BOROUGH OF CONSHOHOCKEN

Office of the Borough Manager

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
David Bria, Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

NOVEMBER 16, 2026, ZONING HEARING BOARD MEETING PACKET

137 West 7th Avenue — Page 2
400 East 10th Ave - continued application — Page 20
- ***The applicant has requested a continuance to the December 21, 2026, ZHB Meeting***

201 East 5th Avenue – continued application — Page 38
- ***The applicant has requested a continuance to the December 21, 2026, ZHB Meeting***

MAYOR
Yaniv Aronson

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Adrian Serna, Member

Stephanie Cecco
Borough Manager

BOROUGH OF CONSHOHOCKEN

Zoning Administration

ZONING NOTICE
NOVEMBER 16, 2026 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2026-19

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on November 16, 2026 at 6:30 p.m. prevailing time. The meeting will be held at Borough Hall, located at 400 Fayette Street, Conshohocken, PA 19428.

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following petition:

PETITIONER:	Jason Catania 137 West 7th Avenue, Conshohocken, PA 19428
PREMISES INVOLVED:	137 West 7th Avenue Conshohocken, PA 19428 BR-1 – Borough Residential District 1
OWNER OF RECORD:	Jason Catania 137 West 7th Avenue, Conshohocken, PA 19428

The Petitioner seeks a Special Exception pursuant to §27-703.E.(6)(a) and a Variance from §27-1005.F to construct a 260 SF, one (1)-story rear addition to an existing nonconforming dwelling, resulting in a total building coverage of 46.9%, whereas 35% is the maximum building coverage permitted within the BR-1 Zoning District.

Interested parties are invited to participate in the hearing. Anyone requiring special accommodations to attend should contact the Conshohocken Borough Administration Office at 610-828-1092 or zoning@conshohockenpa.gov as soon as possible for arrangements.

If you have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.

Thank you,
Zoning Hearing Board

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
David Bria, Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

BOROUGH OF CONSHOHOCKEN

Zoning Administration

MEMORANDUM

Date: November 10, 2026

To: Stephanie Cecco, Brittany Rogers

From: Allison A. Lee, PE

Re: 137 West Seventh Avenue – Zoning Determination

History of the Site:

137 West Seventh Avenue (PARID: 05-00-08168-00-8) is an existing 1,820 SF rectangular parcel located within the BR-1 – Borough Residential District 1.

According to Montgomery County property records, the parcel is improved with an existing two (2) story, brick, single-family attached dwelling. Additional site improvements include an existing 208 SF rear concrete pad, 156 SF covered porch, and wooden deck; as well as cyclone fencing located to the rear of the property. The existing dwelling was constructed in circa 1874.

The property is fronted by West Seventh Avenue (80' feet right-of-way) to the north; a twenty (20') feet wide unnamed alley to the south; and residential properties on all remaining sides.

Current Request:

The Applicant is proposing to demolish the existing 156 SF covered porch and wooden deck located to the rear of the dwelling to construct an approximately new 13 feet wide by 20 feet long (260 SF) one (1)-story building addition with a rooftop deck with access from the first floor of the dwelling due to the grade separation in the rear of the property.

The Applicant is seeking a Special Exception pursuant to §27-703.E.(6)(a) and a Variance from §27-1005.F to construct a 260 SF, one (1)-story rear addition to an existing nonconforming dwelling, resulting in a total building coverage of 46.9%, whereas 35% is the maximum building coverage permitted within the BR-1 Zoning District.

Zoning Determination:

The above referenced property is located within the BR-1 – Borough Residential District 1, and is subject to provisions of Part 7 of the Conshohocken Borough Zoning Ordinance for nonconforming structures, uses, and lots.

Per Section §27-702.A of the Borough Zoning Ordinance, a nonconforming use is defined as an existing lawful use of land, buildings, and/or structures that does not conform to the permitted uses of the zoning district in which it is located. The property is presently improved with a single-family attached dwelling, which is not identified as a use permitted by right within the BR-1 Zoning District per Section §27-1002. Based upon the information provided, the existing dwelling was constructed circa 1874 and lawfully existed prior to the adoption of the current Borough Zoning Ordinance in 2001. Accordingly, the existing single-family attached residential use constitutes an existing lawful nonconforming use.

Per Section §27-702.B of the Borough Zoning Ordinance, a nonconforming building or structure is an existing lawful building or structure that does not conform to the height, location, size, bulk, or other dimensional requirements of the zoning district in which it is located. The existing dwelling is considered an existing nonconforming building because it does not comply with the following dimensional requirement of the BR-1 Zoning District:

- Minimum Building Width (§27-1005.I): The existing building has a width of approximately 13 feet, whereas a minimum building width of 20 feet is required.

Pursuant to Sections §27-703.E.(5) & (6)(a) of the Borough Zoning Ordinance, a nonconforming building may be expanded only in compliance with § 27-703(E)(6) of the Zoning Ordinance and extension and/or expansion as permitted in § 27-703(E)(1) through (5), shall be permitted only by special exception in accordance with Part 6 [Zoning Hearing Board] of the Zoning Ordinance, only to the extent that all new construction shall comply with the dimensional standards of the district in which the use is located or the district in which the use is permitted, whichever is more restrictive. The Applicant is proposing to construct a new approximately 260 SF rear building addition with a rooftop deck with access from the first floor of the dwelling due to the grade separation in the rear of the property. As the proposed construction constitutes an expansion of the existing nonconforming building, the Applicant is required to obtain a Special Exception pursuant to §27-703.E.(6)(a) for the proposed expansion.

Per Section §27-1005.F of the Borough Zoning Ordinance, the maximum building coverage shall not exceed 35% of the lot area. Based on the plot plan provided of the property, the existing building coverage on the site is calculated as approximately 750.1 SF which equates to 41.2% of the lot area. With the proposed building addition, the total net new building coverage on the lot will be approximately 854.1 SF, which equates to 46.9% of the lot area, thereby further increasing the existing nonconformity and exceeding the maximum building coverage permitted within the BR-1 Zoning District. Accordingly, the Applicant is required to obtain a variance from §27-1005.F to permit a maximum building coverage of approximately 46.9%, whereas a maximum of 35% is permitted.

Per Section §27-1005.G the maximum building coverage shall not exceed 60% of the lot area. The existing impervious coverage on the site is calculated as approximately 802.1 SF, which equates to 44.1% of the lot area, and in compliance with the maximum 60% impervious coverage permitted within the BR-1 zoning district. The proposed impervious coverage on the site with the proposed building addition is calculated as approximately 854.1 SF, which equates to 46.9% of the lot area, and will remain in compliance with the maximum 60% impervious coverage permitted within the BR-1 zoning district.

Per Section §27-703.D of the Borough Zoning Ordinance, physical expansion of a nonconforming building or building housing a nonconforming use shall be permitted only one time and shall be limited to 25% of the gross floor area of the existing building. The existing gross floor area of the existing building is calculated at approximately 1,646.20 SF. The proposed 260 SF rear building addition will increase the

building gross floor area to approximately 1,906.20 SF, which equates to an approximately 15.79% building expansion; and will be in compliance with the permitted 25% maximum gross floor area of the existing building.

BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: Z-2026-19
Date Submitted: 10/16/26
Date Received: 10/16/26

1. Application is hereby made for:

☑ Special Exception ☑ Variance

☐ Appeal of the decision of the zoning officer

☐ Conditional Use approval ☐ Interpretation of the Zoning Ordinance

☐ Other _____

2. Section of the Zoning Ordinance from which relief is requested:
27-703.E(6)(a) and 27-1005.F

3. Address of the property, which is the subject of the application:
137 W 7th Ave, Conshohocken, PA 19428

4. Applicant's Name: Jason Catania
Address: 137 W 7th Ave, Conshohocken, PA 19428
Phone Number (daytime): 484-368-7478
E-mail Address: cataniajason@gmail.com

5. Applicant is (check one): Legal Owner ☑ Equitable Owner ☐; Tenant ☐

6. Property Owner: Jason Catania
Address: 137 W 7th Ave, Conshohocken, PA 19428
Phone Number: 484-368-7478
E-mail Address: cataniajason@gmail.com

7. Lot Dimensions: 1820 sq ft (13' W x 140' D) Zoning District: BR1

8. Has there been previous zoning relief requested in connection with this Property?

Yes ☐ No ☑ If yes, please describe.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

Single-family residence. Existing dwelling approximately 13 ft wide by 53 ft deep (689 sq. ft. footprint), with an existing rear deck.

10. Please describe the proposed use of the property.

Property to remain a single-family residence, with additional enclosed living space for family use

11. Please describe proposal and improvements to the property in detail.

Construct an approximately 13 ft x 20 ft (260 sq. ft.) rear addition in the existing rear deck area, with enclosed lower-level living space and a walkable roof deck above. Work includes foundation, framing, roof/deck assembly, exterior finishes, windows, doors, electrical and heating/cooling. Building coverage variance requested.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

The lot is unusually narrow at approximately 13 feet wide, constraining options for additional living space. The proposal extends the existing residential use at the rear of the home. Applicant requests relief from building coverage requirements to accommodate a modest 260 sq. ft. addition.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property:

Approximately 13-foot-wide lot with an existing narrow dwelling, limiting practical alternatives for expansion.

b. How the Zoning Ordinance unreasonably restricts development of the property:

The building coverage restriction limits the ability to provide additional enclosed living space on this narrow, already-developed residential lot.

c. How the proposal is consistent with the character of the surrounding neighborhood.

The property will remain a single-family residence; the proposed addition is located at the rear and follows the existing house width and is currently a concrete patio. This same type of work has already been completed at two neighboring homes - 121 + 147 W. 7th

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

Proposed footprint is approximately 260 sq. ft. Anything smaller would not provide adequate usable space.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: _____

b. Address: _____

c. Phone Number: _____

d. E-mail Address: _____

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

Jason Catania

Applicant

Jason Catania

Legal Owner

10/15/2026

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 19th day of October, 2026.

Allison M. Flounders

Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
ALLISON M FLOUNDERS - Notary Public
Montgomery County
My Commission Expires June 4, 2030
Commission Number 1333997

BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted ☐ Application Denied ☐

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐

DATE OF ORDER: _____



RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker

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 5795 PG 00676 to 00681
INSTRUMENT # : 2011025258
RECORDED DATE: 03/10/2011 08:46:15 AM

2529368-0012V

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Document Type: Deed	**Transaction #:** 2445015 - 1 Doc(s)
Document Date: 02/28/2011	**Document Page Count:** 5
Reference Info:	**Operator Id:** estaglia

RETURN TO: (Simplifile)
Robert Chalphin Assoc. Inc
515 Swede Street
Norristown, PA 19401
(610) 279-8290

SUBMITTED BY:
Robert Chalphin Assoc. Inc
515 Swede Street
Norristown, PA 19401
(610) 279-8290

*** PROPERTY DATA:**

Parcel ID #:	05-00-08168-00-8
Address:	137 W SEVENTH AVE
	PA
	19428
Municipality:	Conshohocken Borough (100%)
School District:	Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT:	**$1.00**
TAXABLE AMOUNT:	**$1.00**

FEES / TAXES:

Recording Fee:Deed	$65.00
Additional Pages Fee	$2.00
Affordable Housing Pages	$2.00
Total:	$69.00

DEED BK 5795 PG 00676 to 00681
Recorded Date: 03/10/2011 08:46:15 AM

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

RECORDER'S OFFICE
MONTGOMERY COUNTY, PA

Nancy J. Becker
Recorder of Deeds

UNOFFICIAL COPY
DEED 5795 00676

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
05-00-08168-00-8 CONSHOHOCKEN BOROUGH
137 W SEVENTH AVE
KUNASZUK JOHN & ROSE MARIE $10.00
B 029 L U 038 1101 03/10/2011 BH

UNOFFICIAL COPY
DEED 5795 00677

Prepared By: **Robert Chalphin Associates**

Return To: **Robert Chalphin Associates, Inc.**
515 Swede Street
Norristown, Pa 19401
(610) 279-8290

Property: **137 W. Seventh Avenue**
Borough of Conshohocken
Montgomery County, Pennsylvania

Parcel # **05-00-08168-00-8**

Deed

John Kunaszuk and Rose Marie Kunaszuk, husband and wife
(Grantors)

To

Jason Catania and Alexandra Catania, husband and wife
(Grantees)

Prepared by: **Robert Chalphin Associates**

Return to: **Robert Chalphin Associates**
515 Swede Street
Norristown, PA 19401
(610) 279-8290

County BRT No. 05-00-08168-00-8

UNOFFICIAL COPY
DEED 5795 00676

THIS INDENTURE, ***MADE THE*** 28th day of February
in the year of our Lord **two thousand Eleven (2011).**

BETWEEN, **John Kunaszuk and Rose Marie Kunaszuk, Husband and Wife**

(hereinafter called the "Grantors"), of the one part,

and

Jason Catania and Alexandra Catania, Husband and Wife

(hereinafter called the "Grantees"), of the other part.

WITNESSETH, That the said Grantors for and in consideration of the sum of

----------One Dollar and 00/100----------($1.00)----------

lawful money of the United States of America, unto them, the said Grantors, well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents do grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantees, their and assigns, **as tenants by the entireties:**

See Schedule Attached Hereto and Made a Part Hereof.

ALL THAT CERTAIN messuage and lot or piece of land, situate in the Fourth Ward of the Borough of Conshohocken, County of Montgomery and Commonwealth of Pennsylvania, bounded and described as follows, to wit:-

BEGINNING at a point on the Southeast side of Seventh Avenue, at the distance 197.8 feet southeasterly from the Southeast corner of Seventh Avenue and Maple Street, said point being in the middle of the partition wall between this house and the adjoining house conveyed to Andrea Frearo, et ux; thence along said side of said Seventh Avenue Southeasterly 13 feet to a point in the middle of the partition wall between this house and the adjoining house of Isaac Bigwood; thence at right angles to said Seventh Avenue, the line passing through the middle of the partition wall between this and the adjoining house, Southwesterly 140 feet to a point on the Northeast side of a 20 feet wide alley; thence along said side of said alley, Northwesterly 13 feet to a point, a corner of this and property conveyed to Andrea Frearo, et ux; thence parallel to the second line and passing through the middle of the partition wall between this and said Frearo's house, Northeasterly 140 feet to the place of beginning.

UNOFFICIAL COPY DEED BK 5795 00679

BEING known as 137 West Seventh Avenue

BEING Parcel Number 05-00-08168-00-8

BEING the same premises which Rose Marie J. Eckert, Administratrix of the Estate of James E. Eckert Sr. and Samuel T. DeTuro, by Indenture bearing dated the 25th day of February, A.D., 1985 and recorded at Norristown, Pennsylvania in Deed Book 4762 page 310, granted and conveyed unto John Kunaszuk and Rose Marie Kunaszuk, their heirs and assigns, in fee.

THIS IS A CONVEYANCE FROM FATHER AND MOTHER TO DAUGHTER AND SON-IN-LAW AND THEREFORE EXEMPT FROM ANY REALTY TRANSFER TAX.

TOGETHER with all and singular the improvements, ways, streets, alleys, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it the said Grantors, as well at law as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

UNOFFICIAL COPY
DEED 5795 0680 76

TO HAVE AND TO HOLD the said lot or piece of ground above described, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

AND the said Grantors, for themselves, their heirs and assigns, do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents that they, the said Grantors, their heirs and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against them, the said Grantors, their heirs and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, them or any of them, shall and will, **WARRANT and forever DEFEND**.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal. Dated the day and year first above written.

John Kunaszuk

Rose Marie Kunaszuk

Commonwealth of Pennsylvania County of Philadelphia

On this 28 day of FEB , **2011**, before me, the undersigned officer, personally appeared **John Kunaszuk and Rose Marie Kunaszuk,** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Renita L. Perseo, Notary Public
Conshohocken Boro, Montgomery County
My Commission Expires Oct. 21, 2014
Member, Pennsylvania Association of Notaries

Renita L Perseo
Notary Public

UNOFFICIAL COPY
DEED 5795 0676

DEED

John Kunaszuk and Rose Marie Kunaszuk
Husband and Wife

TO

Jason Catania and Alexandra Catania,
Husband and Wife

Recorded in Deed Book page .

GIVEN under my hand and the seal of the said office, the date above written.

Recorder of Deeds

Robert Chalphin Associates
515 Swede Street
Norristown, PA 19401
(610) 279-8290

The address of the above-named Grantees is:

137 W Seventh Avenue
Conshohocken, Pa. 19428

On behalf of the Grantees:

D. Stanley

NEIGHBOR SUPPORT PETITION

Proposed Residential Addition & Building Coverage Variance
137 W. 7th Avenue, Conshohocken, PA 19428

To the Conshohocken Borough Zoning Hearing Board:

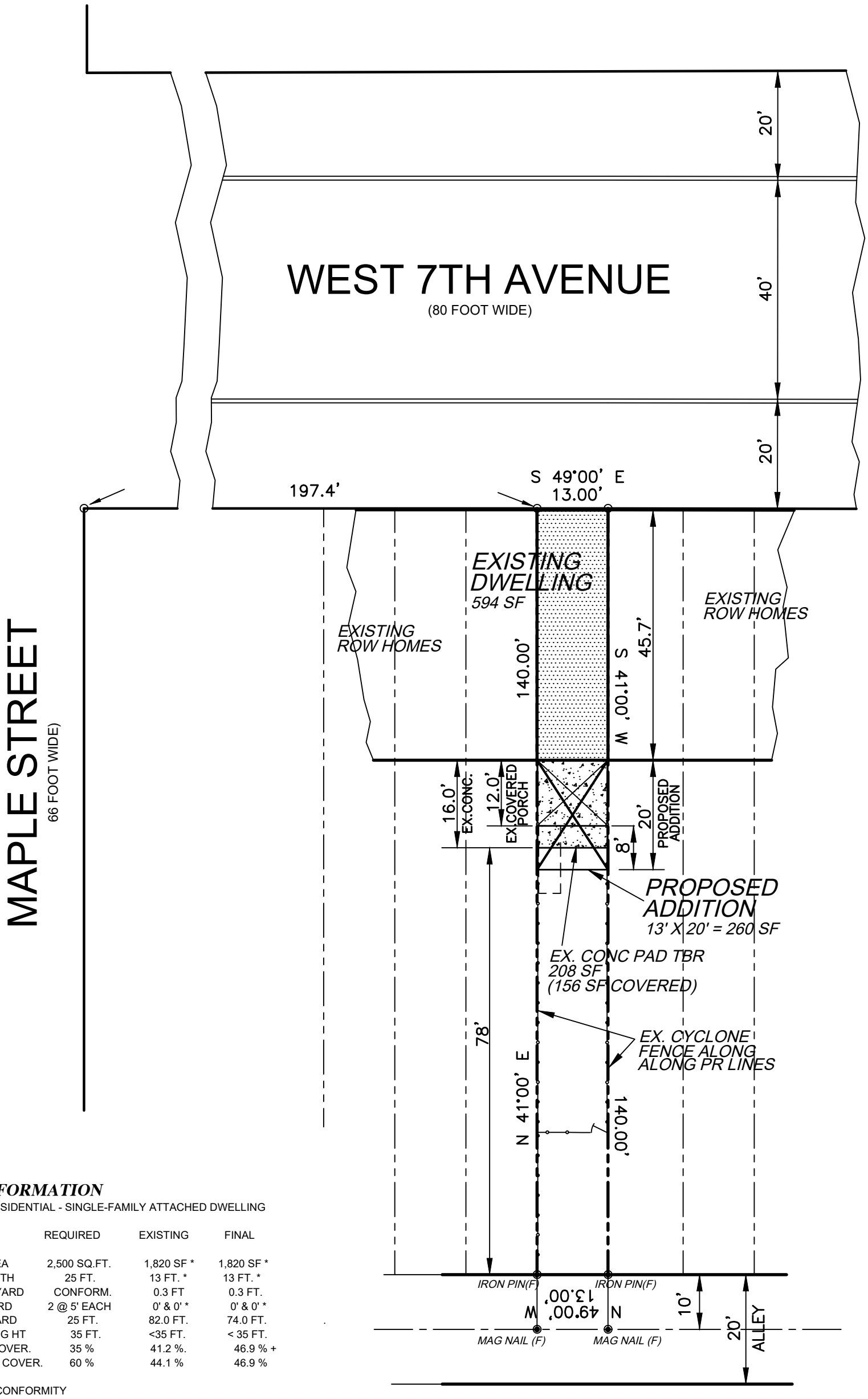
We, the undersigned neighbors and community members, support the homeowners' request for zoning relief related to building coverage to construct a proposed 13-foot by 20-foot (260-square-foot) rear addition at 137 W. 7th Avenue.

We understand that the project is intended to provide additional living space for the existing single-family residence, with a walkable rooftop deck above the addition, and that the property will remain in residential use.

By signing below, we express our support for the proposed addition and respectfully ask the Zoning Hearing Board to consider that support when reviewing the application. Signing does not guarantee approval or waive any individual rights or concerns.

Printed Name	Street Address	Signature	Date
Tina Burzelleca	122 West 6th Ave		10/15/26
Phil & Marie Lanza	139 W 7th Ave	Phil Lanza Maryanne T Lanza	10/15/26
Keith Myers	115 W 7th ave		10/15/26
Amanda van Wagner	121 W 7th Ave		10/15/26
Alexis Dougherty	131 W 7th Ave		10/15/26
James Kunaszuk	131 W 7th Ave		10/15/26

Petition submitted in connection with the zoning application for the property above. Signatures represent individual expressions of support, not an official determination of zoning compliance.



ZONING INFORMATION

ZONED "BR1" - RESIDENTIAL - SINGLE-FAMILY ATTACHED DWELLING

	REQUIRED	EXISTING	FINAL
MINIMUM LOT AREA	2,500 SQ.FT.	1,820 SF *	1,820 SF *
MINIMUM LOT WIDTH	25 FT.	13 FT. *	13 FT. *
MINIMUM FRONT YARD	CONFORM.	0.3 FT	0.3 FT.
MINIMUM SIDE YARD	2 @ 5' EACH	0' & 0' *	0' & 0' *
MINIMUM REAR YARD	25 FT.	82.0 FT.	74.0 FT.
MAXIMUM BUILDING HT	35 FT.	<35 FT.	< 35 FT.
MAXIMUM BLDG COVER.	35 %	41.2 %.	46.9 % +
MAXIMUM IMPERV COVER.	60 %	44.1 %	46.9 %

* EXISTING NON-CONFORMITY
\+ VARIANCE REQUIRED

PLOT PLAN FOR ADDITION

FOR PROPERTY SITUATE AT

JASON CATANIA PROPERTY
137 WEST 7TH AVENUE
CONSHOHOCKEN BOROUGH
MONTGOMERY COUNTY, PA

DATE:10/05/2026
SCALE: 1" = 20'

GENERAL NOTES

1. A BOUNDARY SURVEY WAS PERFORMED BY THIS OFFICE IN SEPTEMBER 2019.
2. DEED OF REFERENCE: DB 5795–PG 0676
3. TOTAL AREA W/ALLEY – 1,820 SF (0.0418 AC)
4. TAX BLOCK 029 – UNIT 038

BORUSIEWICZ
SURVEYORS AND SITE PLANNERS
718 GRAVEL PIKE
COLLEGEVILLE, PA 19426
610.941–7181 EMAIL TBORUSIEWICZ@AOL.COM

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
David Bria, Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

BOROUGH OF CONSHOHOCKEN

Zoning Administration

ZONING NOTICE
OCTOBER 19, 2026 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2026-17

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on October 19, 2026 at 6:30 p.m. prevailing time. The meeting will be held at Borough Hall, located at 400 Fayette Street, Conshohocken, PA 19428.

At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following petition:

PETITIONER:	Lori A Gamrat 400 East 10th Avenue, Conshohocken, PA 19428
PREMISES INVOLVED:	400 East 10th Avenue Conshohocken, PA 19428 BR-1 – Borough Residential District 1
OWNER OF RECORD:	The Estate of Theresa M Cerrato 400 East 10th Avenue, Conshohocken, PA 19428

The petitioner is seeking a Special Exception pursuant to Section §27-703.B and a Variance from Section §27-2002 to convert the existing vacant office space on the ground floor to residential apartments use and to not provide the required off-street parking spaces on the subject property for the new residential apartments use.

Interested parties are invited to participate in the hearing. Anyone requiring special accommodations to attend should contact the Conshohocken Borough Administration Office at 610-828-1092 or zoning@conshohockenpa.gov as soon as possible for arrangements.

If you have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.

Thank you,
Zoning Hearing Board

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
David Bria, Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

BOROUGH OF CONSHOHOCKEN

Zoning Administration

MEMORANDUM

Date: October 6, 2026

To: Stephanie Cecco, Brittany Rogers

From: Allison A. Lee, PE

Re: 400 East Tenth Avenue – Zoning Determination

History of the Site:

400 East Tenth Avenue is an existing non-conforming mixed-used property developed with a 2-story, 1,548 square-foot brick and masonry building that was constructed in circa 1925. The 2,660 SF parcel is a corner property located within the BR-1 – Borough Residential One District.

The property is fronted by East Tenth Avenue (80 ft wide right-of-way) to the south and Jones Street (66 ft wide right-of-way) to the west; an approximately 20-feet wide unnamed alley located to the north and rear of the property; and residential properties in all other directions.

The property is currently comprised of two (2)-one-bedroom apartments on the second floor and a vacant commercial office space on the ground floor. There is no off-street parking provided on the property. The commercial space on the ground floor has undergone several changes in use since the 1960's. The Montgomery County property records indicates the commercial use of the property was a deli and grocery store known as Jim's Quality Cold Cuts. The grocery store use on the property continued until 1995. Subsequently, a photography studio occupied the commercial space until 2019, followed by a home security office business known as Home Owner Management Company (a.k.a. Home Alert) until 2023.

The Special Exception change in use from a photography studio to a commercial office space use was granted by the Zoning Hearing Board Decision and Order dated October 21, 2019, under zoning application no. 2019-11. Additional relief obtained under the October 21, 2019 Zoning Hearing Board Decision and Order included variances from off-street parking and the installation of a 20" x 24" (3.33 SF) projecting wall sign. The granting of the Special Exception and variances were subject to the following conditions:

- commercial space use for Home Alert office only;
- the employees of the Home Alert office are limited to parking on Jones Street only; and,
- the sign shall not be illuminated.

Current Request:

The Applicant, Lori A. Gamrat, is proposing to convert the existing commercial space on the ground floor of the subject building to residential apartments. The conversion will comprise of either a two (2) –

approximately 550 SF to 900 SF, one (1) bedroom apartments, or one (1) – approximately 1200 SF two (2) bedroom apartment.

The petitioner is seeking a Special Exception pursuant to Section §27-703.B for a change in use from an existing nonconforming office space use to another nonconforming residential apartments use; and a Variance from Section §27-2002 to not provide the required off-street parking spaces on the subject property for the new residential apartments use.

Zoning Determination:

The above referenced property is located within the BR-1 – Borough Residential District 1, and is subject to provisions of Part 7 of the Conshohocken Borough Zoning Ordinance for nonconforming structures, uses, and lots.

Per Section §27-702.A of the Borough Zoning Ordinance, a nonconforming use is the existing lawful use of land and/or buildings and/or structure upon the land which does not conform to any of the permitted uses of the district in which it is located. The existing mixed-use building with two (2), one (1) bedroom apartment units on the second floor and a commercial use on the ground floor are classified as existing nonconforming uses since the uses to not conform to the uses permitted by right within the BR-1 – Borough Residential One District per Section §27-1002. The BR-1 zoning district only allows for single-family detached and semi-detached dwellings and accessory uses.

A change in use for nonconforming uses is regulated under Section §27-703.B of the Conshohocken Borough Zoning Ordinance. Per Section §27-703.B.(1), a change in a nonconforming use may be changed to another nonconforming use which is equally appropriate or more appropriate to the district in which the property is located and is no more detrimental than the existing nonconforming use as a special exception by the Zoning Hearing Board. The proposed change of use for the commercial space on the ground floor of the building from a vacant commercial office use to residential apartments use constitutes a change of a nonconforming use to another nonconforming use; and therefore, requires a special exception from the Zoning Hearing Board pursuant to Section §27-703.B.(1).

Pursuant to Section §27-2009, where a building contains mixed or multiple uses, the required off-street parking is determined by the sum of the parking requirements for each individual use under Section §27-2002.

Under Section §27-2002, studio, efficiency, and one-bedroom dwelling units require 1.5 off street parking spaces per dwelling unit, while a two-bedroom dwelling unit requires 2 off-street parking spaces. Accordingly, the off-street parking spaces are calculated as follows:

- Existing two (2) – one-bedroom units on the second floor x 1.5 parking spaces = 3 parking spaces
- Proposed one (1) - efficiency studio unit on the ground floor x 1.5 parking spaces = 1.5 parking spaces
- Proposed one (1) – one-bedroom unit on the ground floor x 1.5 parking spaces = 1.5 parking spaces
- Proposed one (1) – two-bedroom unit on the ground floor x 1.5 parking spaces = 1.5 parking spaces

If the ground floor is converted to two (2) dwelling units consisting of one studio and one one-bedroom unit, a total of six (6) off-street parking spaces would be required for the property, including three (3) additional spaces attributable to the proposed conversion.

Alternatively, if the ground floor is converted to one (1) two-bedroom dwelling unit, a total of five (5) off-street parking spaces would be required, including two (2) additional spaces attributable to the proposed conversion.

Under the prior October 21, 2019 Zoning Hearing Board Decision and Order, relief was granted to permit no off-street parking for the former commercial office use. At that time, the property would otherwise have required a total of nine (9) off-street parking spaces, consisting of six (6) spaces for the ground-floor office use and three (3) spaces for the existing second-floor residential units.

Although the proposed residential conversion reduces the overall parking requirement compared with the former commercial office use, the prior parking relief pertained to that commercial use only. Because the Applicant proposes no on-site parking in conjunction with the change in use, a variance from Section §27-2002 is required to permit zero (0) off-street parking spaces where five (5) or six (6) off-street parking spaces would otherwise be required, depending upon the proposed residential configuration. Of this total, two (2) or three (3) of the off-street parking spaces, respectively, are attributable to the proposed conversion of the ground floor.

BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: Z-2026-17
Date Submitted: 9/16/26
Date Received: 9/16/26

1. Application is hereby made for:

☑ Special Exception ☐ Variance

☐ Appeal of the decision of the zoning officer

☐ Conditional Use approval ☐ Interpretation of the Zoning Ordinance

☐ Other _____

2. Section of the Zoning Ordinance from which relief is requested:

_____

3. Address of the property, which is the subject of the application:

400 East Tenth Avenue Conshohocken, PA 19428

4. Applicant's Name: Lori A Gamrat

Address: 400 East Tenth Avenue Conshohocken, PA 19422

Phone Number (daytime): 484 433 5158

E-mail Address: Lgamrat@gmail.com

5. Applicant is (check one): Legal Owner ☑ Equitable Owner ☐; Tenant ☐

6. Property Owner: The Estate of Theresa M Cerrato

Address: 400 East Tenth Avenue Conshohocken, PA 19428

Phone Number: 484 433 5158

E-mail Address: Lgamrat@gmail.com

7. Lot Dimensions: 19 ft x 140 ft Zoning District: BR-1

8. Has there been previous zoning relief requested in connection with this Property?

Yes [✔] No [ ] If yes, please describe.

First floor was granted a variance to operate as a a commercial office.space.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

The property currently contains a single two story structure with dimensions of approximately fifteen (15) feet by one hundred (100) feet.

The building is mixed-use. The first floor, which is currently vacant, currently has a variance to be used for commercial office space. The second floor consists of two (2) residential apartments which are currently occupied. The second floor apartments fave been in the same use since the Owner purchased the building.

10. Please describe the proposed use of the property.

The Applicant proposes to convert the first floor of the building from commercial office space to residential apartments. The floor space would be converted into either two (2) one bedroom apartments, or one (1) two bedroom apartment. The one bedroom apartments would range from approximately five hundred and fifty (550) square feet to nine hundred (900) square feet, and the two bedroom apartment would be approximately twelve hundred (1200) square feet.

11. Please describe proposal and improvements to the property in detail.

Improvements are primarily limited to the building interior. The proposed changes involve the addition of kitchens, modification/addition of bathrooms, addition of air conditioning units and possibly internal wall modifications.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

Acceptance of this proposed change will provide additional residential space within the Borough benefiting both the Borough and prospective residents.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: _____

_____

b. How the Zoning Ordinance unreasonably restricts development of the property:

c. How the proposal is consistent with the character of the surrounding neighborhood.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

c. Please describe in detail the reasons why the requested relief should be granted.

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: _____

b. Address: _____

c. Phone Number: _____

d. E-mail Address: _____

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

Lori Ann Gamrat Lori Ann Gamrat

Applicant

Lori Ann Gamrat admin of Estate of Theresa Cerrato

Legal Owner

September 14, 2026

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 14th day of September, 20 26.

Notary Public

(Seal)

Commonwealth of Pennsylvania - Notary Seal
JOHN LOUTANGOU - Notary Public
Montgomery County
My Commission Expires March 29, 2029
Commission Number 1394552

BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted ☐ Application Denied ☐

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐

DATE OF ORDER: _____

RECORDER OF DEEDS

MONTGOMERY COUNTY PENNSYLVANIA

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

I hereby certify that the following is a true and correct copy of the original document recorded in Montgomery County, PA

RECORDER'S OFFICE
MONTGOMERY COUNTY, PA

Jeanne Sorg

Jeanne Sorg, Recorder of Deeds

Digitally signed 09/18/2026 by montgomery.county.rod@govos.com

Certified and Digitally Signed

Validation may require Adobe 'Windows Integration'

eCertified copy of recorded # 1983000585 (page cover of 4)
Montgomery County Recorder of Deeds

010015

B

172A/S DEED—Trustees' Covenant - Corporation - Individual. Printed for and Sold by John C. Clark Co., 1326 Walnut St., Phila.

This Indenture Made the twenty-first day of

July in the year of our Lord one thousand nine hundred and eighty-three (1983)

50
14 00
2 00

Between ROBERT I. EBERLE and RALPH F. EBERLE, JR., EXECUTORS FOR THE ESTATE OF RALPH F. EBERLE, A/K/A RALPH F. EBERLE, SR., the Sellers and
JAMES A. CERRATO and THERESA M. CERRATO, his wife, the Buyers

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
05-00-10196-00-5 CONSHOHOCKEN DBK 1058
400 E TENTH AVE PG 0366
EBERLE RALPH
B 55 U 016 1160 DATE 7/27/83 2.50

of the other part, **Witnesseth** That the said Sellers

for and in consideration of the sum of Sixty-five thousand five hundred dollars ($65,500.)
lawful money of the United States of America, unto them, well and truly paid by the said Buyers

at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents

do grant, bargain, sell, alien, enfeoff, release and confirm unto the said Buyers, their heirs and assigns, as tenants by the entireties.

JUL 27 11 06 AM '83

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon, Situate in the Borough of Conshohocken, County of Montgomery and State of Pennsylvania, designated on a certain plan entitled "Part of East Conshohocken Property of Spring Mill Improvement Company" recorded in the Office for the Recording of Deeds in and for Montgomery County in Deed Book No. 634 page 500 &c., as part of Lot No. 92 which said lot is more fully described as an entirety as follows:

BEGINNING at a point, the intersection of the southeasterly side of Jones Street, with the northeasterly side of Tenth Avenue thence extending south, forty nine degrees East along the said northeasterly side of Tenth Avenue nineteen feet to a point a corner of this and land of Louis A. Weiss, thence extending northeastwardly between parallel lines at right angles to said Tenth Avenue one hundred and forty feet to a certain twenty feet wide alley, bounded on the northwest by Jones Street aforesaid, on the southwest by Tenth Avenue aforesaid, on the southeast by land of the said Louis A. Weiss; and on the northeast by said twenty feet wide alley.

TOGETHER with the free and common use, rights, liberty and privilege of the above mentioned alley as and for a passage, way and water course at all times hereafter forever, in common with the owners, tenants and occupiers of the other lands and premises abutting thereon.

BEING PARCEL NO. 05-00-10196-00-5

BOOK 4713 PG 487

eCertified copy of recorded # 1983000585 (page 1 of 4)
Montgomery County Recorder of Deeds

BEING PARCEL NO. 05-00-10196-00-5

BEING THE same premises which Rose K. DeHaven, singlewoman by deed dated 7/11/1933 and recorded at Norristown, Pennsylvania in Deed Book 1169 page 95 granted and conveyed unto Ralph F. Eberle and Miriam A. Eberle, his wife their heirs and assigns, in fee.

AND THE SAID Miriam A. Eberle has since departed this life.

AND THE SAID Ralph F. Eberle, a/k/a Ralph F. Eberle, Sr., departed this life on 4/10/1982 leaving a will dated 10/20/1976, Registered at Norristown, Pa., in Register of Wills No. 46-82-884, for whose Estate Letters Testamentary were granted on 4/15/1982 to Robert I. Eberle and Ralph F. Eberle, Jr.

REALTY TRANS. TAX PAID
STATE 655.00
LOCAL 655.00
PER M&C

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY TRANSFER TAX JUL 27 '83
655 00

Together with all and singular the buildings, improvements, alleys, streets, ways, waters, water-courses, driveways, rights, liberties, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said grantors

in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof.

BOOK 4713 PG 488

eCertified copy of recorded # 1983000585 (page 2 of 4)
Montgomery County Recorder of Deeds

To have and to hold the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees their heirs and assigns to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever. as tenants by the entireties.

And the said Grantors, their heirs, executors and administrators do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that they, the said Grantors, and their heirs have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or incumbered, in title, charge, estate, or otherwise howsoever.

In Witness Whereof, the parties have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered
in the presence of us:

Jane R. O'Connor

Robert F. Eberle, Jr.

Ralph F. Eberle

Commonwealth of Pennsylvania
County of Montgomery } SS:

On this, the 21st day of July, 19 83, before me, a Notary Public the undersigned officer, personally appeared ROBERT I. EBERLE and RALPH F. EBERLE, JR., Executors of the Estate of RALPH F. EBERLE, A/K/A RALPH F. EBERLE, SR., known to me (or satisfactorily proven) to be the persons described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

Michael M. Martinelli

Michael M. Martinelli, Notary Public
Norristown, Montg. Co., Pa.
My Commission Expires April 24, 1984

BOOK 4713 PAGE 489

Certified copy of recorded # 1983000585 (page 3 of 4)
Montgomery County Recorder of Deeds

STEWART TITLE GUARANTY CO.

#17550-M

Commonwealth of Pennsylvania
County of } SS:

On this, the day of , 19 , before me the undersigned officer

personally appeared who acknowledged himself (herself)

to be the of

a corporation, and that he as such , being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself (herself) as

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

DEED

ROBERT I. EBERLE AND
RALPH F. EBERLE, JR.
EXECUTORS OF THE ESTATE
OF RALPH F. EBERLE, A/K/A
RALPH F. EBERLE, SR.

TO

JAMES A. CERRATO AND
THERESA M. CERRATO, HIS
WIFE

772A/S John C. Clark Co., Phila. 1978

Premises - 400 East Tenth Avenue, Borough of Conshohocken, Montgomery County, Pennsylvania

Montgomery County S. S.
Recorded in the Office for Recording of Deeds &c
In and for said county in Deed book
No. V713 Page 482 &c
Witness my hand and seal of office this 27th
day of July 1983
Recorder

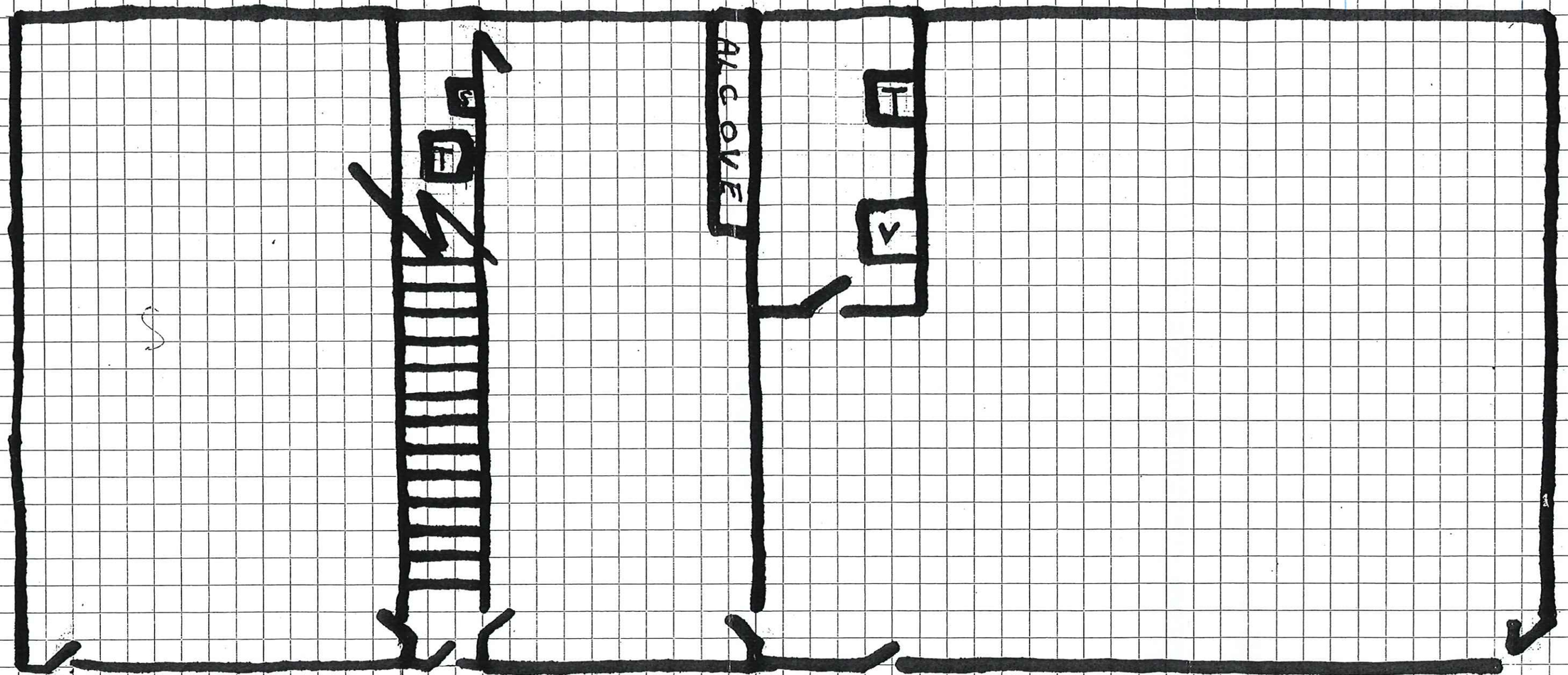
MONTGOMERY COUNTY PA RECORDER'S OFFICE

The address of the above-named Grantees is 400 East Tenth Avenue
Conshohocken, PA 19428
On behalf of the Grantee

Liber 4713 Pg 490

eCertified copy of recorded # 198300058S (page 4 of 4)
Montgomery County Recorder of Deeds

RECEIVED
SEP 17 2026



T - TOILET
S - SINK
SH - SHOWER
V - VANITY SINK

NOT TO SCALE

400 E 10th AVE
FIRST FLOOR
EXISTING
LAYOUT

APPROX 350 SQ FT

APPROX 910 SQ FT

APT #2

APT #1

CLOSET

SH

EFFICIENCY STUDIO

(APPROX 350 SQFT)

W

KITCHEN

BEDROOM

[APPROX 240 SQ FT]

CLOSET

SH

T

V

KITCHEN

KITCHEN

W

LIVING SPACE

(APPROX 670 SQ FT)

T - TOILET

S - SINK

SH - SHOWER

V - VANITY SINK

W - WASHER DRYER

NOT TO SCALE

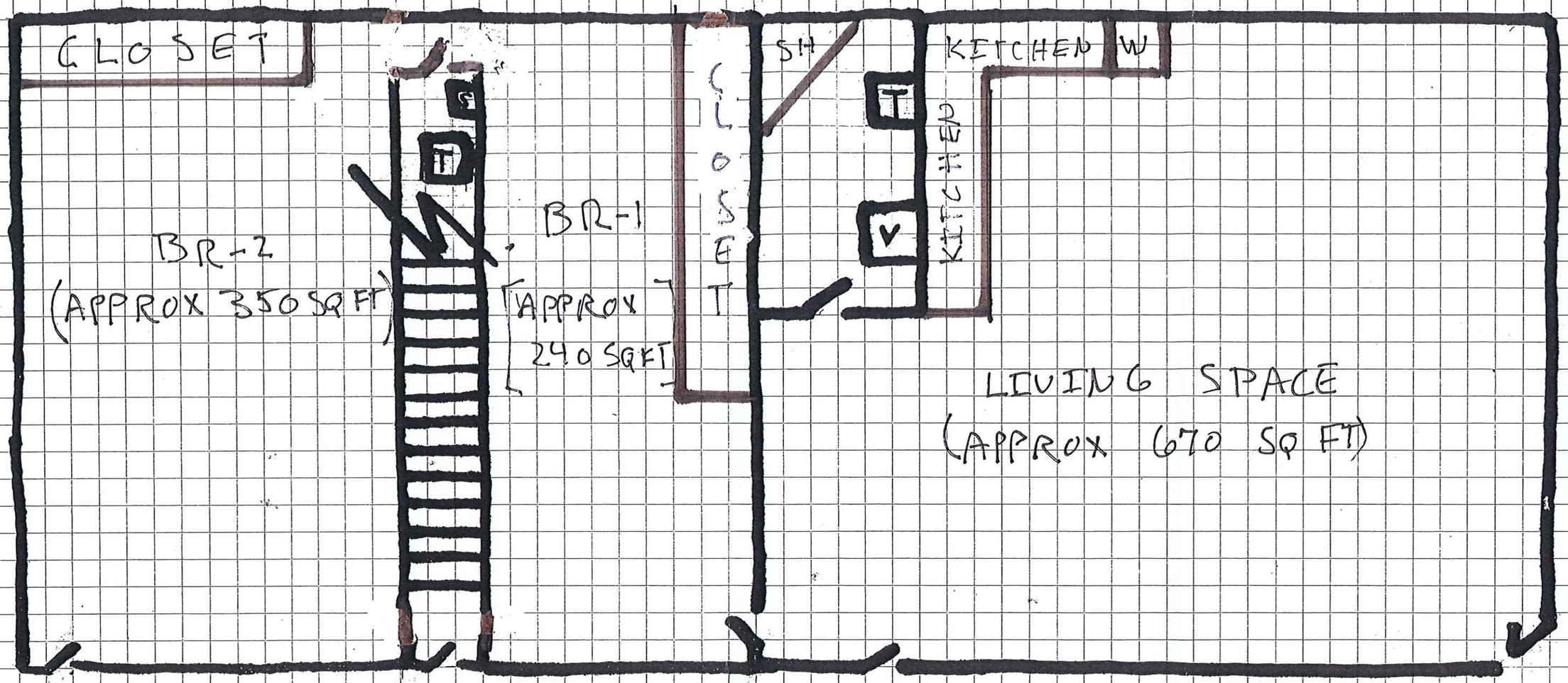
400 E 10th AVE

FIRST FLOOR

ONE BEDROOM/

EFFICIENCY

TWO BEDROOM LAYOUT (APPROX 1260 SQ FT)



T - TOILET
S - SINK
SH - SHOWER
V - VANITY SINK

W - WASHER/DRYER

NOT TO SCALE

400 E 10th AVE
FIRST FLOOR
TWO BEDROOM
LAYOUT

BOROUGH OF CONSHOHOCKEN

Zoning Administration

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
David Bria, Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

ZONING NOTICE
NOVEMBER 16, 2026 ZONING HEARING BOARD MEETING

ZONING HEARING Z-2026-09

NOTICE IS HEREBY GIVEN that the Conshohocken Zoning Hearing Board will conduct a public hearing on November 16, 2026, at 6:30 p.m. prevailing time. The meeting will be held at Borough Hall, located at 400 Fayette Street, Conshohocken, PA 19428. At this time, the Conshohocken Zoning Hearing Board will hear testimony and accept evidence on the following petition:

PETITIONER:	MJ Paschall, Member of Launch 246 LLC 201 East 5th Avenue, Conshohocken, PA 19428
PREMISES INVOLVED:	201 East 5th Avenue Conshohocken, PA 19428 BR-1 – Borough Residential District 1
OWNER OF RECORD:	Launch 246 LLC d/b/a Willough Bed & Breakfast 201 East 5th Avenue, Conshohocken, PA 19428

The petitioner is seeking Variances from the Conshohocken Borough Zoning Ordinance of 2001 as follows:

- Section §27-1002 to permit a new SideBar commercial use on the subject property when commercial uses are not permitted by right within the BR-1 zoning district;
- Section §27-2002 to not provide the required additional off-street parking spaces for the proposed SideBar use;
- Section §27-2106.2 & §27-813.H to permit a 4 SF illuminated "SideBar" sign on the subject property when the maximum sign size shall not exceed 2 SF within the BR-1 zoning district;
- Section §27-813.D to permit the sale of pre-made foods when not more than one daily meal is permitted to be served for the Bed and Breakfast (B&B) business;
- Section §27-813.F to permit the sale of alcoholic beverages for the Bed and Breakfast (B&B) business which is not permitted for a Bed and Breakfast (B&B) business;
- Section §27-813.G to permit modifications to the building façade for the installation of a sunshade or retractable awning to accommodate the proposed SideBar patio dining use that will reduce the appearance of a single-family dwelling; and,
- Section §27-1005.C to permit the installation of the sunshade or retractable awning to extend into the required yard areas which will not comply with the required dimensional setback requirements.

Interested parties are invited to participate in the hearing. Anyone requiring special accommodations to attend should contact the Conshohocken Borough Administration Office at 610-828-1092 or zoning@conshohockenpa.gov as soon as possible for arrangements.
If you have questions regarding the above prior to the meeting, please contact the Borough at zoning@conshohockenpa.gov.

Thank you,
Zoning Hearing Board

MAYOR
Yaniv Aronson

BOROUGH COUNCIL
Tina Sokolowski, President
Kathleen Kingsley, Vice-President
David Bria, Member
Alan Chmielewski, Member
Stacy Ellam, Member
Ralph Frey, Member
Adrian Serna, Member

Stephanie Cecco
Borough Manager

BOROUGH OF CONSHOHOCKEN

Zoning Administration

MEMORANDUM

Date: July 15, 2026

To: Stephanie Cecco, Brittany Rogers

From: Allison A. Lee, PE

Re: 201 East Fifth Avenue – Zoning Determination

History of the Site:

201 East Fifth Avenue (PARID: 05-00-03520-00-3) is an existing nonconforming 8,400 SF parcel located within the BR-1 – Borough Residential District 1 and subject to the provisions of the nonconforming structures, uses, and lots provisions set forth in Part 7 of the Conshohocken Borough Zoning Ordinance of 2001.

The property is a corner property fronted by East Fifth Avenue (80' feet right-of-way) to the north and Hallowell Street (66' feet right-of-way) to the west; a twenty (20') feet wide unnamed alley to the south; and residential properties to the east.

According to Montgomery County property records, the parcel address is listed as 8 Condo East Fifth Avenue, which is commonly known as 201 East Fifth Avenue. The property was improved with a three (3)-story Queen Anne Victorian style single family detached dwelling that was constructed in circa 1875. The dwelling was later converted to a commercial Bed-and-Breakfast use in 2016, and was known as the George Washington Wood B&B, LLC. In accordance with the Zoning Hearing Board Decision & Order dated August 10, 2016, the George Washington Wood B&B, LLC, were granted the following variances to operate a Bed-and-Breakfast on the subject property:

- Section §27-1002 – from the permitted uses by right within the BR-1 zoning district.
- Section §27-813.A – to permit a bed-and-breakfast use on a lot with an area less than 12,000 SF.
- Section §27-813.C – to permit only six (6) parking spaces for the bed-and-breakfast use in the front yard.
- Section §27-1005.G – to permit the maximum impervious coverage to exceed 60% of the lot area.
- Section §27-2007.F – to not provide a buffer strip 10 feet in width along each property line abutting a residential property or public right-of-way

Additional site improvements include a paver patio along a portion of the site frontage facing Hallowell Street; an asphalt/paver parking area containing six (6) off-street parking spaces with access from the alleyway; and concrete walkways.

In September 2025, the property changed ownership to Launch 246, LLC, dba, Willough Bed-and-Breakfast.

Current Request:

The Applicant, Launch 246, LLC, dba, Willough Bed-and-Breakfast, is proposing to continue operation of the Bed-and-Breakfast use and seeking a second commercial restaurant/bar use named "SideBar." The new use will offer grab and go food and beverage, including alcoholic drinks, live music, and sit down service at certain times to serve the Bed-and-Breakfast guests and public. The proposed additional use will be sharing and occupying the dining room, sunroom and patio spaces associated with the Bed-and-Breakfast use. In addition, the Applicant proposes to host occasional pre-paid events through the "SideBar" business, including specialty culinary experiences for limited guest groups, collaborative food and beverage tasting events with local businesses, and arts-and-crafts workshops.

The petitioner is seeking Variances from the Conshohocken Borough Zoning Ordinance of 2001 as follows:

- Section §27-1002 to permit a new SideBar commercial use on the subject property when commercial uses are not permitted by right within the BR-1 zoning district;
- Section §27-2002 to not provide the required additional off-street parking spaces for the proposed SideBar use;
- Section §27-2106.2 & §27-813.H to permit a 4 SF illuminated "SideBar" sign on the subject property when the maximum sign size shall not exceed 2 SF within the BR-1 zoning district;
- Section §27-813.D to permit the sale of pre-made foods when not more than one daily meal is permitted to be served for the Bed-and-Breakfast business;
- Section §27-813.F to permit the sale of alcoholic beverages for the Bed-and-Breakfast business which is not permitted for a Bed-and-Breakfast business;
- Section §27-813.G to permit modifications to the building façade for the installation of a sunshade or retractable awning to accommodate the proposed SideBar patio dining use that will reduce the appearance of a single-family dwelling; and,
- Section §27-1005 to permit the installation of the sunshade or retractable awning to extend into the required yard areas which will not comply with the required dimensional setback requirements.

Zoning Determination:

The above referenced corner property is located within the BR-1 – Borough Residential District 1, and is subject to provisions of Part 7 of the Conshohocken Borough Zoning Ordinance for nonconforming structures, uses, and lots.

Pursuant to Section §27-702.A, a nonconforming use is the existing lawful use of land and/or buildings and/or structures upon the land which does not conform to any of the permitted uses of the district in which it is located. The existing Bed-and-Breakfast use is considered a lawful nonconforming use since the use is not a use permitted by right within the BR-1 zoning district. However, the Bed-and-Breakfast use obtained zoning relief in 2016 and is permitted to continue pursuant to Section §27-703.A since no change to the existing Bed-and-Breakfast use is proposed.

Per Section §27-702.B of the Borough Zoning Ordinance, a nonconforming building or structure is any existing lawful building or structure that does not conform to the height, location, size, bulk, or other dimensional requirements of the district in which it is located. The existing building is classified as an

existing nonconforming building because the building does not conform to the following dimensional requirements of the BR-1 zoning district:

- The front yard setback of ten (10') feet from the lot line fronting Hallowell Street do not conform to the required twenty-five (25') feet front yard setback of the BR-1 zoning district per Section §27-1005.C.

Per Section §27-1002, the uses permitted by right within the BR-1 zoning district include the following:

1. Single-family detached dwelling
2. Single-family semi-detached (twin) dwelling
3. Accessory uses pursuant to Part 8, General Regulations, §27-811, of the Zoning Ordinance.

The proposed "SideBar" is considered a commercial restaurant/bar use, which is a use not permitted by right within the BR-1 Zoning District; and therefore, a variance is required from Code Section §27-1002 to permit this additional use on the subject property.

In accordance with Section §27-2009, mixed or multiple uses within a single structure or building or the use of land, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with Section §27-2002, except where the applicant(s) qualifies under Section §27-2006 for nonresidential parking spaces to be located elsewhere than on the same lot when authorized by a special exception by the Zoning Hearing Board. Per Section §27-2002, a restaurant use, other than dine in or fast food, requires one (1) parking space per employee and/or volunteer on the largest shift or during peak periods, plus one (1) parking space per 50 SF of gross floor area. The Applicant is proposing to utilize the existing dining room (approximately 228 SF), sunroom (approximately 168 SF), and outdoor patio area (approximately 254 SF) which totals approximately 650 SF. The additional parking required for the additional new "SideBar" restaurant/bar use will require at least thirteen (13) new parking spaces plus one (1) parking space per employee and/or volunteer on the largest shift during peak periods. The Applicant will need to clarify the number of employees to ensure the actual off-street parking spaces needed for the additional new "SideBar" restaurant/bar use. For the occasional events use, the closest off-street parking use category would be for a "meeting, training, or classroom space as a primary use" which requires one (1) space per two (2) seats of total seating capacity. The Applicant will need to clarify the total seating capacity in order to calculate the required off-street parking required for the events space use. Since this events use is being provided under the "Sidebar" business, the greater number of required off-street parking spaces should govern. Furthermore, since the Applicant is not proposing additional off-street parking for the additional new "SideBar" restaurant/bar use; a variance from Section §27-2002 will be required.

Pursuant to Section §27-813.H of the General Regulations of the Zoning Ordinance requires signs under the code provisions of Bed-and-Breakfast accommodations to be provided in accordance with the sign ordinance requirements for home occupations located in residential districts. Accordingly, per Section §27-2106.2, signs permitted in the BR-1 – Borough Residential District 1, states that "*professional, accessory use, home occupation or name signs on the same lot with, and indicating the name, profession or activity of the occupant of the dwelling, provided that the area of any one side shall not exceed two (2) square feet, and provided that not more than one such sign shall be erected for each permitted use or dwelling.*" The Applicant is proposing a four (4) SF illuminated "SideBar" sign for the new use to be mounted on the existing Bed-and-Breakfast building. Since the proposed four (4) SF "SideBar" sign size will be larger than the maximum permitted two (2) SF sign size permitted within the BR-1 zoning district, a variance from Code Sections §27-813.H

and §27-2106.2 to permit the four (4) SF sign to be mounted on the existing Bed-and-Breakfast building which is not associated with a home occupation.

Per Section §27-813.D under the code provisions of Bed-and-Breakfast accommodations limits meal service to one (1) daily meal per paying overnight guest. Since the proposed "SideBar" business will be occupying the same interior dining and sunroom spaces and outdoor patio space with the existing Bed-and-Breakfast use and will be offering food services throughout the day to the Bed-and-Breakfast guests and to the public as part of the "SideBar" business, a variance will be required to permit the sale of foods when not more than one daily meal is permitted to be served within the Bed-and-Breakfast facility.

Per Section §27-813.F under the code provisions of Bed-and-Breakfast accommodations prohibits the sale of alcoholic beverages on the premises. Similarly, since the proposed "SideBar" business will be occupying the same interior dining and sunroom spaces and outdoor patio space with the existing Bed-and-Breakfast use and will be offering alcoholic drinks to the Bed-and-Breakfast guests and to the public as part of the "SideBar" business, a variance will be required to permit the sale of alcoholic drinks to be served within the Bed-and-Breakfast facility.

In accordance with Section §27-813.G under the code provisions of Bed-and-Breakfast accommodations requires that any modifications, additions, alterations, fire escapes, etc. be allowed only to the side and rear of the building, with the building's façade to be maintained to appear as a single-family dwelling. The Applicant is proposing to alter the front façade of the existing Bed-and-Breakfast building facing Hallowell Street to provide an eighteen (18′) feet long retractable awning over the existing twelve (12′) feet wide outdoor patio space for the proposed "SideBar" business which extends about two (2′) feet within the Hallowell Street right-of-way. As a corner property, the awning will be mounted on the front building façade facing Hallowell Street rather than to the side and rear of the building. The awning will also reduce the existing Victorian appearance of the single-family dwelling used as a Bed-and-Breakfast. Therefore, a variance will be required to permit the installation of the retractable awning on the front building façade facing Hallowell Street.

Furthermore, the retractable awning will be extending into the required front yard setback facing Hallowell Street. Per Section §27-1005.C, the required front yard setback shall be 25 feet, to be measured from the ultimate right-of-way line; except where there is an established building line, then the building line of the majority of the buildings on that side of the block shall be used. This side of the block includes this corner property separated by an alleyway with only one (1) other corner property located on the opposite side of the alleyway fronting East Fourth Avenue and Hallowell Street. Both properties do not have the same established building line; therefore, the required front yard setback is 25 feet. The existing building is currently nonconforming at an approximately ten (10′) feet front yard setback from the Hallowell Street legal right of way line. Since the awning will extend into the entire front yard setback area and slightly about two (2′) feet into the Hallowell Street right-of-way, a variance from Section §27-1005.C to permit the installation of the retractable awning at zero (0′) feet front yard setback will be required.

Since the proposed retractable awning will not be supported by columns, the awning will not be factored into the building coverage calculation by definition; therefore, the existing building coverage on the property will not change with the proposed additional new "SideBar" business. Similarly, the existing impervious coverage on the property will remain the same as no new impervious coverage is proposed on the property with the proposed additional new "SideBar" business.

BOROUGH of CONSHOHOCKEN
JUN 16 '26 PM12:11
RECEIVED

BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Zoning Application

Application: Z-2026-09
Date Submitted: 6/16/26
Date Received: 6/18/26

1. Application is hereby made for:

☐ Special Exception ☑ Variance

☐ Appeal of the decision of the zoning officer

☐ Conditional Use approval ☐ Interpretation of the Zoning Ordinance

☐ Other _____

2. Section of the Zoning Ordinance from which relief is requested:

Sec. 27-1002; Sec. 27-2002; Sec. 27-2106; Sec. 227-813(D), (F), (G), (H); Sec. 27-1005 / 27-805 (re: awning)

3. Address of the property, which is the subject of the application:

201 E. Fifth Avenue

4. Applicant's Name: MJ Paschall, member of Property Owner

Address: 201 E. Fifth Avenue

Phone Number (daytime): 610-292-8717

E-mail Address: mj@willoughcollection.com

5. Applicant is (check one): Legal Owner ☑; Equitable Owner ☐; Tenant ☐

6. Property Owner: Launch 246 LLC d/b/a Willough Bed & Breakfast (c/o MJ Paschall)

Address: 201 E. Fifth Avenue

Phone Number: 610-292-8717

E-mail Address: mj@willoughcollection.com

7. Lot Dimensions: 140 feet x 60 feet Zoning District: BR-1

8. Has there been previous zoning relief requested in connection with this Property?

Yes [✓] No [ ] If yes, please describe.

Applicant is currently attempting to obtain a copy of prior Variance. Applicant's tentative understanding is that in 2015 or 2016, the ZHB granted use, dimensional and parking Variances enabling the Property's use as a Bed & Breakfast with 5 rooms and 5 parking spaces.

9. Please describe the present use of the property including any existing improvements and the dimensions of any structures on the property.

The property is currently being used as a 5 room bed B&B with a chef-led gourmet breakfast for guests. There have been no structural or significant programmatic changes since the Applicant purchased the property from its prior owner. Please see attached memorandum and site plan for further detail.

10. Please describe the proposed use of the property.

The property will continue operating as a B&B. This Application proposes a second, food/beverage line of business open to B&B guests and non-guests to be named SideBar. SideBar will be an indoor-outdoor business (occupying the dining room, sunroom and patio along Hallowell Street) open to the public from Tuesday through Sunday, 4:30 PM – 10:00 PM. SideBar will serve "grab & go" pre-made food items and non-alcoholic drinks. SideBar will also have sit-down dining at certain set times featuring food alcoholic beverages (to be sold under a PA Limited Distiller's satellite license). Please see attached memorandum for further detail.

11. Please describe proposal and improvements to the property in detail.

The entrance will be at the sunroom door, marked with a 2 ft. x 2ft. illuminated sign reading "SideBar". Live music from musicians will not be amplified and will comply with the Borough noise ordinance. On occasion, SideBar will host pre-paid, reservation only special events such as wine tastings and chef's table events, as well as arts events such as container gardening and craft making. A sunshade or retractable awning may be installed over a portion of the outdoor area. Privacy hedges will be installed along the perimeter of the outdoor area. Please see attached memorandum for further detail.

12. Please describe the reasons the Applicant believes that the requested relief should be granted.

See attached memorandum.

13. If a Variance is being requested, please describe the following:

a. The unique characteristics of the property: _____

See attached memorandum.

b. How the Zoning Ordinance unreasonably restricts development of the property:

See attached memorandum.

c. How the proposal is consistent with the character of the surrounding neighborhood.

See attached memorandum.

d. Why the requested relief is the minimum required to reasonably use the property; and why the proposal could not be less than what is proposed.

See attached memorandum.

14. The following section should be completed if the applicant is contesting the determination of the zoning officer.

a. Please indicate the section of the zoning ordinance that is the subject of the zoning officer's decision (attach any written correspondence relating to the determination).

N/A

b. Please explain in detail the reasons why you disagree with the zoning officer's determination.

N/A

15. If the Applicant is requesting any other type of relief, please complete the following section.

a. Type of relief that is being requested by the applicant.

N/A

b. Please indicate the section of the Zoning Ordinance related to the relief being requested.

N/A

c. Please describe in detail the reasons why the requested relief should be granted.

N/A

16. If the applicant is being represented by an attorney, please provide the following information.

a. Attorney's Name: Meredith L. Ferleger, Esq., Dilworth Paxson LLP

b. Address: 1650 Market Street, Suite 1200, Philadelphia, PA 19103

c. Phone Number: 215-575-7052

d. E-mail Address: mferleger@dilworthlaw.com

I/we hereby certify that to the best of my knowledge, all of the above statements contained in this Zoning Application and any papers or plans submitted with this application to the Borough of Conshohocken are true and correct.

Applicant

Member, Launch 246 LLC

Legal Owner

6/12/26

Date

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

As subscribed and sworn to before me this 12 day of June, 2026.

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Jamie L Jelonek, Notary Public
Montgomery County
My Commission Expires June 30, 2026
Commission Number 1421997

(Seal)

BOROUGH OF CONSHOHOCKEN
400 Fayette Street, Suite 200, Conshohocken, PA 19428
Phone (610) 828-1092 Fax (610) 828-0920

Decision

(For Borough Use Only)

Application Granted ☐ Application Denied ☐

MOTION:

CONDITIONS:

BY ORDER OF THE ZONING HEARING BOARD

	Yes	No
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐

DATE OF ORDER: _____

APPLICATION FOR VARIANCES

Before the Zoning Hearing Board of the Borough of Conshohocken
Montgomery County, Pennsylvania

Application #_____

Parcel ID: 05-00-03520-00-3

201 E. Fifth Avenue, Conshohocken, PA 19428

Applicant:
Launch 246 LLC (*Property Owner*), d/b/a Willough Bed & Breakfast
MJ Paschall
610-292-8717 / mj@willoughcollection.com
201 E. Fifth Avenue
Conshohocken, PA 19428

Applicant's Counsel:
Dilworth Paxson LLP
Meredith Ferleger, Esq.
215-575-7052 / mferleger@dilworthlaw.com
Brandon Savran, Esq.
215-575-7162 / bsavran@dilworthlaw.com
1650 Market Street, Suite 1200
Philadelphia, PA 19103

Before the Zoning Hearing Board of the Borough of Conshohocken
Montgomery County, Pennsylvania

Application #_____

Parcel ID: 05-00-03520-00-3

Mailing Address – 201 E. Fifth Avenue, Conshohocken, PA 19428

APPLICANT'S RECOMMENDATIONS FOR FINDINGS OF FACT & CONCLUSIONS OF LAW IN SUPPORT OF GRANT OF VARIANCES

SUMMARY OF APPLICATION

The subject property, having Parcel ID 05-00-03520-00-3 (hereinafter the "Property"), contains a large residential structure which was constructed in 1881 by George Washington Wood, son of steel magnate Alan Wood.[1] It is described by the Library of Congress's Historic American Buildings Survey as "a good example of a high style house built for the industrialist elite during the late 19th century. The erection of houses such as this one represent the growth and prosperity of the area during the late 19th century, which served to extend the upper-class residential neighborhood southeastward." [2] The Property was purchased by Carol and Joe Rutkowski in 2017 and renovated into a bed and breakfast pursuant to Variances obtained in 2015 or 2016. Joe Rutkowski sold the Property to Launch 246 LLC, the present owner and Applicant, in September 2025. Since, the Applicant has since continued to operate the Property as a bed and breakfast and has made no structural modifications to the premises.

The Applicant now seeks additional Variances under the Conshohocken Borough Zoning Ordinance of 2001 (the "Zoning Ordinance") from the Zoning Hearing Board of the Borough of Conshohocken (the "Zoning Board") in order to facilitate a limited expansion of the Property's line of business into food and beverage service to the general public (persons beyond bed and breakfast guests). As detailed below, the Applicant seeks to operate a business concept named SideBar that will be open to the community Tuesday through Sunday, 4:30 PM – 10:00 PM. SideBar will be an indoor-outdoor serving take-away light bites and non-alcoholic beverages and mocktails. For sit-down service only, SideBar will also serve specialty cocktails, beer, and wine under a Pennsylvania Distiller's satellite location license.

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[1] https://morethanthecurve.com/new-price-for-conshohocken-bed-and-breakfast-listed-for-sale/. "New price for Conshohocken bed and breakfast listed for sale." Kevin Tierney, Jan. 30, 2025. Accessed June 10, 2025.

[2] https://tile.loc.gov/storage-services/master/pnp/habshaer/pa/pa2900/pa2971/data/pa2971data.pdf. "Wood. George Washington, House." National Park Service. Accessed June 10, 2025.

SUGGESTED FINDINGS OF FACT

1. The Applicant is Launch 246 LLC ("Applicant"), a Pennsylvania limited liability company. Applicant is the owner of the Property by way of a Deed dated September 22, 2025 and recorded with the Montgomery County Recorder of Deeds on October 31, 2025 bearing Deed Book 6419 Page 00149.

2. Applicant is represented by Meredith L. Ferleger, Esq. and Brandon M. Savran, Esq. of Dilworth Paxson LLP.

3. The Property comprises 8,400 square feet of land according to the Deed.

4. The Property is located at the southeastern corner of Hallowell Street and East Fifth Avenue.

5. The Property contains one residential structure constructed in 1881.[3]

6. Since 2017, the structure has been used as a bed and breakfast, first by Carol and Joe Rutkowski under the name "George Washington Wood Bed & Breakfast", and then, since its purchase of the Property in September 2025, by the Applicant and its principal MJ Paschall under the name "Willough Bed & Breakfast".

7. The structure contains five (5) suites that are available for rental by bed and breakfast guests.

8. The property will continue operating as a bed and breakfast ("B&B"). This Application proposes a second food and beverage line of business open to both B&B guests and non-guests to be named SideBar.

9. Use, dimensional and parking Variances were obtained from the Zoning Board in 2015 or 2016 in order to allow the operation of the B&B to commence; the Applicant will continue to avail itself of these Variances.

10. The Applicant now seeks additional use and dimensional variances in order to open SideBar and install an associated retractable awning.

11. The Property provides five (5) off-street parking spaces, as permitted by the prior Variances.

12. Breakfast is prepared on-site and is provided daily to all guests.

13. SideBar will be an indoor-outdoor business occupying the structure's existing dining room, sunroom, and outdoor patio along Hallowell Street. Adirondack chairs and wrought iron cocktail seating is planned for the sunroom and patio.

14. SideBar will be a casual, community-centric space. Area residents and families can walk over from Mary Wood Park (caddy-corner from the Property) to relax and meet up with

[3] *See* fn. 1 & 2.

neighbors. Side Bar is an effort to establish the Property as a good neighbor and a proponent of all that makes Conshohocken a special community.

15. SideBar will be open to the public from Tuesday through Sunday, 4:30 PM – 10:00 PM.

16. SideBar will serve "grab & go" pre-made food items and non-alcoholic drinks. Pre-made food items will be delivered to the Property primarily from another Conshohocken-based food business.

17. SideBar will also have sit-down dining at certain set times (a daily afternoon tea and a weekly Sunday brunch are currently envisioned) featuring alcoholic beverages to be sold under a PA Limited Distiller's satellite license. By hanging an existing PA Limited Distiller's license at SideBar as a satellite location, SideBar will have the ability to sell that particular Distiller's products as well as other Pennsylvania-produced liquor, wine and beer. The participating Distiller will initiate the satellite location license process with the PA Liquor Control Board.

18. Live music from musicians will not be amplified and will comply with the Borough noise ordinance, codified at Chapter 10, Part 5 of the Borough's Code of Ordinances. All musical acts will feature three (3) or fewer musicians.

19. On occasion, SideBar will host pre-paid, reservation only special culinary events for a limited number of guests, paired with other local business, such as wine or whisky tastings, and chef's tables with wine pairings (under the PA Limited Distiller's satellite license), as well as arts events such as container gardening, cookie decorating and craft making.

20. SideBar will have a distinct entrance from Willough B&B at the sunroom door, marked with a 2 feet x 2 feet illuminated sign reading "SideBar".

21. As shown on the site plan, a sunshade or retractable awning will be installed over a portion of the Hollowell Street-fronting patio so that it can serve as comfortable seasonal outdoor seating.

22. The Application does not otherwise propose to alter the historic structure.

23. Privacy hedges will be installed along the perimeter of the outdoor seating area.

24. The Applicant is unaware of any complaints regarding its existing B&B by members of the public.

25. The Property's surroundings on Hallowell Street, which SideBar will face, are mixed-use in nature and feature uses such as:

A. St. Paul Baptist Church (140 E. Third Avenue, at Hallowell Street);

B. Hallowell Court Apartments (141 E. Fourth Avenue, at Hallowell Street);

C. Mary Wood Park and Playground (Hallowell Street between E. Fifth Avenue and E. Sixth Avenue).

SUGGESTED CONCLUSIONS OF LAW

1. The Property is located in the "BR-1" zoning district (Borough Residential District One).

2. Bed and breakfast use as a home occupation (provided the operator lives on-site) is permitted in the BR-1 district in detached buildings such as the Property's structure. Zoning Ordinance Sec. 27-813.

3. In Case No. _____, the Zoning Board granted use, dimensional and parking Variances allowing bed and breakfast use to commence despite, *inter alia*, insufficient lot area and number of parking spaces per the Zoning Ordinance.

4. The opening of the SideBar venture on the Property means that the Property will no longer conform to *additional* provisions of the Zoning Ordinance.

A. SideBar will no longer conform to subsections (D), (F), (G) and (G) of Section 27-813 of the Zoning Ordinance.

B. The mixed-use of a property (engagement in more than one (1) primary use) is not permitted in the BR-1 district. Zoning Ordinance Sec. 27-1002.

C. Restaurant / food and beverage use of a property is not permitted in the BR-1 district. Zoning Ordinance Sec. 27-1002.

D. While signs accessory to home occupations such as bed and breakfast use are permitted in the BR-1 district, such signs must not exceed two (2) square feet, may only indicate the "name, profession or activity of the occupant of the dwelling", and may not number more than one (1) sign per property. Zoning Ordinance Sec. 27-813(H); Sec. 27-2106(2).

E. While retractable awnings are permitted, SideBar proposes a retractable awning with no required setback from Hallowell Street (extending to the property boundary at the sidewalk). Zoning Ordinance Sec. 27-805; Sec. 27-1005.

F. With regard to off-street parking requirements:

i. Zoning Ordinance Sec. 27-2002 requires, "1 space per 50 square feet of gross floor area" for restaurants.

ii. For a bed and breakfast, Sec. 27-2002 requires "2 spaces, plus 1 space per rental unit", whereas Sec. 27-813(C) requires that "[o]one off-street parking space for each guest bedroom shall be provided in a side or rear yard, in addition to any required parking". These sections of the Zoning Ordinance are in conflict, with the former

requiring seven (7) spaces and the latter requiring only five (5) spaces.

5. By this Application, the Applicant has requested several variances excusing compliance with the aforementioned Zoning Ordinance sections in order to operate the proposed SideBar business alongside the existing Willough Bed and Breakfast on the Property, and to install a retractable awning.

6. The Pennsylvania Municipalities Planning Code ("MPC") confers authority to municipalities to grant variance relief from their zoning ordinances, and Zoning Ordinance § 27-611 adopts virtually the same standards for the grant of a variance as provided in § 910.2 of the MPC:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That the unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

F. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter.

G. Where additional requirements may govern the granting of a variance, such as in Part 17, Floodplain Conservation District, these requirements must be satisfied before the Board will render a decision.

Zoning Ordinance § 27-611.

7. Various appellate court decisions have effectively softened Zoning Ordinance § 27-611(B)'s demand that "there is no possibility that the property can be developed in strict conformity" with the Zoning Ordinance. For instance, in In re Appeal of Garcia, 276 A.3d 340, 345 (Pa. Cmwlth. 2022), the Commonwealth Court held:

> Our Supreme Court has summarized that, in the context of use variances, "unnecessary hardship is established by evidence that: (1) the physical features of the property are such that it cannot be used for a permitted purpose; **or** (2) the property can be conformed for a permitted use only at a prohibitive expense; **or** (3) the property has no value for any purpose

permitted by the zoning ordinance." Marshall v. City of Phila., 97 A.3d 323, 329 (Pa. 2014) (emphasis in original) (quoting Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43, 47 (Pa. 1998)). However, the Supreme Court has "repeatedly made clear that in establishing hardship, an applicant for a variance is *not required* to show that the property at issue is valueless without the variance or that the property cannot be used for any permitted purpose." Id. at 330 (emphasis in original). Indeed, the Supreme Court has repeatedly reversed decisions of this Court for requiring a showing of impossibility of compliance or valuelessness to demonstrate hardship. Id. (citing, inter alia, Hertzberg; Valley View [462 A.2d 637 (Pa. 1983)]).

8. The Applicant can successfully demonstrate satisfaction of the standards of Zoning Ordinance Sections 27-610 and -611 for the grant of variances:

B. Variances are required to operate the proposed SideBar business because:

i. Engaging in multiple principle uses on one property is not permitted in the BR-1 district (Zoning Ordinance Sec. 27-1002);

ii. Restaurant use of a property is not permitted in the BR-1 zoning district, and SideBar is considered a restaurant under the Zoning Ordinance (Zoning Ordinance Sec. 27-1002);

iii. Meal service on a bed and breakfast property in the BR-1 district is limited to one daily meal per paying overnight guest, which SideBar will exceed to the extent that bed and breakfast guests patronize it (Zoning Ordinance Sec. 27-813(D));

iv. Bed and breakfast properties in the BR-1 district may not sell alcoholic beverages (Zoning Ordinance Sec. 27-813(F));

v. Bed and breakfast properties in the BR-1 district may not engage in modifications or alterations to a front side of a structure (Zoning Ordinance Sec. 27-813(G)), whereas the opening of SideBar will involves alteration to the Hallowell Street side of the structure by nature of installation of a retractable awning and accessory illuminated sign;

vi. The Applicant seeks to erect a four square foot illuminated sign advertising the name "SideBar", whereas the Property already has a sign advertising the bed and breakfast, and Zoning Ordinance Sec. 27-813(H) in conjunction with Sec. 27-2106(2) prohibits multiple signs on the Property, signs over two square feet, illuminated signs and the proposed content/copy;

vii. The Applicant seeks to erect a retractable awning with no setback from the Hallowell Street property boundary, which is prohibited by Zoning Ordinance Sec. 27-1005.

viii. With the introduction of SideBar to the Property, the Property will have insufficient off-street accessory parking spaces (Zoning Ordinance Sec. 27-2002, Sec. 27-801(C)).

C. The Applicant's proposal is consistent with the intent of the BR-1 district and the Zoning Ordinance given that it preserves a historic structure which carries tremendous community identity and boosts the vibrancy of and is consistent with this mixed-use residential neighborhood.

D. The Property and its structure are suitable for the proposal.

E. The Applicant's proposal would not alter the character of the surrounding district, which is already mixed-use in nature.

F. The proposal adds convenience for those who live in the surrounding neighborhood and enhances the Borough fiscal and social welfare. It does so in a manner that "respect[s] surrounding residential neighborhoods", as provided by the Community Development Objective for commercial development stated at Zoning Ordinance Sec. 27-105(D). This Objective also provides that it is acceptable for commercial activities to mix with residential activities in certain areas.

G. The proposal has no substantial impact on public services and facilities such as water, sewer, police, fire and school services.

H. The proposal has no substantial impact on highway traffic or major roads given that the likely customer base for the business is inherently local, with many patrons likely to walk to the business. No significant parking needs are anticipated.

I. The proposal will not impair the use or development of adjacent property nor harm the public welfare given that the Property has safely and successfully featured a bed and breakfast since 2017, and the proposed SideBar business is of a similar, low impact, complimentary nature that is directly serving of the local community and residents.

J. The structure's large size, significant historical character, and associated unusual interior layout are unique physical conditions that impose an unnecessary hardship and limit the number of possible by-right uses for the building; the Zoning Board's grant of Variances to the Property in 2016 is evidence thereof. Historic structures have been recognized as unique physical conditions that can impose an unnecessary hardship vis-à-vis compliance with zoning ordinances. In re Berkman, No. 113 C.D. 2023, 2025 WL 1411611, at *8 (Pa. Cmwlth. May 15, 2025) (unreported).

K. The bed and breakfast operation has no use for the space proposed to be occupied by SideBar, and the SideBar business's proceeds will help ensure the preservation and maintenance of the Property.

L. The Zoning Board has recognized in other recent, similar cases pertaining to historic structures in the Borough that more flexible usage is necessary to ensure long-term preservation and activation of these large, landmark structures.

M. The structure is already legally nonconforming with regard to the size of its setback from Hallowell Street, and the proposed awning increases the magnitude of this nonconformity, which requires a variance. But the Property does not currently provide cover from the sun among its outdoor areas, and the Applicant has proposed the awning in a location which avoids the need to construct a new patio (and increase impervious surface) on a different portion of the Property. The awning will be erected atop an existing patio area which is directly adjacent to both SideBar's entrance and the sidewalk. This location is in the best interest of the public and the Applicant, and no other location is logical.

N. The Applicant did not construct the structure, and a prior owner commenced its use as a bed and breakfast, so the hardship is not self-made. Berkman, 2025 WL 1411611 at *9. ("Creating a hardship requires initiative. See, e.g., ...Appletree Land Development v. Zoning Board of York Township, 834 A.2d 1214 (Pa. Cmwlth. 2003) (porch constructed in violation of setback requirement not entitled to variance because hardship was one of landowner's own making).")

O. The Applicant need not "demonstrate that the entire building is functionally obsolete for any purpose other than one not permitted under the relevant zoning ordinance". Marshall, 97 A.3d at 332. In other words, an applicant for a use variance is not required to "eliminate every possible permitted use", and the Zoning Board is instead permitted to *infer* on the basis of certain uses discussed at its hearing that, without prohibitive expense, no permitted use may be conducted. Id.

P. Finally, due to the structure's physical characteristics and Zoning Ordinance Sec. 27-813's limit of five (5) guest suites per bed and breakfast, which the structure already contains, residential use is not practical in the ground level spaces proposed to be occupied by SideBar. As such, the Applicant has proposed relief of the minimum necessary deviation from the Zoning Ordinance in the form of a second use of the Property by its existing operator which would be compatible with the bed and breakfast:

> [O]nce it is established that the use of the property in strict conformance with the governing ordinance is unachievable, the minimum-necessary variance requirement can be satisfied "by showing that of all the viable alternatives, the proposed use is the least departure from the terms of the ordinance...".
>
> Garcia, 276 A.3d at 354, quoting In re Ridge Park Civic Association, 240 A.3d 1029, 1033-38 (Pa. Cmwlth. 2020).

Respectfully Submitted,

Meredith Ferleger

Dilworth Paxson LLP
Counsel for Applicant / Property Owner
by: Meredith L. Ferleger, Esq.

Prepared by and Return to:

Choice One Abstract, Inc.
2400 David Drive
Havertown, PA 19083

File No. COA-810825

BRT # 05-00-03520-003

This Indenture, made the September 22, 2025

Between

George Washington Wood B&B LLC

(hereinafter called the Grantors/Sellers), of the one part, and

Launch 246, LLC d/b/a MJStayGroup.com

(hereinafter called the Grantee/Buyers), of the other part,

Witnesseth that the said Grantor for and in consideration of the sum of **$1,800,000.00** lawful money of United States of America, unto Sellers well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, Seller granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee

Municipality of Borough of Conshohocken, Block No. 05-00-03520-003 Lot No. 30,31,32
201 East Fifth Avenue a/k/a 8 Cond, Conshohocken, PA 19428

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of Seller, the said Grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their heirs and assigns, to and for the only proper use and behoof of the said Grantee, their heirs and assigns, forever.

And the said Grantor, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, their heirs and assigns, that Seller, the said Grantor, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their heirs and assigns, against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, the parties of the first part have hereunto set their hand and seal. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

_____ _____{SEAL}
Joseph Rutkowski, Member
George Washington Wood B&B, LLC

_____ _____{SEAL}

_____ _____{SEAL}

Commonwealth of Pennsylvania
County of Montgomery

On this the September 22, 2025, before me, the undersigned Notary Public, personally appeared Joseph Rutkowski, Member, **George Washington Wood B&B LLC,** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Louis P Farese Notary Public
Delaware County
My Commission Expires 11/10/2025
Commission # 1222466

_____
Notary Public
My Commission Expires 11/10/2025

The precise residence and the complete post office address of the above-named Grantee is:
201 E. 5TH AVE
CONSHOHOCKEN, PA 19428

_____
On behalf of the Grantee

LEGAL DESCRIPTION

ALL THOSE THREE CERTAIN town lots or pieces of ground with the buildings and improvements thereon, SITUATE in the Borough of Conshohocken, County of Montgomery and State of Pennsylvania, being Lots Nos. 30, 31 and 32 on a Plan of Lots laid out on the farm of Isaac Jones, deceased, described together as one lot as follows, to wit:

BEGINNING at a stake on the South corner of Fifth Avenue and Hallowell Street thence along the Southeasterly side of Hallowell Street, Southwesterly 140 feet to a 20 feet wide alley; thence along the Northeasterly side of said alley, Southeasterly 60 feet to a stake a corner of these and Lot No. 29; thence by said lot, Northeasterly parallel with said Hallowell Street, 140 feet to Fifth Avenue, aforesaid; and along the Southwesterly side thereof Northwesterly 60 feet to the place of beginning.
Being the same premises which Valerie Opielski Executrix of the Estate of Edmund T. Opielski by Deed dated 2/26/2016 and recorded 2/29/2016 in Montgomery County in Deed Book 5990 Page 1284 conveyed unto George Washington Wood B&B LLC , in fee.

DEED	
FROM: **George Washington Wood B&B LLC** *Grantor,* **TO:** **Launch 246, LLC d/b/a MStayGroup** *Grantee*	*Record and return to:* **Choice One Abstract, Inc.** **2400 David Drive** **Havertown, PA 19083** **File No.:** COA-810825

Commonwealth
LAND TITLE INSURANCE COMPANY

OWNER'S AFFIDAVIT (LIMITED LIABILITY COMPANY - SALE)

State of PENNSYLVANIA)
) ss:
County of MONTGOMERY)

File No. **COA-810825**

Premises: 201 East Fifth Avenue a/k/a 8 Cond, Conshohocken, PA 19428
Borough of Conshohocken, Montgomery County
Parcel ID: 05-00-03520-003

On the 29 day of SEPTEMBER, 2025 before me, a Notary Public, personally appeared the undersigned affiant, who being duly sworn according to law and intending to be legally bound, deposes and says:

1. That GEORGE WASHINGTON WOOD B & B (the "Limited Liability Company") is the owner of the Premises.

2. That the undersigned member of the Limited Liability Company is authorized to execute this affidavit, has the ability to execute all instruments necessary to convey the Premises pursuant to the operating agreement of the Limited Liability Company and is of full legal age and in every respect competent to certify to the statements contained herein.

3. That the Limited Liability Company is organized in the State of PA, its articles of organization have not been revoked and are not in threat of revocation, and that there are no provisions in the operating agreement which in any way impede the Limited Liability Company's ability to convey the Premises.

4. That the sale and conveyance of the Premises has been authorized, approved or consented to by all of the members of the Limited Liability Company or has been authorized, approved or consented to by so many of the members or by members holding such percentage interests in the Limited Liability Company as required by the operating agreement to sell and convey real property owned by the Limited Liability Company.

5. That there are no purchase money obligations or other financing being created in this transfer.

6. That there are no unrecorded leases or agreements affecting the Premises, or other parties in possession of all or any portion of the Premises.

7. That the undersigned knows of no unrecorded claims against the Premises, nor any set of facts by reason of which title to the Premises might be disputed or questioned, and the Limited Liability Company has been in peaceable and undisputed possession of the Premises.

8. That there has not been any construction, repairs, alterations or improvements made, ordered or contracted to be made on or to the Premises, nor materials ordered therefor within the last six months; nor are there any fixtures attached to the Premises which have not been paid for in full; and that there are no outstanding or disputed claims for any such work or item.

9. That there has been no work done, nor notice received that work is to be done by the municipality (city, borough or township) or at its direction, including but not limited to the installation of water or sewer lines, or for improvements such as paving or repaving of streets or the installation of curbs or sidewalks.

Commonwealth
LAND TITLE INSURANCE COMPANY

10. That to the best of the knowledge of the undersigned, there has been no violation of any covenants, conditions or restrictions of record affecting the Premises and that there are no disputes with any adjoining property owners as to the location of property lines or the encroachment of any improvements.

11. That the Premises has a right of access to the following utilities or services: water service, natural gas service, telephone service, electrical power service, sanitary sewer and storm water drainage.

12. That all taxes due the Commonwealth of Pennsylvania by the Limited Liability Company have been paid in full.

13. That all real estate taxes and water and sewer charges assessed against the Premises have been paid in full.

14. That there are no mortgages, encumbrances, easements, bankruptcies, judgments, liens, unpaid taxes or pending suits adversely affecting the Premises which are known to the undersigned and which have not been disclosed in the title insurance commitment issued at the File No. referenced above.

15. That no notice has been served by any governmental authority for the removal or abatement of any nuisance, for the violation of any Zoning Regulation or concerning the condemnation of any portion of said premises.

16. That the present transaction is not made for the purpose of hindering, delaying or defrauding any creditors of said owner(s) and does not come within the provisions of the Bankruptcy or Insolvency Acts (or any amendments thereof).

17. That there have been no alterations, modifications or changes in the building as shown on the survey and the locations as shown are true and correct. Further there is no dispute with adjoining property owners as to the location of lot lines as shown on the survey.

18. Between the most recent Effective Date of the title insurance commitment and the date of recording of the insured instrument(s) but in no event later than ten business days from the date hereof (the "Gap Period"), the Limited Liability Company has not taken or allowed and will not take or allow any action to encumber or otherwise affect title to the Premises. In the event of any lien, encumbrance or other matter affecting title to the Premises in the Gap Period arising as a result of an act of the Limited Liability Company, the Limited Liability Company hereby indemnifies and holds Title Insurer (as hereinafter defined) harmless against any and all loss or damage sustained as a result thereof and further undertakes to take all necessary steps to discharge any such lien, encumbrance or other matter in a manner reasonably satisfactory to Title Insurer. The Limited Liability Company makes the foregoing assertion, indemnification and undertaking to induce Title Insurer to provide so-called "Gap Coverage" in its policy/policies of title insurance.

Commonwealth
LAND TITLE INSURANCE COMPANY

This affidavit is made for the purpose of inducing Commonwealth Land Title Insurance Company to hold settlement on the above premises, and to issue its title insurance policy, insuring the title thereto, and deponent(s) aver(s) the foregoing statements are true and correct to the best of his/her/their knowledge and belief.

SWORN TO AND SUBSCRIBED
Before me on the date aforesaid.

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Louis P Farese Notary Public
Delaware County
My Commission Expires 11/10/2025
Commission #1222466

My Commission
expires 11/10/2025

Joseph Rutkowski, Member, George Washington Wood B&B LLC

Choice One Abstract, Inc.
2400 David Drive
Havertown, PA 19083
(484) 452-5333 FAX:(610)672-9626
EMAIL:christopher@choiceoneabstract.com www.choiceoneabstract.com

AUTHORIZATION TO WIRE - SELLER

George Washington Wood B&B LLC

RE: **File Number:** COA-810825
Property Address: 201 East Fifth Avenue a/k/a 8 Cond Conshohocken, PA 19428

We are the Seller(s) of the above referenced property. We authorize **Choice One Abstract, Inc.** to wire the full proceeds to the below bank. I realize that I may be receiving a phone call from **Choice One Abstract, Inc.** to confirm the same.

Full Bank Name: _____

Full Bank Address: _____

City: _____ State: _____ Zip: _____

*Banks Incoming ABA# _____

*Note: *This may not be the routing number on your check. Please call your bank and ask for the Incoming ABA#.*

SEE ATTACHED

Account Number: _____

Exact Name(s) on the Account: _____

Address associated with the Account: _____

City: _____ State: _____ Zip: _____

Phone number you can be reached at: _____

_____ _____
Joseph Rutkowski, Member, George Washington Wood B&B LLC

_____ _____

Signed and sworn before me, this 29 day of SEPT 2025

_____
Notary Public

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Louis P Farese Notary Public
Delaware County
My Commission Expires 11/10/2025
Commission # 1222466

Hi Christopher,

It was nice speaking with you today!

See the below wire instructions for the proceeds from George Washington Wood for Joseph Rutkowski:

Wire Instructions
Wire to: JP Morgan Chase Bank, NY
Bank address: One Chase Manhattan Plaza, New York City, NY 10005
Bank routing (ABA) number: 021000021
For credit to: National Financial Services LLC
Account number: 066196–221
For benefit of: Joseph Rutkowski
For final credit to: 658-093138
SWIFT code: CHASUS33 (for U.S. Dollar wires from foreign banks)

If needed by the bank initiating the wire, the address for National Financial Services LLC (NFS) is:
National Financial Services
499 Washington Blvd
Jersey City, NJ 07310

Let me know if you have any questions!

Warm regards,

PRESILIUM
PRIVATE WEALTH

Chrystal Thomas
Director of Operations, Presilium Private Wealth

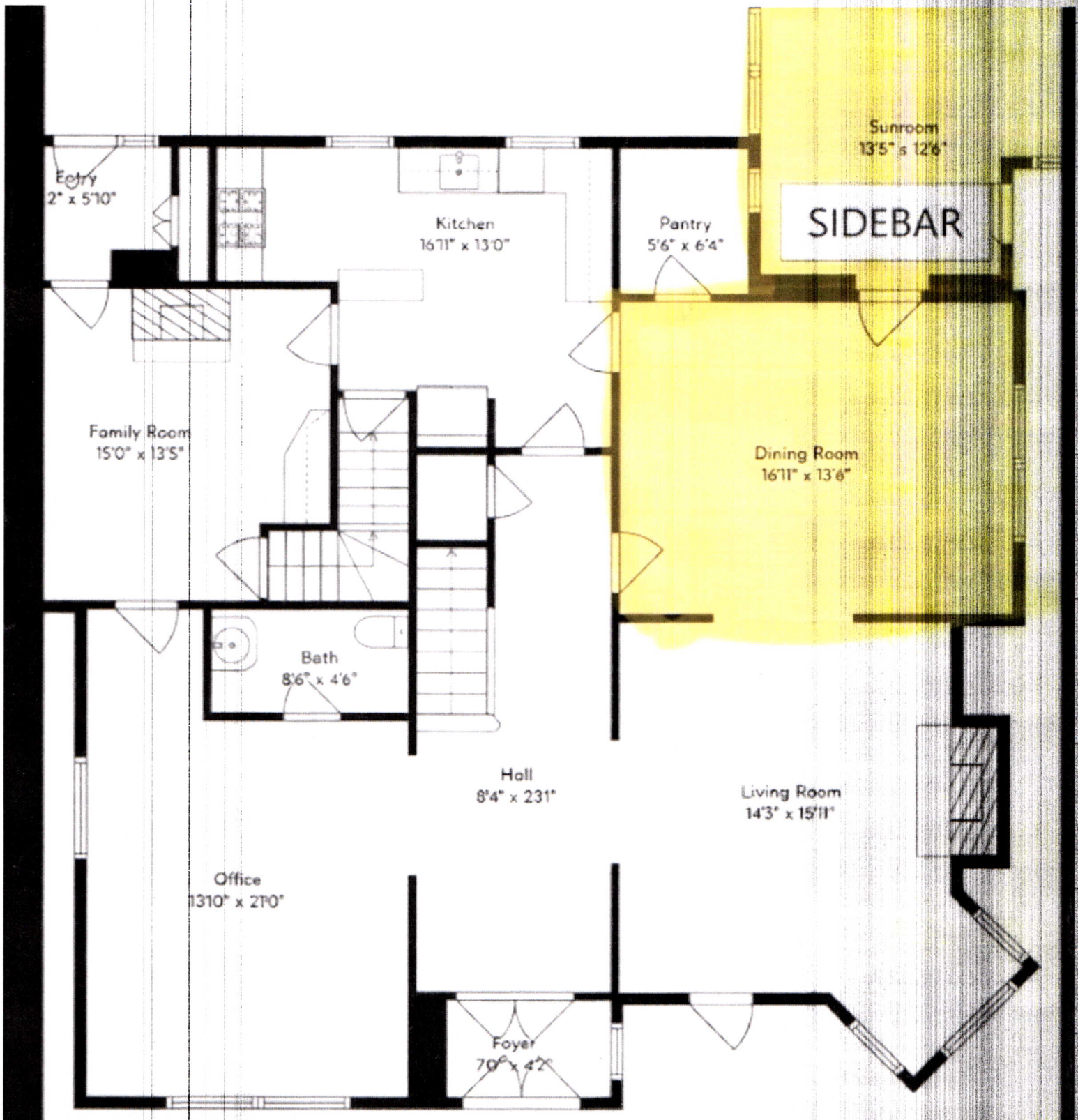
e: chrystal@presiliumpw.com
o: 215-982-4154
m: 610-241-2005

Presilium Private Wealth
150 N. Radnor Chester Road
Suite F110
Radnor, PA 19087

presiliumpw.com

Our Latest Videos: **Presilium's YouTube Channel**

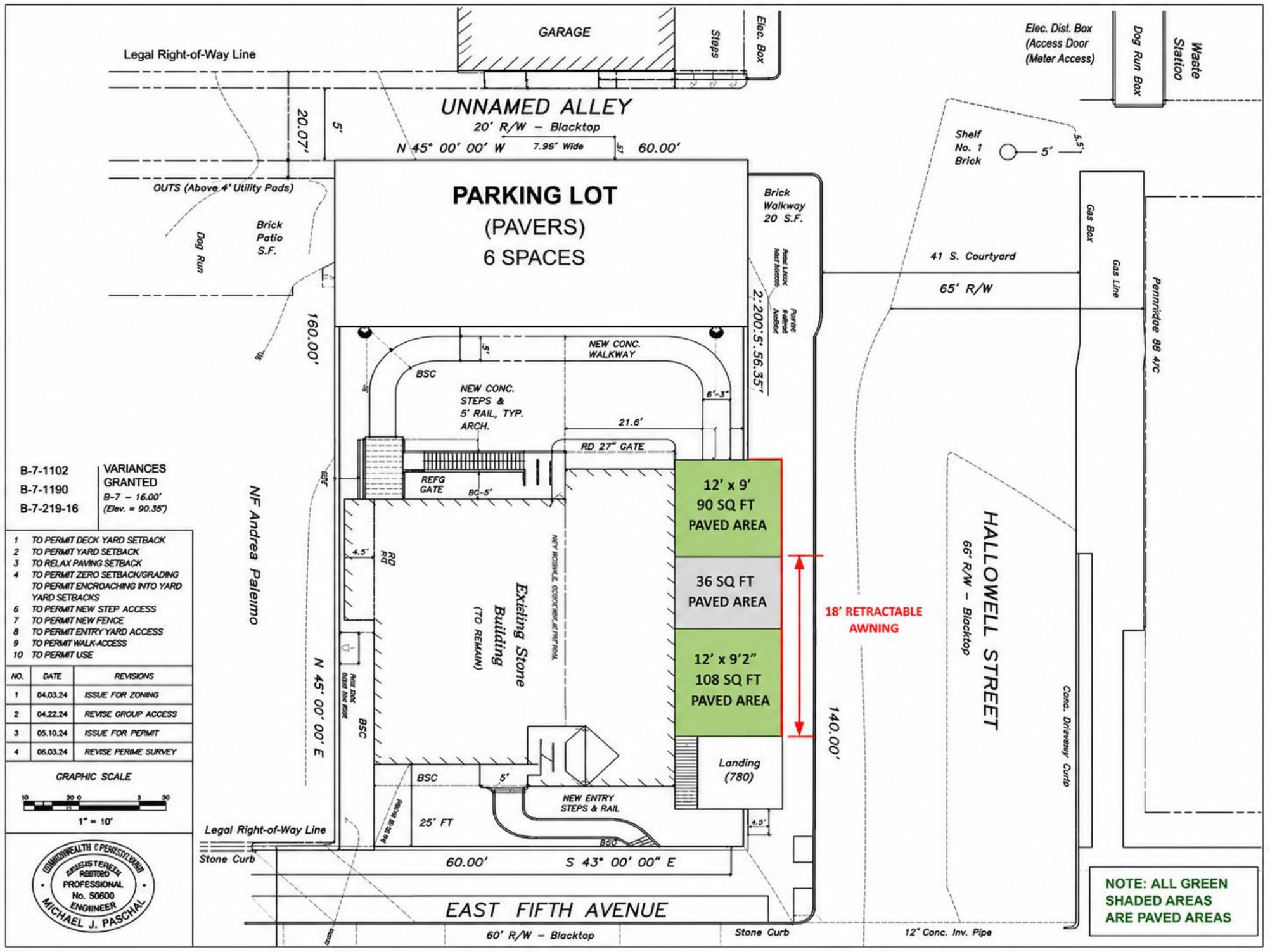
Secure File Sharing: Securely Send Me A File



ESTIMATED AREAS

GLA BELOW GROUND: 0 sq. ft EXCLUDED AREAS 1360 sq. ft
GLA FLOOR 2: 1797 sq. ft EXCLUDED AREAS 13 sq. ft
GLA FLOOR 3: 1485 sq. ft EXCLUDED AREAS 0 sq. ft
GLA FLOOR 4: 902 sq. ft EXCLUDED AREAS 214 sq. ft
Total GLA 4184 sq. ft, total area 5771 sq. ft

Sizes And Dimensions Are Approximate



B-7-1102
B-7-1190
B-7-219-16

VARIANCES GRANTED
B-7 – 16.00' (Elev. = 90.35')

1 TO PERMIT DECK YARD SETBACK
2 TO PERMIT YARD SETBACK
3 TO RELAX PAVING SETBACK
4 TO PERMIT ZERO SETBACK/GRADING
TO PERMIT ENCROACHING INTO YARD
YARD SETBACKS
6 TO PERMIT NEW STEP ACCESS
7 TO PERMIT NEW FENCE
8 TO PERMIT ENTRY YARD ACCESS
9 TO PERMIT WALK-ACCESS
10 TO PERMIT USE

NO.	DATE	REVISIONS
1	04.03.24	ISSUE FOR ZONING
2	04.22.24	REVISE GROUP ACCESS
3	05.10.24	ISSUE FOR PERMIT
4	06.03.24	REVISE PERIME SURVEY

GRAPHIC SCALE
10 20 0 3 20
1" = 10'

COMMONWEALTH OF PENNSYLVANIA
REGISTERED
PROFESSIONAL
No. 50600
ENGINEER
MICHAEL J. PASCHAL