

NOTICE

APPLICATION FOR REASONABLE ACCOMMODATION UNDER THE FEDERAL FAIR HOUSING ACT

Pursuant to Chapter 1298 of the Codified Ordinances of Swarthmore, Steven and Trish Schloeder have applied to the Borough of Swarthmore for an accommodation under the United States Fair Housing Act in order to add an elevator to their home at 645 North Chester Road. The enclosure for said elevator would extend into the required 15-foot side yard setback by 7 feet, thereby reducing the side yard setback to 8 feet. The property is located in the RB Residential Zoning District. The matter will be heard by the Swarthmore Planning Commission, sitting as the Accommodation Request Review Board, on Wednesday, April 21, 2021 at 7:30 p.m.

A copy of the application is available for review on the Borough website.

**Chris DeBruyn, Chair
Swarthmore Planning Commission
Accommodation Request Review Board**

If you are a person with a disability and wish to attend this meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings, please contact Borough Manager Jane Billings at (610) 543-4599 to discuss how the Borough may accommodate your needs.

3/14/2021

Steven and Trish Schloeder
645 North Chester Road
Swarthmore PA 19081

t. 602-885-0225
e. issarch@gmail.com

Ms. Jane Billings
Borough Manager
Borough of Swarthmore

Request for Reasonable Accommodations under Federal Fair Housing Act

Request for Prompt Response within 15 days

Property Address: 645 North Chester Road
APN: 43-00-00137-00

Due to changes in our family, we will be adding an elevator to our house to allow a family member access throughout our home and property, and to provide safety and emergency exiting from the bedroom. The family member is elderly, physically impaired, and is thereby eligible for reasonable accommodation under the Federal Fair Housing Amendment Act.

Before applying for the necessary building permit, we require a minor variance to the stipulated RB Zoning side yard 15' setback requirement (1248.03(h)) in order to accommodate the elevator shaft, as indicated on the attached drawing. This appears to be reasonable within the meaning of Fair Housing, and there is "an identifiable relationship, or nexus, between the requested modification and the individual's disability."

As discussed previously under HUD/DOJ "Land Use Laws" (November 10, 2016) #22, the current Borough process for accommodation appears to be "unreasonably burdensome or intrusive or involves significant delays." There is no obvious concern "that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme."

The family member needs to move in with us in the very near future, and the elevator addition needs to be put into process very soon, so we are requesting expedited approval apart from the Borough's preferred procedure. Due to this, and other concerns, we request the following reasonable accommodations as relief from the strict requirements of the Swarthmore Zoning Code:

- 1) Part Twelve, Title Four "Zoning" (1248.03(h)): to be granted a dimensional variance of approximately 7' for a length of approximately 10' along the NE property line as indicated on the attached site plan. We note that the site is already a prior non-conforming lot with regard to same side yard setback, by approximate 2'. The building was presumably set out either before, or conforming to, the prior Borough of Swarthmore Zoning Ordinance of 1928, when the residential side yard setbacks were stipulated as 25' aggregate and 10' minimum (para. 201.2).

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- 2) Part Twelve, Title Eight "Fair Housing": to be granted the following accommodations from strict compliance with the Fair Housing Accommodation procedure, based on the following justifications:
- 1298.04 (d): acceptance of this letter with attachment as fulfillment of the requirements of this paragraph, and relief from the requirements of the Borough's preferred procedures, in accordance with the provisions of the HUD/DOJ Joint Statement on Reasonable Accommodation, #12 (May 17, 2004), requiring that "housing providers must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the provider's preferred forms or procedures for making such requests."
 - 1298.06 (a): relief from the requirement that this application be adjudicated through the Accommodation Request Review Board, due to excessive time delay, unnecessary burden, minor nature of the dimensional variance, and satisfaction of eligibility, nexus, and reasonableness as understood under Fair Housing, in accordance with the principle noted in the HUD/DOJ Joint Statement on Land Use and Laws, #22 (November 10, 2016).
 - 1298.06 (b): acceptance of this letter and exhibit as fulfillment of this paragraph, to remedy against unreasonable burden and intrusion, per 1298.06 (a) above.
 - 1298.06 (c): relief from requirement to notify any abutting property owners and all other conditions of the paragraph, to remedy against intrusion, to protect personal health information, and that requests to assert public civil rights are not obviously subject to public review or comment. We note the policy statement at https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications:
 - "Housing providers may not require persons with disabilities to pay extra fees or deposits or place any other special conditions or requirements as a condition of receiving a reasonable accommodation."
 - 1298.06 (d): relief from the requirement of public notice, per 1298.06 (c) above.
 - 1298.06 (e): relief from the time review calendar and the Board schedule which fails to provide for prompt relief. We request that the grant be considered and responded to with 15 days of receipt of application as a reasonable time frame for consideration.
 - 1298.06 (f): relief from any requirements for attaching notes to the permit as discriminatory against a person with disability, as this paragraph requires treatment of a variance under Fair Housing Accommodation differently from other variances, , per 1298.06 (c) above.
 - 1298.06 (g): relief from expiration of variance as discriminatory against a person with disability, as this paragraph requires treatment of a variance under Fair Housing Accommodation differently from other variances, and that variances typically are considered permanent to the property, per 1298.06 (c) above.
 - 1298.06 (g): relief for requirement for any further notification to the Borough as being intrusive, burdensome, and discriminatory against persons with disabilities, per 1298.06 (c) above..

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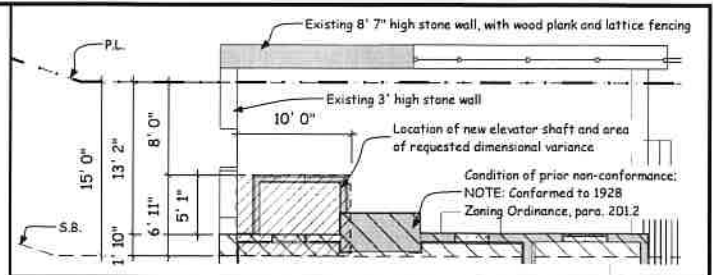
- 1298.99: relief from prosecution or penalty regarding mandated compliance with the Chapter.
- Relief from requirement for a \$500 application fee as burdensome and noncompliant with the principle that "Housing providers may not require persons with disabilities to pay extra fees ... as a condition of receiving a reasonable accommodation," per 1298.06 (c) above.

Thank you for your prompt consideration of this request.

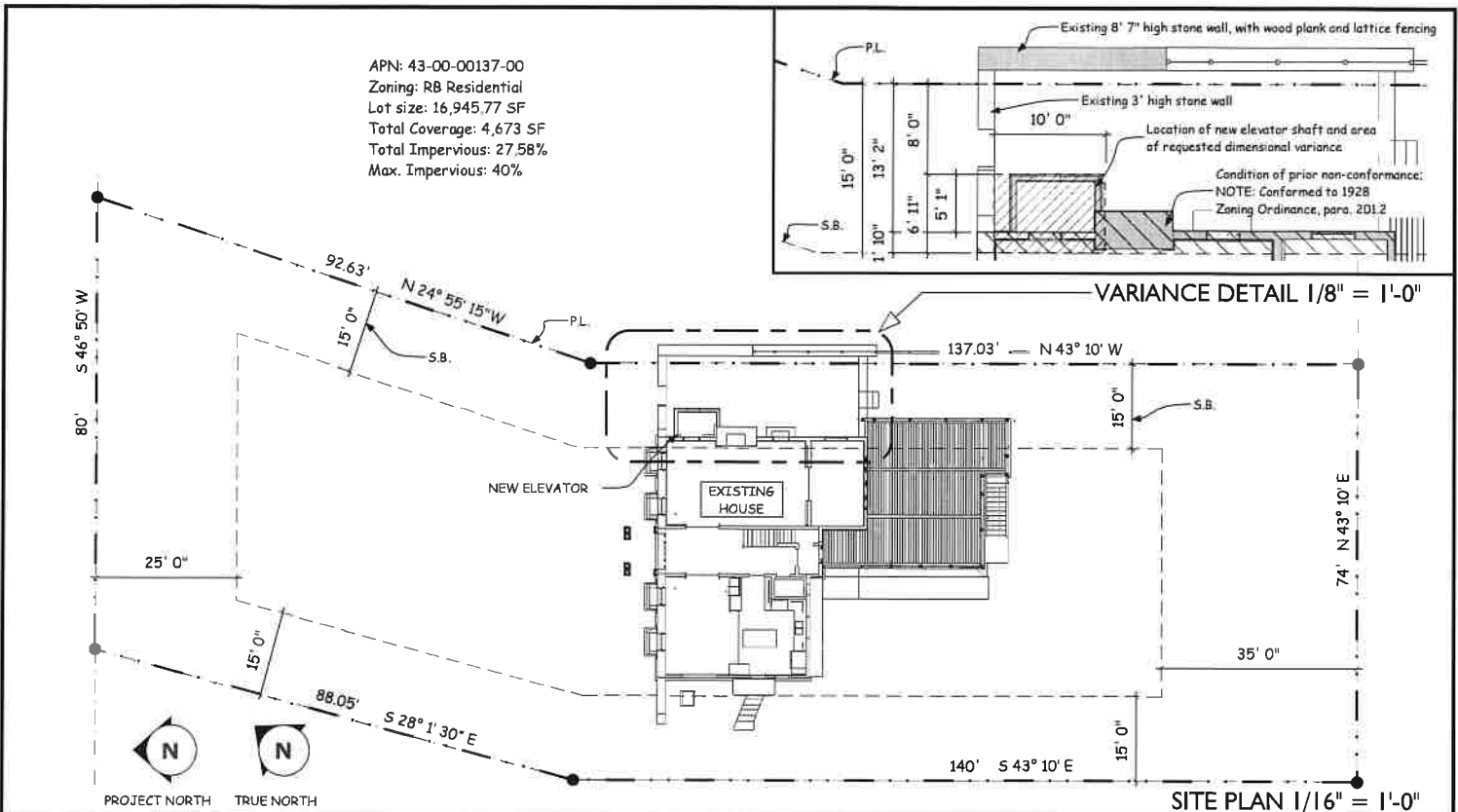
A handwritten signature in black ink, appearing to read "Steven Schloeder", with a long horizontal flourish extending to the right.

Attachment: EX.1 "Request for Variance under Fair Housing Act," dated 3/12/2021.

APN: 43-00-00137-00
 Zoning: RB Residential
 Lot size: 16,945.77 SF
 Total Coverage: 4,673 SF
 Total Impervious: 27.58%
 Max. Impervious: 40%



VARIANCE DETAIL 1/8" = 1'-0"



SITE PLAN 1/16" = 1'-0"

<p>Title Request for Variance under Fair Housing Act</p>	<p>SCHLOEDER ARCHITECTS 645 North Chester Road Swarthmore PA 19081</p>		<p>Drawing No. EX.1 of 1 03/12/2021</p>
<p>Project 645 North Chester Road, Swarthmore PA 19081</p>	<p>c. 602.885.0225 e. issarch@gmail.com</p>		