 feet.
 - b. Section 230-149B(1)(a) and Section 230-66C(3) – Minimum distance to rear property line must be 40 feet. Proposing 38 feet.

****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.**