

August 31, 2018

**TO:** Planning Commission Members

**FROM:** Christopher Leswing, Director, Building & Planning Department

*Christopher Leswing*

**SUBJECT: PRELIMINARY LOT LINE CHANGE PLAN – 1613 & 1621 Briar Hill Road, Gladwyne, SD# 3810, Ward 2.**

### Proposal

The applicant, James Friling, on behalf of himself and his neighbor, Vincent Minieri, the owner of 1621 Briar Hill Road, seeks approval to transfer 72,511 sq. ft. from 1621 Briar Hill Road to 1613 Briar Hill Road.

The purpose of the proposal is to increase the land area behind the home located at 1613 Briar Hill Road. No new construction or other improvements are proposed on either property at this time.

The proposal is illustrated on the accompanying plan set that includes two sheets prepared by David A. Lindsey, dated May 8, 2018, last revised July 25, 2018.

### Property Description & Background

The properties are both rear lots that are split zoned between the RA and R1 zoning districts. There are existing steep slopes to the rear of the properties as they connect with the Schuylkill Expressway. 1613 Briar Hill Road has an average slope of 30% and 1621 Briar Hill Road has an average slope of 24%. Both properties are improved with single family detached dwellings that were constructed in 1964.

The following table details the bulk, area and setback requirements for the existing and proposed conditions. Given the split zoning, the Zoning Officer determined that the setback requirements are based on the location of the zoning district, except for the building area and impervious surface, which are blended, and lot area, in which the more restrictive RA requirement was applied.

RA & R1 Zoning District Requirements		Existing 1613 Briar Hill Road (Lot 2)	Proposed 1613 Briar Hill Road (Lot 2)	Existing 1621 Briar Hill Road (Lot 1)	Proposed 1621 Briar Hill Road (Lot 1)
Net Lot Area	45,000 sq. ft.*	97,357 sq. ft. (2.2 acres)	169,868 sq. ft. (3.7 acres)	124,521 sq. ft. (2.9 acres)	45,125 sq. ft. (1.4 acres)
Lot Width	Lot 1: 131' min.* Lot 2: 127' min.*	204'	204'	236'	236'
Front Yard	50' min.	41'**	41'**	14'**	14'**
Side Yard	15' min. & 40' agg.	34' & 140' agg.	34' & 140' agg.	41' & 41' agg.	41' & 41' agg.
Rear Yard	25' min.	296'	296'	102'	102'
Building Area	15% max.	1.8% 1,801 sq. ft.	1.1% 1,801 sq. ft.	1.8% 2,283 sq. ft.	5.1% 2,283 sq. ft.
Impervious Surface	Lot 1 max: 20.7%* Lot 2 max: 20.8%*	6.1% 5,891 sq. ft.	3.5% 5,891 sq. ft.	7.5% 9,287 sq. ft.	17.5% 9,287 sq. ft.

\*Split Zoning District Blending: The required lot area for the more conservative district (RA) has been met for both lots. The lot width and impervious surface has been based on the area of each lot in the different zoning districts. For the purpose of calculating building area, land associated with the access leg is not included in the total lot area

\*\*Existing non-conformity.

## Montgomery County Planning Commission Review

The County supports the proposed lot line change plan and has not identified any significant issues. Their review letter is attached.

### Lot Line Change Plans

While the proposal is relatively minor, the Township Subdivision & Land Development Code requires an applicant to obtain approval from the Board of Commissioners for all Lot Line Change Plans. The Subdivision and Land Development Code defines a subdivision as follows:

#### **SUBDIVISION**

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, **including changes in existing lot lines** for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwelling, shall be exempted. "Subdivision" shall include the merger of two or more lots into a lesser number of lots and the mortgage of less than all of a lot.

### Issues

#### 1. Relief

The application requires relief from the following Code section:

- Subdivision & Land Development Code Section 135-35, to create an irregular lot line between the two properties.
  - A. Depth, side lines and irregular configuration.
    - (2) A lot may not be created which is excessively irregular unless reasonably dictated by the topography of the land or other natural feature. An excessively irregular lot is one which is not four sided or which has a boundary line the length of which is more than 2.5 times the width of the opposite or adjacent boundary line.

This relief is needed because the proposed lot line does not run in a straight line from the front property line to the rear property line and results in each lot having more than four sides. Given that the existing lots are already irregular and contain more than four sides, staff recommends that this relief be granted.

#### 2. Average Slope Penalties

Zoning Code Section 155-166B, Steep Slope regulations states:

*In every zoning district, the following regulations shall apply:*

- A. *Every lot proposed for land development or hereafter created by subdivision having an average slope of at least 10% but not more than 15% shall have the minimum lot area increased by a factor of 1.3 and shall not have impervious surfaces exceeding 20% of the lot area.*
- B. *Every lot proposed for land development or hereafter created by subdivision having an average slope of at least 15% but not more than 25% shall have the minimum lot area increased by a factor of 1.5 and shall not have impervious surfaces exceeding 15% of the lot area.*
- C. *Every lot proposed for land development or hereafter created by subdivision having an average slope of at least 25% shall have the minimum lot area increased by a factor of two and shall not have impervious surfaces exceeding 10% of the lot area.*

*D. All freestanding structures, buildings and substantial improvements (with the exception of driveways and utilities when no other location is feasible) are prohibited on slopes of 25% or greater.*

The Township Engineer notes in his review letter that neither the lot area or the impervious surface shown for newly created Lot 1A meet the minimum requirements when the slope penalties in this Code section are applied. The Zoning Officer has determined that these Code provisions do not apply to this application as no new lots are being created by the proposal. These Code sections only apply to subdivisions where new lots are created.

### **3. Action**

The Planning Commission must take the following actions for this application:

- A. Provide a recommendation on the Preliminary Lot Line Change Plan.
- B. Provide a recommendation on the requested relief noted above.