

**MEETING NOTICE AND HEARING NOTICE
TOWNSHIP OF LOWER MERION ZONING HEARING BOARD**

Notice is hereby given that the Zoning Hearing Board of Lower Merion Township will hold a Meeting of the Board as authorized by Section 111 of Chapter 155 of the Lower Merion Code, as amended, to take official Board action. Notice is hereby given that the Zoning Hearing Board of Lower Merion Township will hold a Hearing of the Board as required by Section 113A of Chapter 155 of the Lower Merion Code, as amended, and Section 908 of the Pennsylvania Municipalities Planning Code. The Meeting shall be held at the Township Building, 75 East Lancaster Avenue, Ardmore, PA 19003 on **Thursday, September 19, 2019 at 7:15 p.m.** The Hearing shall commence immediately following the Meeting and at the same location on the following matters.

Appeal No. 4472

Applicant: Lower Merion Outdoor, LLC

Property: The subject property consists of a 2,000 square foot portion of the lands of Norfolk Southern Railway Company ("NSRR"), as successor in interest to the Pennsylvania and Reading Railroad Company ("P ARRRC"), pursuant to that certain conveyance by one Silas Jones to the said PARRRC of October 5, 1838, as indicated in the Right Of Way and Track Map of Philadelphia And Reading Railway, Sheet No. 37 of 1-206, depicting from Survey Station 422+40 to 448+80 dated June 30, 1917 and revised December 31, 1954.

Norfolk Southern Railway Company parcel 0322133-001

Lower Merion Township, Montgomery County, PA

Northeast of 505 Mary Waters Ford Road Croyle B, Bala Cynwyd, PA 19004

C 2 Commercial District indicated in Applicant's application

R 5 Residence District per Zoning Officer's interpretation of the zoning maps
(Election District #3)

The Applicant proposes to install a steel monopole and mount a double-sided, externally illuminated, billboard sign on top of the monopole, 1500 feet East of Flat Rock Tunnel, along the South side of I-76, behind and to the Northeast of Glanraffon Pumping Station. The coordinates for the location of the proposed billboard sign are: latitude 40° 1' 50.64" N, longitude: 75° 14' 17.45" W. The Applicant is challenging the substantive validity of the Zoning Ordinance, in accordance with the PA Municipalities Planning Code (MPC) sections 909.1(a)(1) & 916.1(a)(1). The Applicant contends that the Lower Merion Township Zoning Ordinance improperly restricts the development and use of land in the Township for billboards (i.e. off-site premises signage); specifically that 1) §155-93.3 E of the Zoning Ordinance limits the placement of billboards to properties only within the Manufacturing and Industrial zoning district, along with the dimensional requirements for billboards are a) unreasonable, arbitrary, unduly restrictive, exclusionary, and not a valid exercise of the Township's police powers, and b) unreasonably infringe upon an affected landowner's constitutionally protected right to freely use and enjoy the landowner's property for a billboard, 2) the provisions of §155-93.3 E, when taken together, make it such that there is no area within the Township where a billboard sign would be permitted, 3) §155-93.3 E is illusory in that it gives the impression that billboards are permitted but takes that ability away with the imposition of the restrictions found in its provisions, and 4) §155-93.3 E is contrary to the MPC and PA case law as to billboard signage. The Applicant also challenges the ability of the Township to require the Applicant to fund an escrow account that reimburses the Township consultants and its legal counsel to provide services in opposition to this challenge application. The Applicant requests that the Zoning Hearing Board find that §155-93.3 E of the Zoning Ordinance is invalid.

Appeal No. 4473

Applicant: 766 W. Railroad Outdoor, LLC

Property: 762, 764, & 766 West Railroad Avenue, Bryn Mawr, PA 19010
known as tax map parcel nos. 40-00-48496-00-1; 40-00-48500-00-6; and
40-00-48504-00-2

a.k.a. 762, 764, & 766 Old Railroad Avenue West, Bryn Mawr, PA 19010
(Election District #10) C 2 Commercial District

The Applicant proposes to install a billboard sign on the exposed party wall between 762 and 764 West Railroad Avenue and is challenging the substantive validity of the Zoning Ordinance, in accordance with the PA Municipalities Planning Code (MPC) sections 909.1(a)(1) & 916.1(a)(1). The Applicant contends that the Lower Merion Township Zoning Ordinance improperly restricts the development and use of land in the Township for billboards (i.e. off-site premises signage); specifically that 1) §155-93.3 E of the Zoning Ordinance limits the placement of billboards to properties only within the Manufacturing and Industrial zoning district, along with the dimensional requirements for billboards are a) unreasonable, arbitrary, unduly restrictive, exclusionary, and not a valid exercise of the Township's police powers, and b) unreasonably infringe upon an affected landowner's constitutionally protected right to freely use and enjoy the landowner's property for a billboard, 2) the provisions of §155-93.3 E, when taken together, make it such that there is no area within the Township where a billboard sign would be permitted, 3) §155-93.3 E is illusory in that it gives the impression that billboards are permitted but takes that ability away with the imposition of the restrictions found in its provisions, and 4) §155-93.3 E is contrary to the MPC and PA case law as to billboard signage. The Applicant also challenges the ability of the Township to require the Applicant to fund an escrow account that reimburses the Township consultants and its legal counsel to provide services in opposition to this challenge application. The Applicant requests that the Zoning Hearing Board find that §155-93.3 E of the Zoning Ordinance is invalid.

Anyone interested in reviewing the application and plans may review this information in the Building Regulations Division at the Township Building, between 8:15 a.m. and 4:30 p.m., Monday through Friday. Anyone requiring special accommodations for the Meeting or the Hearing should contact this office at least three days prior to the hearing (610-645-6172 or mwylie@lowermerion.org).

By Order of the Zoning Hearing Board.
Michael R. Wylie, Secretary