

RESIDENT/ PROPERTY OWNER NOTICE
WHITPAIN TOWNSHIP ZONING HEARING BOARD

Whitpain Township Zoning Hearing Board will hold a public meeting on Thursday, March 20, 2025, at 7:00 p.m. at the Whitpain Township Building, 960 Wentz Road, Blue Bell, Pennsylvania, 19422 in order to hear and possibly render a decision on the following new matter:

2436-25 – Margaret McCook for property located at 1613 Walton Road, Blue Bell, PA seeks the following variances from the Whitpain Zoning Code to construct a single-family dwelling: (1) a variance under Section 160-61.B(1) to permit a 50 foot front yard setback where 75 feet is required and (2) a variance from 160-202 to allow a building to project more than five feet into a front yard setback. This Property is a flag lot and is zoned R-5 Agriculture/ Rural Residential Zoning District.

This notice is being mailed to you in accordance with the Township's Zoning Ordinance, including Section 160-240, that requires the mailing or serving notice to the owners or occupiers, if known, of every lot on the same street within 500ft of the property that is the subject of the hearing or, if not on the same street, within 150ft of the subject property.

Copies of the application, exhibits, site plans or other materials received by the Township in connection with the above matter are on file with the Zoning Officer at the Township Building. Paper copies may be requested in writing from the Township at a cost as permitted by law. Applications and plans are also available for review on the Township's website at www.whitpaintownship.org. All hearings will be held in-person and, unless an accommodation has been granted, all applicants, witnesses and individuals seeking to be a party to the proceeding or any individual wanting to provide public comment must be present to participate. Therefore, be advised that only testimony, evidence and public comment made before the Zoning Hearing Board may be considered as part of each hearing. Persons who wish to attend or participate in the above-referenced hearings and require an auxiliary aid, service or other accommodation, please contact the Township ADA Coordinator at 610-277-2400 or send an email to buildingandzoning@whitpaintownship.org within five days of the hearing.

Members of the public who wish to be considered a party to the proceedings may contact Whitpain Township at 610-277-2400 or send an email to buildingandzoning@whitpaintownship.org to request information about the procedure. The Zoning Hearing Board determines at the hearing who may participate in the hearing as a party in accord with Section 908(3) of the Pennsylvania Municipalities Planning Code hereafter referred to as the "MPC." The MPC permits party status to any person or persons "affected" by the Application. Having taxpayer status and/or township resident status alone is not enough to obtain party status; however a person whose property or business

abuts the property that is the subject of the Application is typically deemed to be affected and sufficient for party status. Ultimately, it is the Zoning Hearing Board that makes the party status determination after reviewing the request.

You need not be a party in order to provide comment on an application. The Zoning Hearing Board will hear public comment on each application prior to closing the hearing. Following the close of the hearing, the Zoning Hearing Board will render a decision, unless it deems that additional time is required for consideration and deliberation, in which case it will continue the public meeting to an announced date and time for that purpose.

The Whitpain Township Planning Commission will also review these applications on Tuesday, March 11, 2025, at 7:00 PM in their capacity as an advisory body to the Township Board of Supervisors. If you have additional questions regarding the Planning Commission meeting and your ability to participate, please contact Whitpain Township at 610-277-2400. Applicants are encouraged to attend the Planning Commission meeting in order to better understand the requested zoning relief prior to the hearing before the Zoning Hearing Board.

**ZONING HEARING BOARD
OF WHITPAIN TOWNSHIP**

RECEIVED

ZHB#
Case: 2436-25



FEB 18 2025

WHITPAIN TOWNSHIP

Whitpain Township
960 Wentz Road
Blue Bell, PA 19422
610.277.2400

Codes@WhitpainTownship.org

Code Enforcement Department Zoning Hearing Board Application

1. Required Information:

Applicant Name: Margaret McCook

Applicant is: ☒ Owner or Owner's Representative ☐ Equitable Owner ☐ Tenant ☐ Other

Applicant Address: 1609 Walton Road

Phone: 610-329-4235 Email: margy.mccook@gmail.com

Subject Property Address: 1613 Walton Road, Blue Bell, PA, 19422

2. Application Type (select all that apply):

☒ Variance ☐ Appeal of the determination of Zoning Officer ☐ Appeal from a Zoning Enforcement Notice

☐ Special Exception ☐ Request to extend a previously granted variance or special exception prior to expiration

☐ Other: _____

3. Description of Project and Relief Request in Detail (required):

See attached.

4. Signatures:

Applicant: Margaret McCook Date: 2/18/2025

Property Owner: Margaret McCook and [Signature] Date: 2/18/2025

For Office Use Only

Fee: <u>\$ 650.00</u>	Zoning District: <u>R-5</u>
Article: <u>XII</u>	Section: <u>160-61 B(1)</u>
Article: <u>XXVIII</u>	Section: <u>160-202</u>
Article: _____	Section: _____
Article: _____	Section: _____
Article: _____	Section: _____
Reviewed By: <u>AR TD</u>	Review Date: <u>2/19/25</u>

Case: _____

Subject Property Address: 1613 Walton Road, Blue Bell, PA 19422

3. Description of Project and Relief Request in Detail (required):

The property at 1613 Walton Road is a 2.07-acre building lot in the R7 zoning district, located on the northwesterly side of Walton Road between Township Line Road and Stenton Avenue, directly across from the Sentry Park office complex (zoned AR-1).

This project seeks to establish a suitable building envelope for a single-family home. The building envelope, along with other considerations—such as sanitary sewer tie-in and existing tree lines—will inform the size, dimensions, design, and orientation of the house.

Relief is requested from the 75-foot setback requirement under Zoning Classification R5, as outlined in §160-61 (Area Regulations). Per §160-61(B), the minimum building setback from the street right-of-way line is 75 feet. For lots with less than 200 feet of frontage on a public street, the setback is measured from the point at which the lot reaches a width of 200 feet.

This variance request seeks to reduce the setback by 25 feet to accommodate a feasible building site.

We respectfully request a variance to reduce the front setback requirement on our 2.07-acre building lot from 75 feet to 50 feet, aligning with the originally understood building envelope from the recorded subdivision plan. Granting this variance is consistent with the legislative intent of § 160-59 and will uphold the principles of open space conservation, rural character preservation, and responsible low-density development within the R-5 Agricultural/Rural Residence District.

1. Our Request Aligns with the Rural Character and Low-Density Intent of the R-5 Zone

The R-5 zoning district was established to balance conservation efforts with low-density residential development that integrates seamlessly into the existing rural landscape. Our request for a 50-foot setback does not increase density, introduce incompatible land uses, or disrupt the rural character of the neighborhood. Instead, it allows for a thoughtfully placed home that remains in harmony with surrounding properties, ensuring that our lot remains fully compliant with the minimum lot width (200 ft.), and side/rear yard requirements.

2. The 75-Foot Setback Severely Restricts the Depth of the Buildable Area

With the current 75-foot front setback, the buildable area is reduced to just 39.48 feet in depth, creating an impractical footprint for a functional home, particularly one designed for multi-generational living with first-floor accessibility. A rigid application of the setback creates an unintended hardship that conflicts with the overall purpose of the zoning district.

3. The Variance Will Not Result in Higher Density or Overdevelopment

One of the core objectives of the R-5 district is to discourage isolated higher-density development and maintain the rural atmosphere. Our request does not increase the number of homes or alter the intended low-density nature of our building lot. In fact, allowing a front setback reduction supports the careful siting of the home in a way that maintains our wooded area, minimizes disturbance to natural features, and remains visually compatible with neighboring properties.

4. Precedent for a 50-Foot Setback Exists in our Neighborhood and in Rural Cluster Regulations

Our lot is part of a subdivision where a 50-foot setback was established for each lot, demonstrating the reasonableness of a reduced setback in this context. Additionally, § 160-66 of the Special Regulations for Rural Cluster Subdivisions permits a front setback of 40 feet, further reinforcing that a 50-foot setback aligns with established standards. This standard maintains the goals of rural preservation and open space conservation while providing a practical building area. Given that our lot (total 89,968.8 sq. ft.) is significantly larger than the 20,000 sq. ft. minimum lot size permitted in a

rural cluster subdivision, allowing a 50-foot setback remains consistent with the intent of R-5 zoning regulations.

5. Equity and Reasonable Use of the Property

The intent of zoning regulations is not to impose unnecessary hardships but to guide responsible development. When we purchased this lot 22+ years ago, we did so with the understanding—based on the recorded subdivision plan—that we could build with a 50-foot front setback, as was the case for other lots in the area. The subsequent clarification that a 75-foot setback applies has placed an unforeseen and significant restriction on our ability to build a practical home. A reasonable adjustment to restore the originally understood setback would allow for the intended use of the property while still preserving the integrity of the R-5 district.

Conclusion: A Reasonable Adjustment in Line with Zoning Intent

We are not seeking to increase density, alter the rural character, or create an incompatible development. Rather, we are requesting a reasonable adjustment to allow for a home that fits within the low-density, rural vision of the R-5 district while maintaining open space, our wooded area and aesthetic harmony with the surrounding neighborhood.

For these reasons, we respectfully request approval of our variance to reduce the front setback from 75 feet to 50 feet. We appreciate your time and consideration and welcome the opportunity to further discuss this request.

Thank you

This property is not in a floodplain

- — — Applying § 160-61 Area Regulations:
Building setback 75 feet measured from the
point at which the lot attains a width of 200 feet
- — — Proposed:
Building setback 50 feet measured from the
point at which the lot attains a width of 200 feet
- ★ Exact house size, dimensions, configuration, placement and
orientation are TBD, but will remain within the proposed
building setback for which relief is being sought



* Exact house size, dimensions, configuration, placement and orientation are TBD but will remain within the proposed building setbacks for which relief is being sought



