

North Wales Borough Planning Commission Meeting
August 5, 2020 Meeting Minutes

At the start of the meeting, Mrs. Martin Washington announced that the North Wales Planning Commission meeting was being conducted virtually by the use of telecommunications devices via a Zoom Conference accessed by either telephone using the dial in number or entering the URL on an internet browser, both of which were provided on the North Wales Borough website www.northwalesborouh.org at least 24 hours prior to the meeting.

Commission members present were Lillian Higgins, Greta Martin Washington, Linda McAdoo and Mark Tarlecki; Gregory J. D'Angelo was absent. Assistant Borough Manager/Zoning Officer Alan Guzzardo and Margaret Dobbs, MCPC, also participated in the virtual meeting.

There were no interested parties participating through the Zoom Conference link.

The meeting was called to order by Chair Martin Washington at 7:11 P.M.

1. Public Comment – Mr. Guzzardo stated that no questions or comments were received from the public prior to tonight's meeting.
2. Consideration: Zoning Hearing Board Review - Application Z-20-05

The applicants, Tina and Nate Rice, owners of the property located at 401 West Walnut Street, participated in the meeting via Zoom Conference.

The application is for a special exception from Article VI, R-B Residential District, Section 208-36.D.(3) and two variances from Article XVII, General Provisions, Section 208-147, Special requirements for separate living areas when approved by special exception:

- a. Special exception from Section 208-36.D.(3) to allow a separate living area in the upper story of a detached garage as an in-law suite.
- b. Variance from Section 208-147 to allow an in-law suite in a detached accessory structure.
- c. Variance from Section 208-147 to allow a non-immediate family member to reside in the proposed in-law suite.

Mr. Rice gave a brief overview of the application. The in-law suite would be inhabited by their niece from Wisconsin who will be attending Montgomery County Community College for two years beginning in January 2021, for visiting family members, and possibly their son.

Planning Commission Comments/Questions

Mrs. McAdoo noted that the plans showed minor improvements to the second floor of the garage, including construction of walls to define various living spaces and installation of a bathroom. She asked about plans for a kitchen. Mr. Rice replied that a small refrigerator and a microwave would be installed but it was planned the niece would take her meals in the Rice's home. Mrs. McAdoo noted that three letters of support had been received from neighbors but suggested it might be beneficial to contact the two immediate neighbors on the 400 block of Shearer Street whose properties are directly across the alley from the proposed in-law suite. Mr. and Mrs. Rice said they would contact these two neighbors to discuss the ZHB application and ask for their support.

Mr. Tarlecki asked about plans for a heating/cooling system, water and sewer. Mr. Rice replied that a water line already exists and the heating/cooling system and sewer line would be installed.

Mrs. Martin Washington asked if the Rices would agree, as a condition of approval, to not install a stove; Mr. Rice replied they would agree to this. She also suggested a covenant to stipulate that this in-law suite is not a rental unit but intended to be used by immediate family members and extended family members. She asked if the Borough maintains an in-law suite registration log and Mr. Guzzardo replied that he has been compiling one.

Mrs. McAdoo noted that Section 208-190.C, Variances, states “. . . requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.” She reminded the Rices that they would be asked what is the hardship at the Zoning Hearing Board hearing. Mrs. Rice replied that their home is very small with only two bedrooms and it is almost impossible structurally to add a second floor. Mrs. Martin Washington suggested the Rices present a floor plan of the existing house at the ZHB hearing. Mr. Guzzardo said he would email to the Rices the questions on hardship which will be asked at the ZHB hearing.

For the ZHB hearing Ms. Dobbs suggested the Rices present existing building and impervious coverage calculations on the lot to show that any proposed addition to the house could exceed the maximum allowed and therefore support the request for this in-law suite in a detached accessory structure.

Mrs. Martin Washington asked about parking. Mr. Rice replied there were three spaces in the garage and also on-street parking on Center Street. It was noted that there are no parking provisions for an in-law suite in the Zoning Ordinance.

Ms. Dobbs stated that the kitchen facilities would have to be removed when the niece vacated the in-law suite. She also noted that there was no ADA ramp and the only access to the second floor where the in-law suite would be located is by exterior stairs.

A motion was made by Mrs. Martin Washington, seconded by Mrs. McAdoo, to recommend that the Zoning Hearing Board approve this application subject to consideration of a deed restriction that would allow family members to include immediate and extended family - aunts, uncles, nieces, and nephews - to reside in the separate living area. The motion passed 4-0.

3. Consideration: Zoning Hearing Board Review - Application Z-20-04

Mr. Guzzardo reviewed the application by TBG Health for a variance from the North Wales Borough Zoning Ordinance, Article X, OR Office-Residential District, Section 208-82.C, Permitted uses. The property is located at 136/138 South Main Street. TBG Health wishes to operate a Structured Habilitation Day program for brain injury rehabilitation on the first floor and business offices on the second and third floors. The application stated there would be 6-12 clients/day and hours of operation would be Monday-Friday, 9 AM – 3 PM. The clients would be transported in a van from their residential facility located in Lansdale. The office use is permitted by right. However, the structured habilitation program is classified as an institutional use which is only permitted within the IO-Institutional Overlay District.

The Planning Commission expressed concern that the structured habilitation program be for only brain injury rehabilitation and no other types of rehabilitation, including drug and alcohol rehabilitation. They also questioned what was the hardship which would support granting this use variance.

The Planning Commission discussed whether this was the best use for a building on Main Street. Ms. Dobbs reviewed the 2040 Comprehensive Plan and stated that based on the plan this use is a suitable one for the District.

A motion was made by Mr. Tarlecki, seconded by Mrs. Martin Washington, that the Planning Commission remain neutral but recommend that if granted the applicant will be held accountable to the scope of use – brain injury rehabilitation - and hours of operation – Monday-Friday, 9 AM to 3 PM - as stipulated in the application submitted to the Borough. The motion passed 4-0.

4. Discussion of 2020 Planning Commission Work Items

Ms. Dobbs reported that work continues on data gathering and map preparation for the walkability and parking audits. This will be discussed in more detail at the September meeting.

5. Approval of Minutes

A motion was made by Mr. Tarlecki, seconded by Mrs. Higgins, to approve the minutes of the July 1, 2020 Planning Commission meeting. The motion passed 4-0.

A motion was made by Mr. Tarlecki, seconded by Mrs. McAdoo, to adjourn the meeting. The meeting adjourned at 8:54 P.M.

Respectfully submitted,

Greta Martin Washington, Chair