

RECOMMENDATIONS FOR FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This conditional use application was filed by Beacon Construction Co. and Dr. Anthony Costa seeking approval to deviate from architectural and design standards of the Bryn Mawr Village District pursuant to Code §155-215.E.3 for renovation of the façade of an existing building. A Conditional Use Hearing was held on October 13, 2016 before the Conditional Use Hearing Officer.¹

1. The Applicant is Marc Saggio of Beacon Construction. (“Applicant”).
2. Anthony Costa, Sr. and his wife are the title owners of land located at 800 Summit Grove Avenue, Bryn Mawr, Lower Merion Township (“Property”). Their son is Dr. Anthony Costa, an orthodontist with a practice based at the Property.
3. The Property is situated on the corner of South Bryn Mawr Avenue and Summit Grove Avenue in Bryn Mawr Village District 3 (“BMVD-3”).
4. The Property was improved with structure in 1952 that was originally used as a residence with attached doctor’s office. For the past 27 years it has been used as an orthodontic office by Dr. Anthony Costa.
5. The structure contains 2,990 sq. ft. There is a detached garage and an on-site parking lot for 16 vehicles with access from South Bryn Mawr Avenue and Summit Grove Avenue.
6. Summit Grove Avenue and a PNC Bank are located to the east of the site, a medical office building is located to the west of the site, a surface parking lot associated with Bryn Mawr Hospital is located to the north of the site and the Bryn Mawr Community Center

¹ The Conditional Use Hearing Officer is authorized to conduct the hearing pursuant to Code §155-141.2.A.5.

and Park are located to the south. Ludington Library is within sight of the Property, across South Bryn Mawr Avenue.

7. The Applicant seeks to renovate the façade of the building with conditional use approval to deviate from the development design standards of the Bryn Mawr Village District (“BMVD”), pursuant to Code §155-213(E)(3). The pre-existing building has a stone façade which is not easily adapted to all BMVD Development Design Standards. In lieu of the required façade elements, the Applicant proposes modeling the new façade on the Ludington Library’s façade, among other things.

8. Lower Merion Township’s Bryn Mawr Village District, as amended by Ordinance No. 4031 in September, 2014, is intended to promote pedestrian oriented design and traditional Bryn Mawr Village character. The Board of Commissioners may authorize deviations from the development design standards of the BMVD by conditional use approval if the Applicant has met its burden of proof, pursuant to Code §155-215.E.3.

9. The Lower Merion Planning Commission reviewed the conditional use application on October 10, 2016 at which time the Applicant withdrew their request to not screen mechanical units at the meeting. The Planning Commission recommended approval of the application subject to six (6) conditions:

1. The Applicant should provide one additional window on the ground floor that aligns with the windows on the second floor;
2. The Applicant should submit a landscape plan to the Township consistent with the Bryn Mawr Village District ordinance and greening standards which shall include street trees along both Bryn Mawr Avenue and Summit Grove Avenue and enhancement of the landscaping at the corner of Bryn Mawr and Summit Grove Avenues;
3. The Applicant should provide a comfortable connection to the building from the existing public sidewalks which could include a change in paving materials, such as stamped concrete;

4. The Applicant should repair and replace any damaged curb and sidewalk along the frontage of the property;
5. The Applicant should provide a bike rack for the use of patients and employees;
6. The Applicant should submit a signage package demonstrating compliance with the signage limitations in the Zoning Code.

(See Exhibit T-3.)

10. The Conditional Use Hearing Officer conducted a public hearing on October 13, 2016.

11. Jillian Puleo Dierks, a Planner in the Lower Merion Township Building and Planning Department, offered eight (8) documents into evidence that were admitted into the record:

- a. Conditional Use Application (Exhibit T-1);
- b. Lower Merion Township staff memo dated 10/7/16 (Exhibit T-2);
- c. Lower Merion Planning Commission recommendations and conditions of approval dated 10/10/16 (Exhibit T-3);
- d. Building Elevations dated 9/12/16 by Kore Design Architecture (T-4);
- e. Proof of publication of legal notices about Conditional Use Hearing (T-5);
- f. Lower Merion Township Code Design Development Standards for Bryn Mawr Village District §155-215 (T-6);
- g. Lower Merion Township Code Conditional use application procedure and standards §155-141.2 (T-7);
- h. Township Staff's Hearing Presentation (power point slides) (T-8).

12. The Applicant relies on the same documents submitted by the Township in support of their conditional use application.

13. Anthony Costa, Sr. testified that he and his wife purchased the Property from a dentist approximately 27 years ago, intending it for their son's orthodontia practice (T-13). Costa would like to upgrade the building's exterior to appear similar to Ludington Library located across the street (T-13-17). He has hired Beacon Construction and Kore Design Architecture for this project (T-13, 14). Conditional use approval is sought to deviate from the prescribed architectural standards and designs in the BMVD-3. Costa said he "hopes 100%" that

the new façade will enhance the pedestrian experience and provide new landscape and architectural features (T-15).

14. Mark Wallace is an architect and employee of Kore Design Architecture. He is the project architect and described existing conditions as a stone building used as a dental office for almost 25 years. The original intent of the proposed improvements was to re-skin the building with a new façade leaving a majority of openings. (T 5-6). Although they have tried to follow the Township's design guidelines as closely as possible, Wallace testified:

A lot of the glazing requirements are meant for new construction buildings, not buildings with a stone base. So we increased our glazing significantly along our one-story portion that we mostly rebuilt to try to get us closer to a lot of the glazing and openness in connection with street requirements that were part of the zoning district. However, we were limited by budgetary concerns. We were using a lot of the same openings, with the exception of the large ones along the front that we opened up. And there just doesn't seem to be a way to get to those numbers. So that is one of the issues that triggered about probably 7 of these 12 items on the refuse list (T-6).

15. Wallace further testified the proposed architectural design tries to act within the intent of Code given existing limitations at the site:

The existing site, the parking flow, the existing parking stalls, they need to keep as many of those parking stalls as possible. We tried to turn this old residential home into a commercial looking building that also met the design feel of the Bryn Mawr Village and something that was semi-urban, in that you can see into a lot of the spaces with the more glazing we are providing. The existing site constraints are a little difficult because it is a building located currently in a sea of parking. So we are doing the best we can to add more greening to the site and a couple other aesthetic improvements round the site as well, instead of just architectural elements that we were trying to provide to make it a nicer project to fit into the context of the neighborhood. (T 7-8).

16. He testified this project meets the majority of BMVD standards which are intended to promote pedestrian oriented design. Although the new façade doesn't meet the exact letter of some prescriptive design standards because of its original stone exterior and original street orientation, it does meet the intent of the subsequently enacted BMVD standards. (T 7-8).

17. Regarding specific conditional use requests, the Applicant's plans call for the primary façade to remain facing Summit Grove Avenue, as originally constructed. As a result, the proportion of the façade on this corner lot will not be most prominent on the primary street, South Bryn Mawr Avenue, as required by Code §155.215.C.3. The reason for this deviation is the stone house was originally constructed with its prominent façade facing Summit Grove Avenue (T 18-19). Similarly, the main entrance of the building will be not oriented to the dominant street, pursuant to Code §155.215.D.1 and the main entrance of the building will not face the primary street, pursuant to Code §155.215.D.4. Alternatively, to meet the spirit of the ordinances, an existing one-story enclosed porch facing South Bryn Mawr Avenue will be clad entirely in glass and used as a reception playroom. Glass cladding from floor to ceiling will allow activity within the building to be visible from the street (T 18).

18. The Applicant will screen from public view all mechanical, electrical, communication, surface equipment and vent pipes, in compliance with Code §155.215.C.4. Bushes were recently removed during construction exposing a condenser, but they will be replaced to comply with Code, testified Wallace, so conditional use authorization pursuant to that subsection is not necessary (T 26).

19. The Applicant seeks four conditional use approvals of non-conforming windows and doors arising from the original stone façade which will not easily permit the new window openings that Code requires. Instead, the Applicant requests permission:

- a. For windows on the ground floor of the primary front facades (east and south elevations) to contain less than the required 65% clear windows and doors, in deviation from Code §155-215.E.2.a.1;
- b. For window and door openings at the ground floor of the primary front façade to not occur in a ratio of at least 3:1 between openings and solid surfaces, in deviation from §155-215.E.2.a.3;

- c. For the wall to window ratios along the horizontal width of the façade not to be within a range of 1:1 to 2.5:1, in deviation from §155-215.E.2.a.4a;
- d. To not maintain the existing wall-to-window ratio which is less than 2.5:1, in deviation from §155-215.E.2.a.4b.

Wallace testified that it is more difficult to insert headers into a stone façade than into new construction. The east elevation facing South Bryn Mawr Avenue will contain 65% glass, but the primary façade facing Summit Grove Ave has less than 65% glass in the stone facade (T 21-22). The Applicant tried to expand the existing openings and achieve a 1:1 ratio on the primary façade (south elevation) in a way that “made sense with the shape and scale of the building more so than the 3:1 ratio” (T 20-21). The issue with wall to window ratios along the horizontal width of the primary façade is similar to other glazing issues arising from the original stone wall (T 27-28). *See also* Ex. T-4

20. The Applicant seeks permission to use spandrel glass in a horizontal section of the primary façade (south elevation), deviating from Code’s prohibition of bronze glass, highly reflective glass, tinted or black smoked glass, §155-215.E.2.a.2a. Architectural renderings show large vertical windows spanning the first and second floors. (*See* Ex. T-4). Wallace testified that spandrel glass will conceal the floor assembly and a lavatory from view, although regular glass will also be used in the façade (T 24-25). Spandrel glass will not look different from regular glass from the outside unless its evening and the lights are on inside. (T 25). Wallace explained he is trying to “open up and provide as much glazing as we could” on the primary façade to get close to the 3:1 ratio, necessitating spandrel glass in front of the bathroom (T 25-26.)

21. Wallace testified he is unsure why staff found his architectural drawings do not show a ground floor façade with lobbies and retail spaces clearly connected to the outdoor environment and visible from the street, in compliance with Code §155-215.D.2. “I feel that we

completely opened up our reception area and our main entrance is also all glazing,” he stated with reference to the Summit Grove Avenue side (T 27).

22. The Applicant’s plan calls for individual windows in the upper stories of the façade facing South Bryn Mawr Avenue not to be vertically aligned with the location of windows and doors on the ground floor. The plans depict two windows on the second story and an enclosed porch clad entirely in glass on the ground floor, but no window on the ground floor beneath one of the second story windows. (*See* Ex. T-3 & T-8.) Wallace testified that pre-existing windows in the stone building are hard to move (T-28).

23. The Applicant seeks relief from Code requirements for building walls with less than 25% of clear windows to be articulated by details in masonry courses and blank windows trimmed with frames, sills and lintels, pursuant to Code §155-215.E.2.b. Wallace testified that the proposed plan contains articulation of windows with trim around them, stating, “Also how we expand our control joints off of them. As far as minimum stucco control joints, we’re way over what would typically be required because we’re using them artistically.” He further noted that the new façade will not be masonry and the Applicant is “trying to achieve this in the material palette that we have” (T 28-29).

24. Lastly, the Applicant would like to amend the application and obtain approval to use an EIFS finish as opposed to stucco. Wallace testified that the two look almost identical from the exterior and the building currently has an EIFS finish. He described it as an “extra layer of insulation outward of the building (...) so the building will perform mechanically better with that finish on it” (T 29-30).

25. Jim Murray, field supervisor for Beacon Construction assigned to this project, also attended the hearing in support of the Application (T 31).

APPLICABLE ORDINANCES

26. The Bryn Mawr Village District is intended to provide for pedestrian oriented outlets with multifaceted interconnectedness and interrelated uses in an established commercial area, Code § 155-210. Specific objectives of the district include:

1. Encourage economic development while maintaining the traditional main street environment;
2. Protect existing residential neighborhoods;
3. Establish a walkable community by promoting pedestrian-oriented streets and pedestrian-scaled buildings;
4. Encourage lively, human scaled activities within a mix of residential, commercial, cultural and other uses separately or in the same building;
5. Promote the reuse of existing structures in a manner that maintains the historic and visual character architecture and building scale of the neighborhood;
6. Reduce auto dependency by promoting transit ridership, bicycling and walking;
7. Accommodate parking in a convenient and unobtrusive manner and encourage shared parking, where possible;
8. Promote residential uses in upper stories;
9. Concentrate commercial uses on the ground level of mixed-use buildings.

27. The Bryn Mawr Village District Development Design Standards have a stated purpose of establishing consistent requirements that promote pedestrian oriented design and traditional Bryn Mawr Village character, Code § 155-215. The stated principles are:

1. New buildings should complement the pattern of existing landmark structures and have a building fabric that relates to the site and surroundings;
2. Buildings should respond at street level to a pedestrian scale;
3. Emphasis should be provided at prominent locations to buildings, with prominent facades that terminate view corridors, or whose corners are at gateway locations, or that either surround or are surrounded by open space.
4. New and existing development should have a consistent character;
5. Active ground uses should have multiple entrances and distinctive entrance treatments;
6. Texture and variety should be provided in windows, doors, walls and roofs.
7. Pedestrian pathways should be provided that are safe and attractive;
8. Street trees and shade trees should be employed to enhance development.

28. The Board of Commissioners may, by conditional use, approve the use of architectural standards and designs that differ from those set forth in the Design Development

Standards if the Applicant demonstrates to the satisfaction of the Board that such designs and standards are in furtherance of the legislative intent of this article and this subsection, Code § 155-215.E.8.

29. The Applicant for a conditional use must also comply with general requirements found in Code §155-141.2, excerpted in pertinent part as follows:

Conditional Use Procedure and Standards

(...)

- B. The Board of Commissioners may grant approval of the listed conditional use under any district, provided that the following standards and criteria are complied with by the applicant for the conditional use. The burden of proving compliance with such standards shall be on the applicant.
 - 1. The applicant shall establish by credible evidence that the use or other subject of consideration for approval complies with the community development objectives as stated in Article I of this chapter and the declaration of legislative intent that may appear at the beginning of the applicable district under which approval is sought.
 - 2. The applicant shall establish by credible evidence compliance with conditions for the grant of conditional uses enumerated in that section which gives the applicant the right to seek a conditional use.
 - 3. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall preserve the character of the neighborhood.
 - 4. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same.
 - 5. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval is properly designed with regard to internal circulation, parking, buffering and all other elements of proper land planning.
 - 6. The applicant shall provide sufficient plans studies or other data to demonstrate compliance with the regulations for the permitted use or such regulations as may be the subject of consideration for a conditional use approval.
 - 7. The Board of Commissioners shall impose such conditions as are advisable to ensure compliance with the purpose and intent of this chapter which may include without limitation planting and buffers, harmonious design of buildings, protection of watercourses, environmental amenities, and the elimination of noxious, offensive or hazardous elements.

C. Standards of proof.

1. An applicant for a conditional use shall have the burden of establishing both:
 - a. That his application for a conditional use falls within the provision of this chapter which accords to the applicant the right to seek a conditional use; and
 - b. That allowance of the conditional use will not be contrary to the public interest.
2. In determining whether the allowance of a conditional use is contrary to the public interest, the Board shall consider whether the application, if granted, will:
 - a. Adversely affect the public health safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.
 - (...)
 - e. Otherwise adversely affect the public health, safety, morals or welfare.
3. In all cases the applicant's burden of proof shall include the burden of persuading the Board by credible evidence that the applicant has satisfied the criteria set forth in Subsection C(1)(a) of this subsection. In any case where the Board requests that the applicant produce evidence relating to the criteria set forth in Subsection C(2) of this subsection or where any other party opposing the application shall claim that an allowance of the application will have any of the effects listed in Subsection C(2) of this subsection, the applicant's burden of proof shall include the burden of persuading the Board by credible evidence that the allowance of a conditional use will not be contrary to the public interest with respect to the criteria so placed in issue.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

30. Code §155.215.C3 pertains to façade composition and requires the proportion of the façade of a building built on a corner lot shall be most prominent on the primary street. The primary street is South Bryn Mawr Avenue but the house was originally constructed oriented toward Summit Grove Avenue. The Applicant seeks conditional use approval to continue the nonconformity in spite of façade renovations. **This deviation will meet legislative intent of the BMVD to promote the reuse of existing structures in a manner that maintains the historic and visual character of architecture and building scale of the neighborhood.**

31. Code §155.215.D.1 pertains to the ground floor façades and states “the main entrances of buildings shall face the street or public space and be oriented to the dominant street.” The Applicant proposes a main entrance oriented to Summit Grove Avenue, rather than the dominant street, South Bryn Mawr Avenue, continuing the pre-existing non conformity. **This deviation will meet legislative intent of the BMVD to promote the reuse of existing structures in a manner that maintains the historic and visual character of architecture and building scale of the neighborhood.** Taken as an aesthetic whole, the façade has design elements that enhance visual quality and contribute to human scale development.

32. Code §155.215.D.2 also pertains to the ground floor façades and states “lobbies and retail spaces must be clearly connected to the outdoor environment and visible from the street.” While the Applicant’s architect testified the proposed plan meets this Code criteria, a parking lot lies between the lobby and the public sidewalk with no visible connection between them. A connection should be established and the recommendations of the Lower Merion Planning Commission and Township Staff for a change in paving materials, such as stamped concrete, seem entirely reasonable. **Conditional use approval to deviate from this Code requirement is recommended subject to a condition that the applicant provide a sidewalk to connect the lobby to the public sidewalk.**

33. Code §155.215.D.4 also pertains to the ground floor façades and states the main entrance shall face the primary street. The Applicant proposes a main entrance facing Summit Grove Avenue, rather than the primary street, South Bryn Mawr Avenue, continuing the pre-existing non-conformity. **This orientation meets legislative intent of the BMVD to promote the reuse of existing structures in a manner that maintains the historic and visual character of architecture and building scale of the neighborhood.**

34. Code §155.215.E.2.a.1 pertains to architectural elements and states “the ground floor of the primary front façade shall contain between 65% to 70% clear glass.” The Applicants’ plans show the façade facing South Bryn Mawr Avenue containing 65% glass, but the primary façade facing Summit Grove Avenue containing less than 65% glass. Credible testimony was provided by the architect about the difficulty creating window openings in the existing stone façade compared to new construction. **Allowing the ground floor of the primary front façade to contain less than 65% glass will meet the legislative intent of the BMVD to promote the reuse of existing structures in a manner that maintains the historic and visual character and building scale of the neighborhood.** Moreover, there is an abundance of glazing on the ground floor of the façade facing South Bryn Mawr Avenue, the more heavily traveled road.

35. Code §155-215.E.2.a.2a prohibits bronze glass, highly reflective glass, tinted or black smoked glass. The Applicant’s plans call for a section of spandrel glass in large vertical windows spanning the first and second floors to conceal the floor assembly and a lavatory from view. (See Ex. T-4). Although spandrel glass is not transparent, it is translucent and hard to discern in daytime lighting conditions according to the architect’s testimony. Moreover, spandrel glass permits larger windows to be installed in the primary façade while obscuring small unsightly areas. The Applicant is trying to increase the percentage of glass in the primary façade (to get closer to 65% required by Code,) according to Architect Wallace’s testimony. **Used sparingly, spandrel glass may provide architectural expression in the windows in keeping with BMVD Development Design Standard #7 without being unsightly like bronze glass, highly reflective glass, tinted or black smoked glass.**

36. Code §155-215.E.2.a.3 pertains to architectural elements and states “window and door openings at the ground floor of the primary front façade must occur in a ratio of at least 3:1 between openings and solid surfaces.” The primary façade facing South Bryn Mawr Avenue

currently contains a ground floor window to the left of the enclosed porch which is not included in the Applicant's proposed plans (*c.f.* Ex. T-8 with Ex. T-4). Architect Wallace explained he sought to expand the existing openings and achieve a 1:1 ratio on the primary façade in a way that "made sense with the shape and scale of the building more so than the 3:1 ratio" but the stone building presented difficulties with inserting new headers (T 20-21). His plans, however, show one of the existing windows will be removed, therefore a header is already in place in the stone wall. There is no difficulty presented by the stone wall in the instance. **Conditional use approval to deviate from the Code requirement of window to wall openings at a ratio of 3:1 is recommended only if the existing ground floor window adjacent to the enclosed porch is retained** (*See*, Ex. T-3 & T-8 at p. 3).

37. Code §155-215.E.2.a.4a pertains to architectural elements and states "where the primary front façade of an existing building is being renovated, the wall-to-window ratio along the horizontal width of the façade must be within a range of 1:1 to 2.5:1." The Architect's testimony about this Code requirement referred to trade-offs, stating "it's all kind of the same issue (...) to add as much glazing back into this project as we possibly could is the approach we took to settle almost all of those glazing issues"(T 27-28). **Conditional use approval of the alternative wall-to-window ratio is recommended** because these façade renovations involve adaptive reuse of an existing structure in a manner that maintains the historic and visual character of architecture and building scale of the neighborhood.

38. Code §155-215.E.2.a.4b pertains to architectural elements and states in pertinent part "if the wall-to-window ratio in an existing building is currently less than 2.5:1, the existing wall-to-window ratio shall be maintained." The Architect gave testimony that the design tried to stay within the intent of the zoning code subject to the limitations of existing site conditions (T

7). Conditional use approval of the alternative wall-to-window ratio is recommended

because of the constraints of the existing building.

39. Code §155-215.E.2.a.5 pertains to architectural elements and states “individual windows in upper stories of the primary front façade(s) shall be vertically aligned with the location of windows and doors on the ground level to the extent possible.” The Applicant’s plans depict two windows on the second story and an enclosed porch clad entirely in glass on the ground floor, but no window on the ground floor beneath one of the second story windows (See Ex. T-3 & T-8). The applicant agreed to provide a window on the ground floor beneath one of the second story windows. **Conditional use approval to deviate from the requirement for vertical window alignment is recommended** because the applicant has agreed to provide an additional window on the first floor of the south elevation. See infra at para. 36 regarding the ratio of wall-to-window ratios for similar analysis.

40. Code §155-215.E.2.b pertains to windows and doors on secondary facades with a building wall containing “less than 25% clear windows shall be articulated by two or more of the following methods: details in masonry courses; blank window openings trimmed with frames, sills and lintels; and where the building is occupied by a commercial use, recessed or projecting window cases.” Architect Wallace testified the proposed plan contains sufficient articulation and trim around the windows and exceeds the minimum stucco control joints (T 28-29). **Conditional use approval to deviate is recommended** because this façade faces the rear yard and has limited visibility from the right of way.

41. The Applicant orally amended the application and requested conditional use approval to use EIFS finishing system instead of stucco. The existing building currently has EIFS on the exterior. Code 155-215.E.2.f specifically prohibits EIFS finishing therefore **conditional use approval for it is not recommended.**

42. The Applicant has adequately demonstrated that approval of the conditional use is consistent with and promotes the relevant purposes of the Bryn Mawr Village District contained in Code Section 155-210. The Applicant has worked with its architect and Township staff, to provide façade renovations that meet the requirements for the Bryn Mawr Village District except for deviations from design standards arising from the original stone material. The proposed changes are in keeping with the pedestrian oriented design and traditional Bryn Mawr Village character. Moreover, selective relief from development design standards will not adversely affect the public health, safety and welfare specifically with respect to drainage, light, noise, air quality, natural features of the land and neighborhood aesthetic characteristics.

43. The Applicant has complied with the general standards for conditional use approval contained in Code §155-141.2 (B)(2), *supra*. Some of these general standards overlap with specific standards found in Code §155-215 while compliance with all have been confirmed through reviews by Township Staff (Ex. T-2) and the Lower Merion Planning Commission (Ex. T-3).

44. The Applicant has demonstrated granting the conditional use shall preserve the character of the neighborhood through the testimony and documentary exhibits in compliance with Code §155-141(B)(3). The proposed façade renovations are in keeping with pedestrian oriented design and traditional Bryn Mawr Village character.

45. While not directly applicable to this application for facade renovations, the property shall be serviced by existing public service systems, pursuant to Code §155-141(B)(4). The peak traffic generated by the renovations shall be accommodated in a safe and efficient manner.

46. The proposed development has been properly designed with regard to internal circulation, parking, buffering and other elements of proper land planning, pursuant to Code

§155-141(B)(5), subject to conditions recommended by the Planning Commission and Township staff which may be imposed by the Board of Commissioners.

47. Sufficient plans, studies and other data showing compliance with the regulations for the permitted use have been submitted to Township Staff, the Lower Merion Planning Commission and the Hearing Officer pursuant to Code §155-141(B)(6),

48. The Applicant has agreed to comply with any condition which may be imposed by the Board of Commissioners and accepted by the Applicant in compliance with Code §155-141(B)(7).

DISCUSSION

46. This Application involves transforming the façade of a traditional stone residential house (containing a commercial use) into a recognizably commercial building resembling Ludington Library, an existing landmark structure located across the street. The legislative intent of the BMVD seeks to maintain the traditional main street environment and promote the reuse of existing structures in a manner that maintains historic and visual character. This language suggests the original stone façade should not be radically altered. However, the Development Design Standards for the BMVD contain a stated principle that new buildings should complement the pattern of existing landmark structures and have a building fabric that relates to their site environment.

47. The Applicant's proposed façade renovations are based on the appearance of a nearby landmark structure and building fabric, therefore they will relate to their site environment and the street environment improved by recent renovations of Ludington Library. The Applicant's requests for relief from Code requirements are largely driven by pre-existing features of the original stone façade on the ground floor and original street orientation of the building, therefore adaptive reuse of the building prevents strict adherence to some Code requirements. Granting

conditional use approval to deviate from select design standards will result in a new façade incorporating pre-existing features and street orientation in an aesthetically pleasing manner. Overall, this proposed development corresponds with the intent of the Bryn Mawr Village District to provide for pedestrian oriented design with multifaceted interconnected and interrelated uses in an established commercial area. *See* Code §155-210.A. For the reasons set forth above, the following Order is recommended to the Board of Commissioners.

ORDER

AND NOW on this ____ day of November, 2016, the application of Marc Saggio of Beacon Construction for conditional use approval to not comply with certain of the Development Design Standards of the Zoning Code of the Township of Lower Merion is granted in part and denied in part.

The following conditional use request is recommended for **denial**:

- Code 155-215.E.2.f, to use EIFS.

The following conditional use requests are recommended for **approval**, subject to conditions:

- Code §155.215.C3, which requires the proportion of the façade of a building built on a corner lot to be most prominent on the primary street.
- Code §155.215.D.1, which states that the main entrances of buildings shall face the street or public space and be oriented to the dominant street.
- Code §155.215.D.2, which states that lobbies and retail spaces must be clearly connected to the outdoor environment and visible from the street.

- Code §155.215.D.4, which states that the main entrance of the building shall face the primary street.
- Code §155.215.E.2.a.1, which states that the ground floor of the primary front façade shall contain between 65% to 70% clear glass.
- Code §155-215.E.2.a.2a, which states bronze glass, highly reflective glass, tinted or black smoked glass is prohibited.
- Code §155-215.E.2.a.3, which states window and door openings at the ground floor of the primary front façade must occur in a ratio of at least 3:1 between openings and solid surfaces.
- Code §155-215.E.2.a.4a, which states where the primary front façade of an existing building is being renovated, the wall-to-window ratio along the horizontal width of the façade must be within a range of 1:1 to 2.5:1.
- Code §155-215.E.2.a.4b, which states if the wall-to-window ratio in an existing building is currently less than 2.5:1, the existing wall-to-window ratio shall be maintained.
- Code §155-215.E.2.a.5, which states individual windows in upper stories of the primary front façade(s) shall be vertically aligned with the location of windows and doors on the ground level to the extent possible.
- Code §155-215.E.2.b, which states windows and doors on secondary facades with a building wall containing “less than 25% clear windows shall be articulated by two or more of the following methods: details in masonry courses; blank window openings trimmed with frames, sills and lintels; and where the building is occupied by a commercial use, recessed or projecting window cases.

The following conditions are recommended:

1. The Applicant shall provide one additional window on the ground floor that aligns with the windows on the second floor;
2. The Applicant shall submit a landscape plan to the township consistent with the Bryn Mawr Village District ordinance and greening standards which shall include street trees along both Bryn Mawr Avenue and Summit Grove Avenue and enhancement of the landscaping at the corner of Bryn Mawr and Summit Grove Avenues;
3. The Applicant shall provide a comfortable connection to the building from the existing public sidewalks which could include a change in paving materials, such as stamped concrete;
4. The Applicant shall repair and replace any damaged curb and sidewalk along the frontage of the property;
5. The Applicant shall provide a bike rack for the use of patients and employees;
6. The Applicant shall submit a signage package demonstrating compliance with the signage limitations in the Zoning Code.

This grant of Conditional Use approval is based on the documents and plans submitted in support of the application, all of which are specifically incorporated herein by reference thereto.

By: _____
Pamela M. Loughman, Esq.
Conditional Use Hearing Officer
Township of Lower Merion