

June 18, 2020

TO: Planning Commission Members

FROM: Jillian Dierks, Planner, Department of Building & Planning

SUBJECT: Conditional Use Plan – 565 Barrett Avenue Haverford, CU# 3875C, Ward 4.

Proposal

The applicants and owners, Stephen and Amy Siano, are seeking Conditional Use approval pursuant to 155-7.1.8.a, to reduce the required 10 foot setback to 8 feet for the construction of a rear addition.

The proposal is illustrated on the attached plan dated May 27, 2020 prepared by Architera, P.C. Also submitted were architectural drawings prepared by Architera P.C., dated April 8, 2020, last revised May 19, 2020.

Property Description & History

The 7,023 sq. ft. (.16 acre) property is located on Barrett Avenue. The property is zoned [MDR1](#) and contains a contributing resource within the Haverford Station Historic District. The property is currently improved with a single-family dwelling with an 882 sq. ft. footprint and a detached garage with a 276 sq. ft. footprint. The property is accessed via a vehicular driveway on Barrett Avenue.

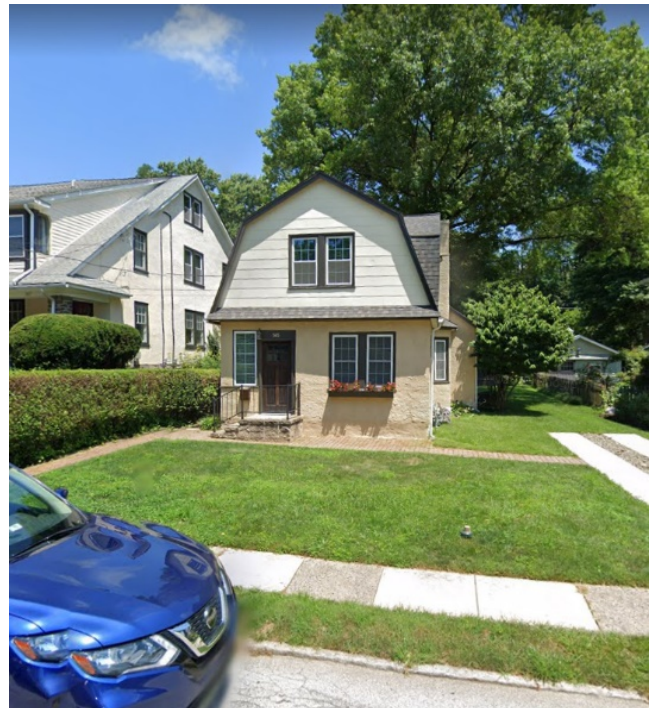
According to property atlases, the home was constructed between 1920 and 1926. There are no permit records for the property in the Township's archives.

Historic Classification & Haverford Station District

The property is located within the [Haverford Station Historic District](#) (map linked). Unlike other historic districts in the Township, contributing resources in the Haverford Station Historic District are not listed on the Township's Historic Resource Inventory, although they are eligible to be added.

The Township's Historic Preservation Planner has determined that the property at 565 Barrett Avenue is eligible, citing the following criteria in Chapter [88-18-A](#) of the Township Code:

(1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, county, region, commonwealth or nation or is associated with the life of a person significant in the past;



(2) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township;

(3) Exemplifies the cultural, political, economic, social or historical heritage of the community.

Despite being in a historic district, which is usually the domain of the Historic Architectural Review Board (HARB), the Township Code states that only the Historical Commission (HC) can recommend the addition of resources to the Historic Resource Inventory. On June 22, 2020, the applicant will appear before the Historical Commission with a request to add the property to the Historic Resource Inventory.

At the June 10, 2020 Building & Planning Committee meeting staff presented the ordinance to add the property at 565 Barrett Avenue to the Historic Resource Inventory as a Class II resource and sought the authorization to schedule the public hearing on July 15, 2020. The Committee voted to approve the advertisement of the ordinance.

- **Recommendation:** The applicant shall obtain approval to add the property to the History Resource Inventory prior to approval of the Conditional Use application.

The [Haverford Station Historic District](#) (map linked) was designated in 2007 as the Township's sixth local historic district. It consists of mostly single-family residential properties with several contributing multi-unit buildings and one commercial block on Haverford Station Road. The district begins at the Haverford train station and extends into the residential neighborhood to the station's west, including properties on both sides of the railroad. The contributing resources in the district are diverse in terms of age and scale, including modest mid-19th century homes, more elaborate late Victorian residences, and intact early 20th century architect-designed development housing.

Conditional Use

Conditional uses are permitted uses within particular zoning districts that require an applicant to meet certain additional standards and criteria. Conditional uses are usually reserved for land uses that necessitate more control or additional safeguards to mitigate the impact of a development. The difference between a special exception and a conditional use is that special exceptions are decided by the Zoning Hearing Board, while conditional uses are decided by the Board of Commissioners.

Because this application involves a Historic Resource, it is subject to the both the zoning requirements of the [Historic Resource Overlay District](#) and the underlying [MDR1](#) zoning district. The Zoning Code permits the owner of a historic resource listed on the Township's Inventory to modify the requirements of the underlying zoning district related to building area, impervious surfaces and applicable setbacks subject to conditional use approval per Zoning Code Section [155-7.1.8.a](#).

The Planning Commission must review this application to determine if it is in compliance with the standards and criteria for Conditional Use approval (attached) and provide a recommendation.

The conditional use hearing is scheduled for [Wednesday, June 24, 2020 at 3:00 p.m.](#)

Zoning

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

MDR1 ZONING REQUIREMENTS ([155-4.2](#))

	LOT REQUIREMENTS					MINIMUM SETBACKS		
	Lot Width (Min.)	Lot Area (Min.)	Impervious Surface (Max.)	Frontage Occupation (Min.)	Building Height (Max.)	Principal Building		
						Front Yard	Side Yard (Min.)	Rear Yard (Min.)
Required	60'	4,000 sq. ft.	50%	60%	35'	10' ft. min. & 20 ft. max	10'	25'
Existing	50' ₁	7,023 sq. ft.	32%	63%	23'	20'	6.8' ₁	25'
Proposed	50' ₁	7,023 sq. ft.	30%	80%	31'	17'	6.8' ₁	25'

₁ Existing non-conformity

Montgomery County Planning Commission Review

The County does not review Conditional Use applications when not part of a subdivision or land development application.

Historical Architectural Review Board (HARB)

On June 2, 2020, the HARB formally reviewed the application to construct the addition and the application for Conditional Use. The HARB voted to recommend approval of the application citing Secretary of the Interior's Standards 9 and 10, with a condition that a modification to offset the shed dormer on the eastward extension of the addition be made. The proposed grills-between-glass windows were approved as they match existing replacement windows elsewhere in the house. If the applicant chooses to replace all existing windows, they shall have external muntins. HARB also recommended approval of the Conditional Use.

Issues

1. Higher Burden

The applicant is requesting a degree of relief above and beyond the 15% for the reduction of the side yard; therefore the Zoning Code requires a higher burden of demonstrating that the relief is essential to the preservation of the historic resource because without such relief it would not be physically or economically possible to maintain the resource.

Side Yard (Min.)	Required	Proposed	Reduction
	10'	8'	20%

Zoning Code Sections [155-7.1.8](#) states:

7.1.8 Relief from Specific Form Standards

7.1.8.a. The impervious surface and setback standards in the underlying zoning district may be modified by up to 15% for properties containing Class I or Class II Historic Resources, subject to:

7.1.8.a.i. Obtaining a recommendation from by the Historical Commission or Board of Historical Architectural Review (HARB) (if the property is in an historic district), pursuant to Chapter 88; and

7.1.8.a.ii. Obtaining conditional use approval from the Board of Commissioners.

- 7.1.8.b. Projections into required setbacks that are greater than those permitted in “Section 155-3.6 Projections” may be permitted by the Board of Commissioners as a conditional use if the purpose of the addition is to restore the building to its previous historic configuration, provided that a recommendation is obtained from the Historical Commission or Board of Historical Architectural Review (HARB) (if the property is in an historic district), and approved by the Board of Commissioners.*
- 7.1.8.c. Where form requirements are modified, the applicant shall demonstrate to the satisfaction of the Board of Commissioners that the degree of relief is required to accommodate the reasonable development, use or enhancement of the historic resource.*
- 7.1.8.d. The impervious surface coverages permitted by this section may each not exceed 50% of the building area of the historic resource(s) subject to a guarantee that provides the permanent protection of the integrity of the historic resource in a form acceptable to the Township Solicitor, unless further limited by Table 7.1.2. 210*
- 7.1.8.e. Where the Board of Commissioners determines that the requested relief is essential to the preservation of the historic resource the Board of Commissioners may, by conditional use, modify such requirements to a greater degree than permitted by this section to protect the historic resource.*

This is an atypical situation wherein the existing side yard is non-conforming to the requirement to a greater degree than the relief requested. Staff notes that the relief requested is de minimis and that Conditional Use is a mechanism to allow flexibility for historic resources to be modernized to continue to serve the community's residential needs as the resources age. For these reasons, staff is supportive of the degree of the requested relief.

Action

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

- A. Provide a recommendation on the Conditional Use Plan.
 - a. Staff has included the following recommendations for the Planning Commission to consider:
 - i. The applicant shall obtain approval to add the property to the History Resource Inventory prior to approval of the Conditional Use application.