



Zoning Hearing Board

[Public Notice](#)

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07/05/2023 @ 1039

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Public Notice/Meeting Agenda/Minutes

Date: Thursday, July 20, 2023

Location: 1014 Darby Rd, Havertown, Pa., 19083 – All Rooms

Time: 7:30 P.M.

NOTICE
HAVERFORD TOWNSHIP
ZONING HEARING BOARD

NOTICE is hereby given that the Zoning Hearing Board will hold a Public Meeting on Thursday, July 20, 2023, at 7:30 PM, in the Commissioners Meeting Room, 1014 Darby Road, Havertown, PA at which time the Board will consider appeals from the zoning provisions of the General Laws of the Township of Haverford, Chapter 182:

- Z23-13** Jessica Hirsch Lynn, owner of 47 Decatur Road, Havertown, PA., D.C. Folio # 22 03 00747 00, seeks a variance from the provisions of §182-206.C(5)(a) to construct a 6'x12' covered porch that will encroach into the required 30' front yard setback by 2'-2". Zoned R-4. Ward 3.
- Z23-14** Terence Helwig, owner of 111 East Park Road, Havertown, PA., D.C. Folio # 22 02 00907 00, seeks a variance from the provisions of §182-206.C(5)(a) to construct a roof over an existing patio that will encroach into the required 30' front yard setback between 3.5' and 1.5'. Zoned R-4. Ward 2.

All interested parties are invited to attend and be heard in accordance with the rules and procedures established by the Board. The Board will conclude the hearing at 11:00 PM and any unfinished business will be continued to a future meeting date.

Published July 5th and July 12th 2023

AGENDA

MEETING OF THE ZONING HEARING BOARD OF HAVERFORD TOWNSHIP, THURSDAY, **July 20, 2023**, AT **7:30 P.M.** IN THE COMMISSIONERS MEETING ROOM, 1014 DARBY ROAD, HAVERTOWN, PA 19083.

MEMBERS: Robert Kane, Chairman
 William Rhodes, Vice Chairman
 Jessica Vitali, Secretary
 Edward Magargee
 Jesse Pointon

ALSO PRESENT: Ernie Angelos, Esq., Solicitor
 Kelly Kirk, Zoning Officer
 Arlene LaRosa, Court Stenographer

Item#1: Approval of additional findings of fact and conclusions of law in Court of Common Pleas docket No. 2020-001628 in accordance with the Court's May 2, 2023 Order.

Item #2 Continued Case:

Z23-05 DMG Elite Properties, LLC, owners of 8 Campbell Ave, Havertown, PA, D.C. Folio # 22-30-00224-00, seeks variances from the provisions of §182-802.D(1) to allow a change in nonconforming use from a restaurant to a mixed use building with an office/showroom with 4 apartments above, from §182-208C to allow the new building to be reconstructed within the existing nonconforming footprint of the existing building, and from §182-707.B to allow 11 spaces where 18 are required. Zoned R-6. Ward 3.

APPLICANT REQUEST CONTINUANCE

Item #2 New Cases:

Z23-13 Jessica Hirsch Lynn, owner of 47 Decatur Road, Havertown, PA., D.C. Folio # 22 03 00747 00, seeks a variance from the provisions of §182-206.C(5)(a) to construct a 6'x12' covered porch that will encroach into the required 30' front yard setback by 2'-2". Zoned R-4. Ward 3.

Z23-14 Terence Helwig, owner of 111 East Park Road, Havertown, PA., D.C. Folio # 22 02 00907 00, seeks a variance from the provisions of §182-206.C(5)(a) to construct a roof over an existing patio that will encroach into the required 30' front yard setback between 3.5' and 1.5'. Zoned R-4. Ward 2.

AJOURNMENT

***This agenda does not necessarily reflect the order in which the cases will be heard.**

**MINUTES OF THE REGULAR MEETING
OF THE HAVERFORD TOWNSHIP ZONING HEARING BOARD HELD ON
July 20, 2023**

A regular meeting of the Haverford Township Zoning Hearing Board (the “Board”) was held on July 20, 2023. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 7:42 p.m. Present were, Vice-Chairman William Rhodes, Member Edward Magargee, Member Jessica Vitali, and Member Jesse Pointon. Chairman Rober Kane participated by phone for the initial matter, that being *Rockers v. Haverford Township Zoning Hearing Board et al.*, Delaware County Court of Common Pleas Docket No. CV-2020-001628. Also present were the Township’s Zoning Officer, Kelly Kirk, the Township’s Deputy Zoning Officer, Margie Buchanan, and the Board’s solicitor, Ernest S. Angelos, Esq. The hearing was recorded by a court stenographer.

After Vice-Chairman Rhodes called the meeting to order, the first order of business was the Pledge of Allegiance. Next Vice-Chairman Rhodes proceeded with old business before the Board. The first matter was a continuance request from counsel DMG Elite Properties, LLC, in case no. Z23-05, which was granted.

The next matter of old business was Court of Common Pleas case no. CV-2020-001628, which was remand by Court Order for the board to issue supplemental findings of fact and conclusions of law, which were prepared by the solicitor and discussed with the Board. Upon a motion duly made and seconded the Board approved the supplemental findings and conclusions 4-0-1 with Member Jesse Pointon abstaining because he was not a member of the Board when the case was heard.

Next the Vice-Chairman moved to new business, that being case no. Z23-13 and case no. Z23-14.

Case no. Z23-13 is the application of Jessica Hirsch Lynn, owner of 47 Decatur Road, Havertown, Pennsylvania. Applicant seeks a variance from the provisions of Section 182-206.C(5)(a) to construct a 6-foot by 12-foot covered porch that will encroach into the required 30-foot front yard setback by 2 feet 2 inches. The property is in the Township's R-4 Residential Zoning District and Ward 3.

The hearing commenced and the Applicant presented testimony and evidence, which was admitted into the record. Following brief public comment, wherein residents Lisa Learner-Wagner and Richard Wagner, living at 70 West Hillcrest Avenue, Havertown, commented in favor of the application, the record was closed.

Next the Vice-Chairman moved case no. Z23-14, which is the application Terence Helwig, owner of 111 East Park Road, Havertown, Pennsylvania. Applicant seeks a variance from the provisions of Section 182-206.C(5)(a) to construct a roof over an existing patio that will encroach into the required 30-foot front yard setback between three and a half feet and one and a half feet. The property is zoned R-4 and is in the 2nd Ward.

The hearing commenced, and the Applicant presented testimony and evidence, which was admitted into the record. Following brief public comment, wherein resident Nancy Foley, the owner of 109 East Park Road, Havertown had questions with regard to the application, the record was closed.

Before the Board recessed for executive session, upon a motion duly made and seconded, the minutes for the June 15, 2023 were approved unanimously.

Upon returning from executive session the Board was set to vote on case no. Z23-13 and Z23-14.

With regard to Z23-13, upon a motion duly made and seconded the application was approved 4-0 subject to the following conditions:

1. There will be no enclosure of any kind around the porch with the exception of the roof.
2. Electricity is the only utility to be supplied to the porch.
3. Stormwater will be managed so as not to adversely impact the neighbors.
4. The work will be completed within one year and in accordance with the notes of testimony.

With regard to Z23-14, upon a motion duly made and seconded to grant relief allowing the roof overhang to encroach up to four-and-a-half feet into the front yard setback, if needed, the application was approved 4-0 subject to the following conditions:

1. There will be no enclosure of any kind around the porch with the exception of the roof.
2. Electricity is the only utility to be supplied to the porch.
3. Stormwater will be managed so as not to adversely impact the neighbors.
4. The work will be completed within one year and in accordance with the notes of testimony.

With no further new or old business before the Board the meeting was adjourned at 9:02pm.

**HAVERFORD TOWNSHIP
ZONING HEARING BOARD**

BY: _____
Recording Secretary