

June 7, 2019

TO: Planning Commission Members

FROM: Andrea Campisi, Senior Planner, Building & Planning Department

SUBJECT: PRELIMINARY LOT LINE CHANGE & CONDITIONAL USE PLAN – 1509 Lafayette Road & 801 Stony Lane, Gladwyne, SD# 3832LLC, 3832C, Ward 2

Proposal

The applicant, Fred L. Bissinger, Jr., seeks approval of the following:

- To transfer 173,802 sq. ft. (4 acres) from 1509 Lafayette Road to 801 Stony Lane.

Conditional use approval is needed to provide less than the required 200 foot lot width for 1509 Lafayette Road after the transfer is complete. No other changes are proposed to either property.

The proposal is illustrated on the attached plan prepared by CMC Engineering, dated May 11, 2017, last revised May 8, 2019.

Background

The Mary G. H. Davis Estate owns the property at 1509 Lafayette Road and the Henry Foundation for Botanical Research owns 801 Stony Lane. Both properties contain Class II historic resources and are located in the Township's RAA zoning district.

The Henry Foundation's mission is to enhance the understanding of the natural world through the study of botanical arts and sciences and to inspire responsible stewardship of the environment. The property at 801 Stony Lane serves as a historical botanical garden created by Mary Gibson Henry and offers educational opportunities to teach people about plants and to show leadership in the care and preservation of North American native plants growing with Asian counterpart species in a naturalistic setting.

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

RAA Zoning District Requirements		Existing 1509 Lafayette Road (Lot 1)	Proposed 1509 Lafayette Road (Lot 1)	Existing 801 Stony Lane (Lot 2)	Proposed 801 Stony Lane (Lot 2)
Minimum Lot Area	90,000 sq. ft.	315,820 sq. ft. (7.25 acres)	99,258* sq. ft. (2.27 acres)	1,852,673 sq. ft. (42.53 acres)	2,026,475 sq. ft. (46.52 acres)
Lot Width	200'	433.38'	156.52***	1,702'	1,977'
Front Yard	50' min.	>50' min.	>50' min.	>50' min.	>50' min.
Side Yard	25' min. & 40' agg.	>25 & 40' agg.	>25 & 40' agg.	>25 & 40' agg.	>25 & 40' agg.
Rear Yard	25' min.	>25'	>25'	>25'	>25'
Building Area	15% max.	.38% 1,221 sq. ft.	1.3% 1,221 sq. ft.	0.53% 9,763 sq. ft.	1% 9,763 sq. ft.
Impervious Surface	20%	2.9% 9,275 sq. ft.	***6.1% 9,275 sq. ft.	1.7% 32,373 sq. ft.	1.6% 32,373 sq. ft.

*Not including hatched area of Lot 1 on plan sheet which contains 54,400 sq. ft.

**Subject to Conditional Use approval.

***Including the hatched area of Lot 1 for a total lot area of 153,658 sq. ft.

Montgomery County Planning Commission Review

The County generally supports the applicant's proposed lot line change. 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. Conditional Use

The applicant seeks conditional use approval to create a rear lot at 1509 Lafayette Road. Upon the transfer of approximately four acres to 801 Stony Lane, 1509 Lafayette Road contains less than the required 200 feet of lot width at the street line in the R-AA zoning district. The proposed lot width of 1509 Lafayette Road after the transfer is 156.52 feet. Zoning Code Section 155-128, Rear lot development, allows a property owner to seek conditional use to provide less than the required lot width. This section states:

In any residential subdivision made under the provisions of Chapter 135 of the Code of the Township of Lower Merion or with respect to any presently existing residentially zoned lot, the Board of Commissioners may authorize the creation of narrow lots as a conditional use subject to the following regulations:

A. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line for lots in the zoning district in which the lot is located. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional 25 feet.

The property at 1509 Lafayette Road complies with this requirement.

B. An applicant shall not be permitted to increase the number of conforming lots permitted in a subdivision through the use of narrow lots.

No new lots are being created under this proposal.

C. Every narrow lot shall include at least 20 continuous feet along the street line, and such connection to the street shall extend at no less than that width to the point at which the narrow lot reaches the lot width required by the zoning district in which the lot is located. The area between the street line and the point at which the narrow line reaches the required lot width shall be capable of providing driveway and utility access to the lot (i.e., shall not be blocked by natural barriers, such as lakes, or slopes in excess of 25%) and shall not be excessively irregular in shape.

The narrow/rear lot contains 156.52 feet at the street line and both the driveway and utilities are within this area. The proposal complies with this requirement.

D. In calculating the lot area of a rear lot, the area between the street line and a line drawn radial thereto at the point where the lot attains the minimum lot width required in its zoning district shall not be included in applying the requirements of this chapter, except those requirements relating to impervious surfaces.

The lot area noted on the plan does not include the leg for the purposes of calculating the minimum lot area or the allowable impervious surface. The zoning chart on the plan shall be revised to include the entire lot area, including the leg, in the impervious surface calculation.

E. The Board of Commissioners shall designate which of the required yards shall be the front yard for rear lots.

The plan shows the front yard setback along Lafayette Road.

F. The Board of Commissioners shall find that the creation of a narrow lot or narrow lots shall be in accordance with the land use goals and requirements contained in this chapter and in Chapter 135 of the Code of the Township of Lower Merion.

The creation of this narrow lot enables the addition of four (4) acres of land to the Henry Foundation to remain as open space.

G. Any rear lot approved by conditional use shall connect to the adjacent sanitary sewer, when and if it is installed, even though the building may be more than 200 feet away.

Since 1509 Lafayette Road is not presently connected to the Township's existing sanitary sewer system but is served by an on-lot septic system, a condition shall be imposed requiring it to be connected at such time as public sewers are installed.

2. Open Space Preservation District

Both properties are greater than five acres and this application triggers the requirements of the Open Space Preservation District (OSPD). The OSPD requires any property greater than five acres that is subdivided, to preserve half the property as permanently protected open space. By definition, a lot line change constitutes a subdivision of the property for the purpose of applying the requirements of the OSPD.

In lieu of setting aside the required preservation area now, the applicant has chosen to record a deed covenant against 1509 Lafayette Road requiring the preservation area to be set aside with any future subdivision. Upon any future subdivision, the existing lot area of 1509 Lafayette Road, which is 315,820 square feet or 7.25 acres, shall be used to determine the amount of preservation area required.

Staff has included a condition of approval requiring the deed covenant.

3. Relief

The application requires the following relief.

A. Subdivision & Land Development Code Section 135-35, to create an irregular lot line between the two properties.

The existing lots are currently irregular in their configuration and the proposal does not make the irregularity any worse.

- B. Natural Features Code Section 101.5.B.1.a, Conservation of woodlands and other vegetation, to not provide wooded lot calculations since no trees are proposed to be removed.
- C. Subdivision & Land Development Code Section 135-32, Survey Monuments, to not install the required monuments until such time as requested by the Township.

Staff does not have any issues with the requested relief.

4. 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 Conditional Use application.
- C. Provide a recommendation on the relief noted above.