

## **TOWNSHIP OF LOWER MERION**

### ***Building & Planning Committee***

#### **Issue Briefing**

**Topic:** Running Bamboo at 402 Bryn Mawr Avenue, Bala Cynwyd

**Prepared by:** Art Noel, Assistant Director, Building & Planning

**Date:** February 7, 2020

#### **I. Action To Be Considered By The Board:**

An appeal from staff's order under Chapter 59 to grant additional time to remove existing bamboo at this location and possibly, three or more neighboring properties.

#### **II. Why This Issue Requires Board Consideration:**

The new owners of the property (as of July 2019) have appealed the notice of violation. All waivers from Chapter 59 of the Lower Merion Township Code are subject to the approval of the Board of Commissioners.

#### **III. Current Policy Or Practice (If Applicable):** N/A

#### **IV. Other Relevant Background Information:**

Chapter 59, entitled Brush, Grass and Weeds regulates the planting and growth of noxious weeds including running bamboo and requires its removal to a point 20' from the property line(s). If the bamboo has encroached onto an adjoining property, the respondent owner is required to remove bamboo on the adjoining property(s) as well.

According to the new property owners, the presence of bamboo on this property has been an ongoing issue for the last two years. In August 2019, adjoining property owners at 401 Kent Road sent a letter to the previous owners of 402 Bryn Mawr Avenue requesting that they remove the existing bamboo from both properties. The property has since been sold to the current owner. Staff has been advised that the bamboo may have also encroached upon additional neighboring properties located at 341 and 343 Bala Avenue.

On October 9, 2019 the Township sent a violation notice to the owners of 402 Bryn Mawr Avenue advising them that the bamboo must be removed as required by Chapter 59. Lower Merion Township Code, Section 59-2.

The applicable Code sections are attached to this Issue Briefing.

#### **V. Impact on Township Finances:**

There will be no impact on Township finances unless the owners fail to remove the bamboo within the timeframe specified by the Board. If that occurs, the Township is authorized to seek abatement of the violation and lien the property. If this occurs, the repayment to the Township may not occur immediately.

#### **VI. Staff Recommendation**

Staff recommends the Board of Commissioners grant additional time to remove the bamboo for the following reasons:

The owners have recently acquired the property and were not apprised of the ongoing bamboo issue by the former owner, staff believes a reasonable extension of time should be granted for the removal of the running bamboo.

If additional time is granted, a new deadline will have to be established after receiving feedback from the property owner.