

Before the Conditional Use Hearing Officer  
Township of Lower Merion  
Montgomery County Pennsylvania

Application CU# 3802

RECOMMENDATIONS FOR FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

This conditional use application was filed by Aqua Pennsylvania, Inc. seeking approval to deviate from architectural standards and designs of the Bryn Mawr Village District pursuant to Code §155-215.3.E. and 155-215.E(2)(d). A Conditional Use Hearing was held on March 18, 2019 before the Conditional Use Hearing Officer. The following recommendations are made pursuant to Code §155-141.2(A)(5):

FINDINGS OF FACT

1. The Applicant is Aqua Pennsylvania, Inc. (“Applicant” “Aqua”).
2. The Applicant’s attorney is Denise R. Yarnoff, Esq. of Riley, Riper, Hollin & Cologreco (“Yarnoff”).
3. The Applicant is the owner of three adjacent real properties, comprising approximately 5.59 acres, known as 9 Elliott Avenue, 11 Elliott Avenue and 762 West Lancaster Avenue, Lower Merion Township (collectively referred to as the “Property”).
  - a. 726 W. Lancaster Avenue is a 5.1 acre parcel containing a two-story office building used as Aqua PA’s Existing Headquarters and 275 parking spaces.
  - b. 9 Elliott Avenue is a 0.1-acre parcel containing a two-story residential building which is vacant.
  - c. 11 Elliott Avenue is a 0.1-acre parcel containing a two-story residential-style building which is used as office space.

4. The Property is located in the Bryn Mawr Village District (“BMVD”) defined by the Lower Merion Zoning Ordinance, Code 155, Article XXXIV.

5. This Conditional Use Application is concerned with 9 Elliott and 11 Elliott Avenues (“Subject Property”). The Subject Property is bordered by Elliott Avenue and is surrounded by commercial uses along Lancaster Avenue and office and residential uses along Elliott Avenue.

6. The Applicant requests conditional use approval to modify the Development Design Standards of the BMVD, as provided by Code §§155-215.E(3) and 155-215.E(2)(d).

7. The Applicant has also submitted a Preliminary Land Development Plan for construction of a New Building adjacent to Aqua’s Existing Headquarters located at 762 West Lancaster Avenue. On April 18, 2018, the Board of Commissioners approved a Tentative Sketch Plan for this project.

8. This conditional use application concerns the Applicant’s request to deviate from the Development Design Standards of the BMVD on the New Building, specifically:

- a. Code §155-215.E.(2)(a)(1) states the ground floor of the primary front façade shall contain between 65% and 70% clear windows and doors. The Applicant seeks approval to reduce the amount of clear windows and doors to 44.2%;
- b. Code §155-215.E.(2)(a)(3) states windows 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 Applicant requests approval to reduce the ratio to 1.18:1 between openings and solid surfaces.

- c. Code §155-215.E.(2)(a)(6)(a) states the maximum sill height above the adjacent sidewalk elevation shall be two feet or lower. The Applicant requests to increase sill height to 3-4 feet;
- d. Code §155-215.E.(2)(d) states exterior insulation and finishing system (“EIFS”) is prohibited unless authorized by the Board of Commissioners under Code §155-215.E.(E)(3). The Applicant requested approval to use synthetic stucco or EIFS on part of the façade.

9. The Board of Commissioners may authorize deviations from architectural standards and designs of the BMVD by conditional use approval, if the Applicant demonstrates to the satisfaction of the Board that such alternative standards and designs are in furtherance of its legislative intent. Code §155-215(3).

10. The Lower Merion Building and Planning Department Staff (“B&P Staff”) reviewed the Conditional Use application, together with the Preliminary Land Development Plan, in a comprehensive memorandum dated March 1, 2019. B&P Staff did not identify any issues with any of the conditional use requests. *See*, Ex. T-2. The B&P Staff memo states:

“while EIFS is not a preferred material the Applicant has stated that the proposed synthetic material mimics the appearance of existing natural materials on the site and will appear indistinguishable from otherwise permitted materials” Ex. T-3, p.4.

11. The Lower Merion Planning Commission (“Planning Commission”) reviewed the Conditional Use application on March 4, 2019 and recommended approval of the three conditional use requests regarding sill height, amount of glazing and ratio of windows and doors to solid surfaces. However, the Planning Commission unanimously recommended denial of conditional use relief to use EIFS on the façade. *See*, Ex. T-3. Notes from the Planning Commission meeting state that members disagree that EIFS looks like traditional stucco.

12. The Conditional Use Hearing Officer conducted a public hearing on March 18, 2019 in the Lower Merion Township building.

13. Observers present at the hearing were Andrea Campisi, Senior Planner, Lower Merion Township Building and Planning Department and Commissioner Scott Zelov who represents Ward 10 including portions of the Bryn Mawr Village District.

14. Jillian Dierks, Planner, Lower Merion Township Building and Planning Department, was present at the hearing and offered four (4) documents into evidence that were admitted into the record:

Ex. T-1 Conditional Use Application;

Ex. T-2 Dierks memo to Planning Commission dated 3/1/19;

Ex. T-3 Planning Commission minutes dated 3/4/19;

Ex. T-4 Proof of Advertisement of the Conditional Use Hearing.

15. The Applicant offered nine (9) documents in support of its conditional use application which were admitted into the record:

Ex A-1 Conditional Use Application dated 2-15-19 together with cover letter dated 2-15-19; Narrative and Conditional Use Application Site Plan prepared by Chester Valley Engineers, Inc. dated 2-15-19;

Ex. A-2 Code of Lower Merion Township, Chapter 155, Zoning as amended (incorporated by reference)

Ex. A-3 Deeds to 762 West Lancaster Ave., 9 Elliott Ave. and 11 Elliott Ave.

Ex. A-4 C.V. of Eric J. Trainer, AIA, LEED AP

Ex. A-5 Zoning Compliance Plan (Sheet G-004 of Preliminary Land Development Plan) prepared by Bernardon dated 2-15-19.

Ex. A-6 Building 3D Views (G-006 of Preliminary Land Development Plan) prepared by Bernardon dated 2-15-19.

Ex. A-7 Building Elevations (A-201 of Preliminary Land Development Plan)  
prepared by Bernardon dated 2-15-19.

Ex. A-8 Photos of Existing Finishes on Aqua Headquarters Building

Ex. A-9 Physical Samples of Building Materials (Traditional Stucco and EIFS)

16. Michael L. Convery, P.E. (“Convery,”) a licensed engineer and project manager for Aqua testified the Subject Property is located at 9 and 11 Elliott Avenue in Bryn Mawr. It is contiguous with the property on which the Existing Headquarters is currently located at 762 West Lancaster Avenue. Aqua will construct a New Building adjacent to the Existing Headquarters, on a separate lot, in order to relocate a modernized water quality monitoring, testing and systems operation. The current water quality facilities are currently located elsewhere in the Existing Headquarters. More space is needed to accommodate the updated and modernized systems and equipment that permit Aqua to be in compliance with required regulations.

17. Convery continued testifying that the New Building is not intended to add more employees, but to relocate existing employees to modern laboratories and office space from outdated space in the Existing Headquarters. The New Building is intended to reflect and be consistent with the character of the Existing Headquarters. The New Building will be pedestrian-oriented, creating a streetscape along Elliott Avenue with a very wide sidewalk, landscaping, and a traditionally-designed building. Aqua will integrate the required parking by adding ten (10) additional parking spaces to the existing Elliott Avenue parking lot, incorporating additional parking spaces through the existing main parking lot on 762 W. Lancaster Avenue and designating 10 parking spaces in a nearby municipal parking lot. Aqua does not believe it will need additional parking for the New Building but is providing the parking required by the Zoning Code. Aqua will add a significant number of trees and shrubs to the site. Aqua has maintained a strong community presence in Bryn Mawr for over one-hundred (100)

years. The New Building is necessary to meet the needs of Aqua's customers. As a public utility, Aqua is mandated by the Pennsylvania Public Utility Commission ("PaPUC") to provide safe and reliable utility service at reasonable rates. The PaPUC reviews all construction projects to ensure compliance with the mandate.

18. Eric J. Trainer, AIA, LEED AP ("Trainer"), a registered architect and senior project director with Bernardon and architect for the project, testified the Subject Property is located within the Bryn Mawr Village District. It is located in a transitional area between the main commercial corridor of Lancaster Avenue and surrounding residential uses. The areas immediately adjacent to and across from the Subject Property are commercial in nature.

19. Aqua will remove the structures currently existing on the Elliott Avenue site and construct a New Building with a 7,484 square foot footprint consisting of a total of 14,900 gross square footage. Aqua proposes a window rhythm and ratio for the New Building similar to that of the Lancaster Avenue façade of the Existing Headquarters. They will have a "common spirit," Trainer testified.

20. The Existing Headquarters' building façade is comprised of various materials: Approximately ninety-four percent (94%) is EIFS or traditional stucco and six percent (6%) is comprised of m. The original headquarters portion of the building façade facing Lancaster Avenue is clad in stone. The remainder of the original Existing Headquarters and several additions are covered in a mix of EIFS, also known as synthetic stucco, and traditional stucco. A portion of the building frontage facing Elliott Avenue is currently clad in EIFS although it will be removed to allow construction of the New Building. Permitting EIFS on the New Building will blend in and emulate existing buildings, testified Trainer.

21. The proposed EIFS building finish will be identical in appearance to traditional stucco, a permitted building finish in the Bryn Mawr Village District, according to Trainer. EIFS is a more cost-effective finish that replicates the look of stucco and stone. In the context of the proposed use of EIFS in the design, EIFS will provide a durable and stable finish comparable to traditional stucco. The use of EIFS will be consistent with the character of Elliott Avenue and the Bryn Mawr Village. EIFS is more efficient, permitting faster and easier construction than traditional stucco. Physical samples of stucco and EIFS were introduced as exhibits at the CU hearing. Side by side comparison showed stucco is thicker than EIFS but appeared similar on the finish side. Ex. A-9.

22. Trainer testified the requested modifications will permit the New Building to be consistent with the character of the Existing Headquarters. They reflect the use of the New Building as laboratory space, allowing internal accommodation of the proper furniture and equipment in relation to location of the sills. They are consistent with and complementary to the character of the neighborhood and the Bryn Mawr Village District. The requested modifications are not related to those Development Design Standards intended to emphasize retail uses. The proposed use is laboratory and office, not retail, in the New Building.

23. Andrea Campisi, Senior Planner and member of B&P staff, asked “what are the cons of using EIFS?” Trainer responded there are none, except EIFS is easier to puncture than stucco and a car could damage the lower façade. As a result, EIFS is not proposed for the lower three-foot four-inches (3’4”) of the New Building. Architectural masonry is shown between grade and the lower 3’4” of the New Building in Elevation A-201. EIFS is proposed above the architectural masonry on the New Building facade. *See* Ex. A-7.

## APPLICABLE ORDINANCES

24. Lower Merion's Bryn Mawr Village District ("BMVD") was established as an overlay district to provide for pedestrian oriented outlets with multifaceted interconnected and interrelated uses in an established commercial area. Specific objectives include the following:

- (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) Ensure a vibrant street life by encouraging active ground floor retail and discouraging certain uses on Bryn Mawr and Lancaster Avenues.
- (6) Promote the reuse of existing structures in a manner that maintains the historic and visual character architecture and building scale of the neighborhood.
- (7) Reduce auto dependency by promoting transit ridership, bicycling and walking.
- (8) Accommodate parking in a convenient and unobtrusive manner and encourage shared parking, where possible.
- (9) Promote residential uses in upper stories.
- (10) Concentrate commercial uses on the ground level of mixed-use buildings.

Code §155-210.A.

25. Development design standards establish consistent requirements that promote pedestrian oriented design and traditional Bryn Mawr Village character. The stated principles are as follows:

- (1) New buildings should complement the pattern of existing landmark structures and have a building fabric that relates to their site and surroundings.
- (2) Buildings should respond at street level to a pedestrian scale.
- (3) Emphasis should be provided at prominent locations to buildings:



- (a) With prominent facades that terminate view corridors; or
- (b) Whose corners are at gateway locations; or
- (c) That either surround or are surrounded by open space.
- (4) New and existing development should have a consistent character.
- (5) Active ground floor uses should have multiple entrances and distinctive entrance treatments.
- (6) Texture and variety should be provided through facade articulation and composition.
- (7) Architectural expression should be provided in windows, doors, walls, and roofs.
- (8) Pedestrian pathways should be provided that are safe and attractive.
- (9) Street trees and shade trees should be employed to enhance development

Code §155-215.A.

26. The Board of Commissioners may, by conditional use, approve the use of architectural standards and designs that differ from those set forth in the Development Design Standards if the Applicant demonstrates to the satisfaction of the Board that such designs and standards are in furtherance of the legislative intent of the BMVD. Code §155-215.E.3.

27. The Applicant for conditional use approval 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 a 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 and criteria 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 the 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 other 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 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.
  - (b) Be in accordance with the Lower Merion Township Comprehensive Plan.
  - (c) Provide the required parking required under Article **XX** or as otherwise provided for in other applicable provisions of this chapter.
  - (d) Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water,

sewers, refuse collection, police and fire protection and public schools.

(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 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

28. The ground floor of the primary front façade shall contain between 65% and 70% clear windows and doors in the BMVD. Code §155-215.E.(2)(a)(1).

29. The Applicant has presented sufficient evidence that reducing the ratio of clear windows and doors to 44.2% will allow the New Building to have similar shapes and proportions to the Existing Headquarters on Lancaster Avenue. Both buildings will have a common spirit according to the testimony of Trainer. *See* Ex. A-8. Additionally, the code requirement for taller ground floor windows is suited toward retail uses and the proposed use is office. Ex. T-2 at p. 4. Neither the Planning Commission nor the Lower Merion Building and Planning Department staff find this deviation objectionable. Dierks memo, Ex. T-2; *see also* Planning Commission recommendations Ex. T-3. Reducing the ratio of clear glass meets the legislative intent and design development standards of the BMVD, especially complementing the pattern of existing landmark structures and having a building fabric that relates to their site and surroundings. Code §155-215.1.

30. Windows 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 in the BMVD. Code §155-215.E.(2)(a)(3).

31. The Applicant has presented sufficient evidence that reducing the ratio between window and door openings to 1.18:1 on the New Building will match the rhythm and placement of windows on the Existing Headquarters building on Lancaster Avenue. Ground floor windows will be the same size as upper floor windows on the new building. Trainer testified the “fishbowl effect” of tall windows on the ground floor is meant for retail space to display goods, which is not a consideration with office space such as Aqua’s intended use. *See* Ex. A-8; *see also*, Ex. T-2 at p. 4. Reducing the ratio between openings and solid surfaces meets the legislative intent and design development standards of the BMVD, especially complementing the pattern of existing landmark structures and having a building fabric that relates to their site and surroundings. Code §155-215.1.

32. The maximum sill height above the adjacent sidewalk elevation shall be two feet or lower in the BMVD Code §155-215.E.(2)(a)(6)(a).

33. The Applicant has presented persuasive evidence that increasing sill height to 3-4 feet above the adjacent sidewalk elevation will match the rhythm and placement of windows on the Existing Headquarters building. Moreover, higher window sills will create more wall space on the interior of the new building. Trainer testified that case goods may be placed under the windows in the laboratory, creating efficient work spaces as shown in Ex. A-5; *See* Ex. A-8; *see also*, Ex. T-2 at p. 4. Increased window sill height is an acceptable alternative which meets the intent of the BMVD by encouraging economic development while maintaining the traditional Main Street Environment.

34. Exterior insulation and finishing system (“EIFS”) is prohibited in the BMVD by Code §155-215.E.(2)(d)(1) unless authorized by the Board of Commissioners under Code §155-215.E.(E)(3).

35. Permitted materials on exterior walls in the BMVD are: stucco, wood clapboard, native stone, architectural concrete block, polished block, or brick. Code §155-215.E.(2)(d)

36. The Applicant requests approval to install synthetic stucco EIFS on a portion of the New Building in lieu of permitted materials. Testimony at the Conditional Use hearing specified EIFS would be used on the upper portions of the new building, while the lower 3’4” will be finished with a stronger permitted material to prevent damage by cars. A mixture of EIFS above architectural masonry on the New Building will allow the building fabric to blend in and emulate existing buildings at the site and surroundings, including the Existing Headquarters. It is further recommended that EIFS is an acceptable alternative material on the New Building façade above architectural masonry, in furtherance of the legislative intent of the BMVD to encourage economic development while maintaining the traditional main street environment.

37. The Applicant has adequately demonstrated that conditional use approval is consistent with and promotes the legislative intent of the BMVD. It has worked with Township staff to meet the requirements of the BMVD. Permitting small deviations from architectural design standards on the new building will better match the shapes and rhythms of the original Aqua headquarters.

38. The Applicant has complied with the general standards for conditional use approval pursuant to Code §155-141.2.B.2, *supra*. Some of these general standards overlap with specific standards found in code requirements for the BMVD found in §155-210 *et seq.*

Compliance with all applicable ordinances have been confirmed through reviews with Township staff (Ex. T-2) and the Planning Commission (Ex. T-3).

39. The Applicant has demonstrated that granting conditional use approval shall preserve the character of the neighborhood through the testimony of witnesses and documentary evidence in compliance with Code §155-141.B.3. The proposed New Building is consistent with the historic and visual character, architecture and building scale of the neighborhood, as well as complementing the pattern of existing landmark structures and having a building fabric that relates to its site and surroundings.

40. The proposed New Building shall be serviced by existing public service systems, pursuant to Code §155-141.B.4. The peak traffic generated by the New Building shall remain the same as current conditions because no new employees will be added to the site. Rather, employees are being relocated from the Existing Headquarters to the New Building. Widened pedestrian pathways will be installed along Elliott Avenue to encourage a walkable community.

41. The proposed New Building 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. Aqua will integrate the required parking by adding ten (10) additional parking spaces to the existing Elliott Avenue parking lot, incorporating parking spaces through the existing main parking lot and designating 10 spaces in a nearby municipal parking lot.

42. Sufficient plans, studies, and other data showing compliance with regulations for the permitted use have been submitted to Township staff, the Township Engineer and the Planning Commission, pursuant to Code §155-141.B.6, in connection with the Conditional Use Application and Land Development Application.

43. The Applicant has agreed to comply with any condition which may be imposed by the Lower Merion Township Board of Commissioners and accepted by the Applicant, in compliance with Code §155-141.B.7.

44. The Applicant has met all other Code requirements for conditional use approval to deviate from select architectural design standards in the BMVD, as discussed herein.

#### DISCUSSION

45. Aqua has had a strong community presence in Bryn Mawr for over 100 years with its landmark Headquarters building on Lancaster Avenue. It seeks to expand the foot print of the Existing Headquarters toward Elliott Avenue with a New Building to house water quality monitoring, testing and systems operations. The proposed New Building is designed to complement scale and proportion of the Existing Headquarters and extend them toward Elliott Avenue. Conditional use relief from required sill height, amount of glazing and ratio of windows and doors to solid surfaces is necessary to create a complementary scale and proportion with the Existing Headquarters. Conditional Use Approval is recommended of the Applicant's three requests regarding sill height, amount of glazing and ratio of windows and doors to solid surfaces since they are acceptable alternatives that meet the legislative intent and design development standards of the Bryn Mawr Village District, specifically Code §155-215.A.1. Moreover, interior laboratory space will be better equipped if window sills heights are raised, encouraging economic development while maintaining the traditional Main Street environment on Elliott Avenue, the legislative intent of Code §155-210.A.1.

46. There was disagreement between the Applicant's Architect and the Planning Commission about whether EIFS looks like traditional stucco, a permitted material in the BMVD. The Applicant brought physical samples of EIFS and traditional stucco to the

Conditional Use hearing, Ex. A-9, which the Planning Commission did not have the benefit of seeing and Architect Trainer testified about them. The Applicant's Architect admitted EIFS is not as strong as traditional stucco. For this reason, stronger material will be used on the lower portion of the façade to prevent damage from passing cars. He cited other benefits of EIFS including lower cost, ease of installation and better heat retention.

47. The precise inquiry, for the purposes of a Conditional Use relief, is whether EIFS is an acceptable alternative material which is in furtherance of the legislative intent and development design standards of the Bryn Mawr Village District. Code §155-215.E.3 The first Design Development Standard states:

New buildings should complement the pattern of existing landmark structures and have a building fabric that relates to their site and surroundings”

Here, the Existing Headquarters is clad in a mixture of EIFS and traditional stucco (94%,) with a stone façade facing Lancaster Avenue (6%). A mixture of EIFS and architectural masonry on the New Building's façade will relate to the building fabric of the Existing Headquarters and other surrounding structures. Moreover, the New Building has been designed to complement the window pattern on the Existing Headquarters. Taken together, these proposed plans satisfy Design Development Standard 155-215.A.1, *supra*. The New Building will support economic development by housing needed laboratory space within a traditionally designed exterior, satisfying the legislative intent of Code §155-210.A.1. Lastly, the New Building will be pedestrian-oriented, creating a streetscape along Elliott Avenue with a very wide sidewalk and landscaping. A New Building façade relating to the Existing Headquarters' building fabric will provide a cohesive appearance and enhance the pedestrian experience along Elliott Avenue, *see* Code §§155-210.A.3 and 155-215.A.8&9. For all of these reasons, it is recommended that EIFS



is an acceptable alternative material which is in furtherance of the legislative intent and development design standards of the Bryn Mawr Village District. EIFS should be permitted on the New Building above architectural masonry as shown on the Applicant's Elevation A-201. Ex. A-7.

ORDER

AND NOW on this the \_\_\_\_ day of April 2019, the application of Aqua for conditional use approval to deviate from architectural design standards of the Bryn Mawr Village District found in Code §155-215 of the Zoning Code of the Township of Lower Merion is granted subject to the following condition:

1. EIFS may be used on the façade of the New Building above 3'4" of architectural masonry as shown on Elevation A-201.

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

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