

November 8, 2019

TO: Planning Commission Members

FROM: Jillian Dierks, Planner & Andrea Campisi, Senior Planner, Building and Planning Department

SUBJECT: PRELIMINARY SUBDIVISION PLAN – 112 Bryn Mawr Avenue, Bala Cynwyd, SD# 3830, Ward 9.

Proposal

The applicant, Meir Badush, is seeking Preliminary Subdivision Plan approval for the following:

- Subdivision of the existing property into two lots:
 - Lot 1 is proposed to be 28,805 sq. ft./ .7 acres and includes the construction of a single family detached dwelling with a three-car garage and a 3,594 sq. ft. footprint, rear deck, an underground stormwater management system and a driveway extending from the existing driveway serving the dwelling at 112 Bryn Mawr Avenue.
 - Lot 2 is proposed to be 10,154 sq. ft./ .2 acres and includes the existing dwelling, a Class II historic resource, removal of a portion of the existing driveway and construction of a paved parking area in the rear of the property.

The proposal is illustrated on the attached seven sheet plan set prepared by Yohn Engineering, LLC dated August 23, 2019, last revised October 18, 2019. Also submitted were architectural renderings prepared by Jack Burns Architecture dated August 23, 2019 and a landscape plan prepared by Ground Control dated October 17, 2019.

Property Description

The 38,958 sq. ft. (.9 acre) lot is located in the [R4 Zoning District](#). The property is currently improved with a two and a half story stone house that was constructed between 1887 and 1896 and is a Class II historic resource on the Township's Historic Resource Inventory.

The structure is accessed by a driveway off Bryn Mawr Avenue. Four stone entry piers, two for the walkway and two for the driveway, exist behind the sidewalk along the frontage of the property.



Montgomery County Planning Commission Review

The County review letter is attached. The County indicated support for the applicant's proposed subdivision and recommended that the proposed home match the character and type of housing found in the immediate neighborhood. Since the County reviewed an earlier version of the plan it did not contain the existing or proposed building area and showed a set of stairs on Lot 2 encroaching into the rear yard setback. The plan has been revised to provide the necessary zoning information and the steps have been relocated out of the setback on the attached plan. Staff also included a condition requiring an access easement for the shared driveway.

Historical Commission

The property at 112 Bryn Mawr Avenue is a Class II resource on the [Township's Historic Resource Inventory](#), and is therefore subject to the Historic Resource Overlay District requirements as well as review by the Historical Commission. The Historical Commission formally reviewed the plan on two occasions.

At their October 28, 2019 meeting the Commission recommended that the plan not be approved because of the strong impact the new construction would have on the historic resource and neighbors. The Commission asked the applicant to consider alternatives in terms of location and massing, with the recommendation that the massing be more sympathetic to and consistent with the existing historic structure.

When the Historical Commission reviewed the application at their [July 22, 2019](#) meeting they recommended approval of the subdivision and location of the proposed new single-family dwelling as shown, which was closer to the rear property line than what was shown in October. The Historical Commission determined that the impact of the subdivision would be relatively minor, as the viewshed from the street, including the historic piers, pedestrian entry path and vehicular entry path remain the same and the open area to the southeast will be maintained.

Environmental Advisory Council

The EAC reviewed the plan at their October 24, 2019 meeting and recommended the applicant include native vegetation on the landscape plan. The EAC also prefers to see the proposed house closer to the street to maintain the existing streetscape pattern.

Zoning

The following table details the bulk, area and setback requirements for the existing and proposed conditions.

R4 Zoning District		Existing	Proposed Lot 1	Proposed Lot 2
Minimum Net Lot Area (sq. ft.)	6,000	38,958	28,805	10,154
Minimum Lot Width	65'	141'	65'	76'
Maximum Building Area	30%	4%	12.5% 3,594 sq. ft.	18.5% 1,881 sq. ft.
Minimum Front Yard	30'	30'	30'	30'
Minimum Side Yard & Aggregate Side yard	8' min. & 20' agg.	8' min. & 20' agg.	8' min. & 20' agg.	8' min. & 20' agg.
Minimum Rear Yard	25'	25'	25'	25'
Maximum Impervious Surface	39%	11.8%	22.8% 6,572 sq. ft.	39% 3,960 sq. ft.
Maximum Building Height	35'	25'	35'	25'
Parking	2 spaces/unit	2 spaces	2 spaces	2 spaces

Issues

1. Existing Neighborhood Pattern & Viewshed

The proposal deviates from the existing development pattern found along Bryn Mawr Avenue by siting the proposed home to the rear of the newly created lot instead of along the street. The prevailing setback along Bryn Mawr Avenue is approximately 40-50 feet from the road.

The [Land Use Element of the 2016 Comprehensive Plan](#) establishes the planning framework to guide and ensure that future land development is consistent with the established community character. The document states:

Lower Merion is an established, high quality diverse first-ring suburb with strong established residential neighborhoods with educational, institutional, and commercial uses interspersed through it and that future growth strategies should focus on fulfilling the original design intent of neighborhood patterns and commercial districts, which make the Township such a uniquely wonderful place.

The Comprehensive Plan identifies areas zoned R4 as medium density residential. The Land Use element of the Comprehensive Plan includes the following recommendation:

LR1 – Maintain the character of established residential neighborhoods

The Comprehensive Plan (pg. 193) also states:

“In some cases the impact of new residential development may be minimal if the development is properly sited and designed to complement the established fabric.”

Unfortunately, this development does not complement the established fabric as it places the proposed home more than 150 feet from the curb. As noted above, existing homes in the vicinity range from between 40-50 feet from the curb. In addition, both the Historical Commission and the Montgomery County Planning Commission concur that the proposed house is improperly situated on the newly created lot.

Staff recommends the plan be revised to amend the siting of the proposed home and has included a condition requiring the applicant to relocate the house to align with the prevailing setback along Bryn Mawr Avenue. The diagram to the right shows how this can be achieved. Staff also recommends Second Stage Plan review be required for Lot 1.

The alternate layout:

- Matches the prevailing front yard setback along Bryn Mawr Avenue;
- Maintains the size of the proposed house;
- Includes a front porch; and
- Is zoning compliant.



2. Irregular Lot

Subdivision & Land Development Code Section [135-35.A.2](#) prohibits irregular lots and states that “an excessively irregular lot is one which is not four sided”. As shown, Lot 1 is six sided and requires relief from 135-35.A.2. Creating a four sided lot would result in both lots being irregular as their depth would exceed 2.5 times their width which is prohibited by Code Section 135-35.A.1.

§ 135-35 Lots.

A. Depth, side lines and irregular configuration.

(1) A lot may not be created whose depth is greater than 2.5 times its width.

(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.

(3) The side lines of a lot shall be at right angles or radial to the right-of-way lines.

(4) Any portion of a lot not permitted to be included in the required lot area as provided in § 155-128 of the Township Code shall be disregarded in determining compliance with the standards created by this subsection.

The applicant has applied for relief from this Code section but has not demonstrated why the relief should be granted. He should plan on presenting a justification for the relief at the Planning Commission meeting.

3. Architectural Elevations

Although architectural elevations were submitted, they do not list the materials for the proposed house. Staff requests that the applicant provide the Planning Commission with an explanation of how the design of the proposed house takes cues from the architecture of existing homes in the surrounding neighborhood. With the exception of some infill houses that are not sympathetic to the neighborhood, existing houses consist of mostly stone construction emphasized with large front porches. The proposed house has limited stone on the foundation and consists of mostly stucco, brick, and siding.

4. Landscape Plan

While a landscape plan was submitted, staff has several comments on how it can be improved.

Per [Subdivision and Land Development Code Section 135-30](#) the applicant is required to provide five shade/street trees along Bryn Mawr Avenue. Two large shade trees exist, a 24" maple and a 24" ash, as well as a six inch dogwood. The two larger trees are in a declining condition and should be removed and replaced with new shade/street trees. The dogwood tree can remain and the applicant should provide four additional shade/street trees.

Staff has the following additional comments on the landscape plan that have been included as recommended conditions of approval:

1. The applicant should consider planting the full length of the southern property line adjoining 111 Union Avenue.
2. The applicant should consider reinforcing the two corners of the property along Bryn Mawr Avenue with additional plant material.
3. The applicant shall replace any non-native plant with a native plant.

5. Stormwater Management

The Township Engineer reviewed the plan and recommends the applicant investigate the possibility of connecting the outflow pipe from the proposed stormwater system on Lot 1 into the existing storm sewer system in Birch Avenue. This would help to reduce nuisance flows in the vicinity. Staff notes that this requires easements from the adjoining property owner at 105 Birch Avenue. If easements cannot be obtained, then the Township Engineer recommends that the stormwater system be revised to include additional peak rate of runoff control.

6. Action

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

1. Provide a recommendation on Preliminary Subdivision Plan.
2. Provide a recommendation on the relief from Subdivision and Land Development Code Section [135-35.A.2](#) to create an irregular lot.