



**Township of Abington  
Zoning Hearing Board Meeting  
May 22, 2019  
7:00 p.m.**

**Call To Order:**

**Pledge of Allegiance:**

**Roll Call:** John DiPrimio, Zoning Hearing Board Chairperson  
Michael O'Connor; Zoning Hearing Board Vice Chairperson  
Jose Casalina, Zoning Hearing Board Secretary  
Gertrude M. Hackney, Esq.; Zoning Hearing Board Member  
Barbara M. Wertheimer, Esq.: Zoning Hearing Board Member  
Bruce J. Eckel, Esq., Zoning Hearing Board Solicitor

**Order & Opinion:**

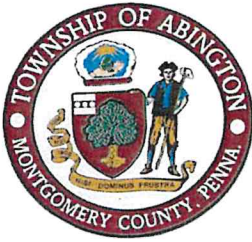
Case #19-02: JLLH Associates, Ltd – 966 & 968 Old York Road, Abington, Pa. 19001

**Applications:**

19-03: This is the application of **Duke Real Estate Partners, LLC**, applicant and owner of the property located at 361 Highland Avenue, Jenkintown, Pa. 19046. The applicant has requested dimensional variances from Section 2402.A.5 and Section 2403.B.4, to permit one parking lot tree, four canopy trees and twenty shrubs instead of two canopy trees, four understory trees and four evergreens along the northern property line. In addition, the applicant has requested dimensional variances from Section 2402.B.2 to permit one deciduous ornamental tree and sixteen shrubs to serve as the minimum ground cover requirements of Section 2403.E of the Zoning Ordinance of the Township of Abington. The property is zoned within the Glenside Suburban Industrial District of Ward #12 of the Township of Abington.

**Adjournment:**

**Note:** The next regularly scheduled meeting of the Zoning Hearing Board will be held on Tuesday, June 18, 2019 with a 7:00 p.m. start time.



# Township of Abington

*Engineering & Code Department*

Wayne C. Luker, President  
Steven N. Kline, Vice President

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Richard J. Manfredi, *Manager*  
Amy R. Montgomery, *P.E., Director*

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## Zoning Hearing Notice

Notice is hereby given that the Zoning Hearing Board of the Township of Abington will hold a meeting as required by the Township's Zoning Ordinance at the Abington Township Administration Building, 1176 Old York Road, Abington, Pennsylvania, on:

**Wednesday, May 22, 2019** at 7:00 p.m., at which time a public hearing will commence on the following application:

**19-03:** This is the application of **Duke Real Estate Partners, LLC**, applicant and owner of the property located at 361 Highland Avenue, Jenkintown, Pa. 19046. The applicant has requested dimensional variances from Section 2402.A.5 and Section 2403.B.4, to permit one parking lot tree, four canopy trees and twenty shrubs instead of two canopy trees, four understory trees and four evergreens along the northern property line. In addition, the applicant has requested dimensional variances from Section 2402.B.2 to permit one deciduous ornamental tree and sixteen shrubs to serve as the minimum ground cover requirements of Section 2403.E of the Zoning Ordinance of the Township of Abington.

The property is zoned within the Glenside Suburban Industrial District of Ward #12 of the Township of Abington. A copy of the application and plans are on file with the Planning & Zoning Office and are available for review during normal business hours.

By Order of the Zoning Hearing Board.

Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington

**Note:** There is a 30 day period after the date the decision is rendered for any and all aggrieved persons to file an appeal in the appropriate court to contest the actions of the Zoning Hearing Board. Applicants that take action on a Zoning Hearing Board Approval during the 30 day appeal period, do so at their own risk. If there are questions that you may have, please feel free to contact the Zoning Officer at 267-536-1010. If you are unable to attend the hearing, written comment may be entered into the record by submitting them in advance of the hearing to the Planning & Zoning Officer.

## Zoning Hearing Board Application

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000



This application must be accompanied by a minimum of ten (10) copies of the plot plan of the property, prepared and signed by a registered land surveyor or professional engineer. The plan must include lot area, lot dimensions, coverage percentages, existing structures, other improvements, proposed improvements, off-street parking, buffers and all characteristics on the site.

The Undersigned herein makes application for:

- Request for Variance from the Zoning Ordinance.
- Request for a Special Exception as provided by the Zoning Ordinance.
- Appeal from the actions of the Zoning Officer.

1. Name and address of the owner of the land:

Duke Real Estate Partners, LLC  
2010 County Line Road  
Huntingdon Valley, PA 19006

Phone number:

2. Name and address of the applicant:

Duke Real Estate Partners, LLC  
2010 County Line Road  
Huntingdon Valley, PA 19006

Phone number:

3. Name and address of the attorney:

Marc D. Jonas, Esq.  
470 Norristown Road, Suite 302  
Blue Bell, PA 19422

Phone number:

(215) 345-7000

4. If the applicant is not the owner of the property, list the applicant's interest in filing this application.  
Example: equitable owner, agent, lessee, etc.

N/A

5. Description of the property:

Address/location 361 Highland Avenue, Jenkintown, PA 19046

Present use electric sub-station building and equipment with a gravel area.

Proposed improvement 42-space parking lot, sidewalk, storm sewer, and stormwater management facilities.

**Zoning Hearing Board Application**

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000



6. State briefly the reasons for which the proposed improvements or use does not meet the requirements of the Zoning Ordinance, and the nature of relief you are seeking:

Please see attached addendum.

7. List the specific section of the Zoning Ordinance upon which the application for a variance or special exception is based:

Please see attached addendum.


8. Describe in detail the grounds for the appeal, or the reasons both in law and in fact for the granting of the variance or special exception, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application.


Please see attached addendum.

9. List any and all prior Zoning Hearing Board action regarding the property. List the date, case number and the nature of the zoning relief granted.

Unknown. None while applicant has owned the property.

10. List any and all additional information, records, transcripts which may be helpful to the Zoning Hearing Board in rendering a decision: A minimum of eight (8) copies are required to be submitted.

  
Signature of Applicant *John Pool*  
*Estel Parker*

  
Signature of Owner

Internal Validation:

Date Received: *4/18/19*

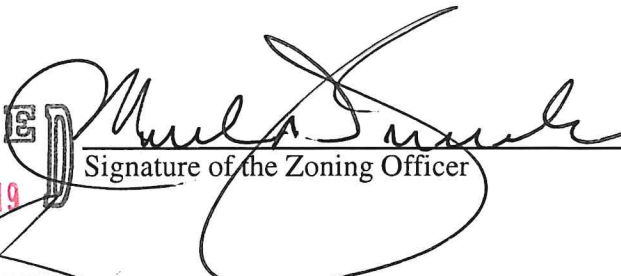
Fee Paid: *1,500.00*

Case: *19-03*

*Rec'd 457406*

*check 11230*

RECEIVED  
APR 18 2019

  
Signature of the Zoning Officer

BY: 

**ZONING HEARING BOARD APPLICATION**  
**ADDENDUM**

**Applicant:** Duke Real Estate Partners, LLC

**Property:** 361 Highland Avenue

**I. Requested Relief**

Applicant requests the following zoning relief:

- a variance from sections 2402.A.5.a and 2403.B.4.a.(2)(a) to permit, in addition to 1 Off-street Parking tree, 4 canopy trees and 20 shrubs along the northern property line (along the site entrance from Highland Avenue) where 2 canopy trees, 4 understory trees, and 4 evergreen trees are required; and
- a variance from section 2402.B.2.c to permit one deciduous ornamental tree and 16 shrubs, (towards meeting minimum Ground Cover planting requirements of section 2403.E) along Highland Avenue, where 4 Street Trees are required.

**II. Reasons for Requested Relief**

The property is presently improved with an existing, nonconforming building with overhead power lines and underground utilities that make it impossible to plant large canopy street trees along the portion of Highland Avenue in front of the existing building.

As for the trees along the entrance drive, a total of 12 parking spaces would be lost in order to provide enough surface area to plant the required trees. A compliant 8-foot wide buffer is being provided.

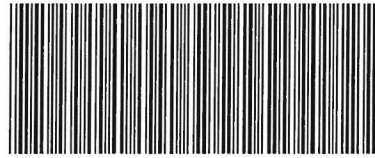
**APPENDIX A:  
Deed**



RECORDER OF DEEDS  
MONTGOMERY COUNTY  
*Jeanne Sorg*

One Montgomery Plaza  
Swede and Airy Streets ~ Suite 303  
P.O. Box 311 ~ Norristown, PA 19404  
Office: (610) 278-3289 ~ Fax: (610) 278-3869

**DEED BK 6104 PG 01738 to 01743**  
INSTRUMENT # : 2018058699  
RECORDED DATE: 08/27/2018 10:25:53 AM



3896957-00197

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 6

<b>Document Type:</b> Right of Way	<b>Transaction #:</b> 4068135 - 2 Doc(s)
<b>Document Date:</b> 08/20/2018	<b>Document Page Count:</b> 5
<b>Reference Info:</b>	<b>Operator Id:</b> dkrasley

<b>RETURN TO:</b> (Simplifile) Certified Abstract Co., Inc. 7242 Hollywood Road Fort Washington, PA 19034 (215) 643-3400	<b>PAID BY:</b> CERTIFIED ABSTRACT CO INC
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<b>* PROPERTY DATA:</b>	
Parcel ID #:	30-00-28960-00-8
Address:	HIGHLAND AVE
	PA
Municipality:	Abington Township (100%)
School District:	Abington

**\* ASSOCIATED DOCUMENT(S):**

<b>CONSIDERATION/SECURED AMT:</b>	<b>\$1.00</b>
<b>TAXABLE AMOUNT:</b>	<b>\$0.00</b>
<b>FEES / TAXES:</b>	
Recording Fee:Right of Way	\$86.75
Additional Pages Fee	\$2.00
Affordable Housing Pages	\$2.00
<b>Total:</b>	<b>\$90.75</b>

DEED BK 6104 PG 01738 to 01743  
Recorded Date: 08/27/2018 10:25:53 AM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



**Jeanne Sorg**  
Recorder of Deeds

Rev1 2016-01-29

**PLEASE DO NOT DETACH**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

\*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
30-00-28960-00-8 ABINGTON TOWNSHIP  
HIGHLAND AVE  
PECO \$15.00  
B 305 L U 001 8966 08/27/2018 JG

**RECORD & RETURN TO:**

**Certified Abstract Company, Inc.  
500 Office Center Drive - Suite 400  
Fort Washington, PA 19034  
File #180712662CERF  
Parcel # 30-00-28960-00-8**

**RIGHT OF WAY GRANT**



**Exhibit "C"****RIGHT OF WAY GRANT**

**BE IT KNOWN** that Duke Real Estate Partners, LLC (the "Grantor"), for and in consideration of the payment of ONE DOLLAR (\$1.00) by **PECO ENERGY COMPANY** (the "Company"), the receipt whereof is hereby acknowledged, hereby grant(s) to Company, its successors and assigns, the full, free and uninterrupted right, liberty and privilege to erect, construct, install, use, operate, maintain, repair, renew, add to, relocate, replace and remove facilities, including poles, cross arms, wires, cables, fiber optics, guy wires, anchor guys, conduits, manholes, gas mains, gas service pipes, and appurtenances (the "Facilities"), now existing and as shall be necessary for the transmission and distribution of electricity, gas and communications within the legal and ultimate right of way line of public highways known as Highland and Kenmore Avenues as shown on the plan attached as Exhibit A, (subject to such deviations as may be necessary due to construction conditions) as now existing or as may be hereafter established, abutting premises of the Grantor; together with the right of ingress and egress across Grantor's premises to and from the Facilities over any then existing driveways and the right to cut down, remove, trim and keep trimmed, in a workmanlike manner, all trees, branches of trees, roots and brush, to the extent deemed necessary by the Company to provide sufficient clearance for the protection of the Facilities.

**AND** the Company is further granted the right to locate the Facilities outside the limits of said highway(s) but immediately adjacent thereto; **AND ALSO** the further right to install outside the limits of said highway(s) such guy wires and anchor guys as may be necessary to stabilize the poles in both cases up to a distance of 12 feet.

The conditions herein contained shall enure to and bind the respective executors, administrators, heirs, successors and assigns of the Grantor and Company.

EXECUTED THIS 20<sup>th</sup> DAY OF August 2018.

DUKE REAL ESTATE PARTNERS, LLC

ATTEST:

  
Secretary

BY:



Name: Brian J. Regli  
Title: Managing Member

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF *Montgomery* :

On this, the *20* day of *August* 2018, before me, *Nancy E. Cohen* the undersigned officer, personally appeared *Brian J. Regli*, who acknowledged *him* self to be *\* President* of *Duke Real Estate Partners LLC*, a corporation and that he as such *\* President*, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by *him* self as *\* President*.

*Managing Member*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Nancy E. Cohen*  
\_\_\_\_\_  
Notary Public

File No. 185  
LN

