



# Zoning Hearing Board

## [Public Notice](#)

Date received:  
09/18/2023 @ 1506

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## [Agenda Link](#)

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## [Minutes Link](#)

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## Public Notice/Meeting Agenda/Minutes

Date: Thursday, October 05, 2023

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

Time: 7:30 P.M.

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NOTICE  
HAVERFORD TOWNSHIP  
ZONING HEARING BOARD

NOTICE is hereby given that the Zoning Hearing Board will hold a Public Meeting on Thursday, October 5, 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:

**Z23-23** Ellis and Amy Eisen, appellants residing at 323 Farwood Road, Wynnewood PA, who challenge the Zoning Officer's decision to issue a building permit for the construction of a single family dwelling to Sleepy Valley Holdings, LLC., owner of 319 Farwood Road, Wynnewood, PA., D.C. Folio No. 22 08 00396 00 for any and all of the reasons stated: flooding concerns, workmanship concerns, and regarding the minimum lot area within the R-4 district (6,000 sq ft), pursuant to §182-206C(1). Zoned R-4. Ward 8.

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 September 20th and September 27th, 2023

## AGENDA

MEETING OF THE ZONING HEARING BOARD OF HAVERFORD TOWNSHIP, THURSDAY, **October 5, 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

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### Item #1 Decision:

**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.

### Item #2 Continued Case:

**Z23-18**                 Robert and Regina Powers, owners of 2708 Pine Valley Lane, Ardmore, PA., D.C. Folio #22 06 01748 00, seek variances from the provisions of §182-204.C(7) to construct a 13'x14' addition that will encroach into the required 25' rear yard setback by 5', from §182-204.C(4) to exceed the maximum building coverage of 20% by 1.91% (192.4 sq. ft.), and to make a determination that the proposed addition does not constitute the expansion of a structure within an identified floodplain , or in the alternative, a variance from §182-604.F(1) to allow an addition within the 100 year flood plain. Zoned R-2. Ward 6.

### Item #3 New Cases:

**Z23-23**                 Ellis and Amy Eisen, appellants residing at 323 Farwood Road, Wynnewood PA, who challenge the Zoning Officer's decision to issue a building permit for the construction of a single family dwelling to Sleepy Valley Holdings, LLC., owner of 319 Farwood Road, Wynnewood, PA., D.C. Folio No. 22 08 00396 00 for any and all of the reasons stated: flooding concerns, workmanship concerns, and regarding the minimum lot area within the R-4 district (6,000 sq ft), pursuant to §182-206C(1). Zoned R-4. Ward 8.

### 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  
October 5, 2023**

A regular meeting of the Haverford Township Zoning Hearing Board (the “Board”) was held on October 5, 2023. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 8:00 p.m. Present were: Chairman Robert Kane, Vice-Chairman William Rhodes, Member Edward Magargee, Member Jesse Pointon and Member Jessica Vitali. Also present were the Township’s Zoning Officer Kelly Kirk, and the Board’s solicitor, Ernest S. Angelos, Esq. The hearing was recorded by a court stenographer.

After Chairman Kane called the meeting to order, the first order of business was the Pledge of Allegiance.

Following the pledge, the Chairman proceeded with case no. Z23-18, which is the application of Robert and Regina Powers, owners of 2708 Pine Valley Lane, Ardmore, PA. Applicants seek variances from the provisions of (1) §182-204.C(7) to construct a 13’x14’ addition that will encroach into the required 25’ rear yard setback by 5’; (2) §182-204.C(4) to exceed the maximum building coverage of 20% by 1.91% (192.4 sq. ft.), and (3) a determination that the proposed addition does not constitute the expansion of a structure within an identified floodplain, or in the alternative, a variance from §182-604.F(1) to allow an addition within the 100 year flood plain. The subject property is Zoned R-2 and located in the 6<sup>th</sup> Ward. This matter was a continuance from the Board’s September 21, 2023 hearing.

The hearing recommenced, and the Applicants presented additional testimony and evidence, namely in the way of a plan which delineated the property’s topography and the location of the 100-year flood plain. Following public comment, the record was closed.

Upon a motion duly made and seconded, Applicants variances requests were approved 5-0, subject to the following condition:

1. The project will be completed within 1 year and in accordance with the notes of testimony.

Next the Chairman proceeded with case no. **Z23-23**, which is the application of Ellis and Amy Eisen. Appellants, who reside at 323 Farwood Road, Wynnewood PA, filed an appeal challenging the Zoning Officer's decision to issue a building permit for the construction of a single family dwelling to Sleepy Valley Holdings, LLC., owner of 319 Farwood Road, Wynnewood, PA., D.C. Folio No. 22 08 00396 00 for any and all of the reasons stated: flooding concerns, workmanship concerns, and regarding the minimum lot area within the R-4 district (6,000 sq ft), pursuant to §182-206C(1). The subject property is Zoned R-4 and located in the 8<sup>th</sup> Ward.

Applicant Ellis Eisen is an attorney and represented himself and Amy Eisen. Sleepy Valley Holdings, LLC, represented by Fred Fromhold, Esquire, requested, and was granted party status. The hearing commenced and the township zoning officer, Kelly Kirk, testified first and submitted evidence, which was admitted into the record, establishing the basis for her decision to grant the permit. Thereafter, both the applicants and Sleepy Valley Holdings, LLC presented evidence and testimony, which was admitted into the record. After some discussion with the Board, Mr. Eisen and Mr. Fromhold were directed to submit proposed findings of fact and conclusion of law to the Board. After a period of public comment, the record was closed and the matter was continued to the Board's November 2, 2023 hearing date for submission of the parties' respective findings of fact and conclusions of law.

Finally, the Chairman proceeded with case no. Z23-05 which is the application of DMG Elite Properties, LLC, owners of 8 Campbell Ave, Havertown, PA. This matter was continued from the Board's September 21, 2023 hearing for a decision.

Upon a motion duly made and seconded, the application was granted in part and denied in part. The Board granted the following variances from the following sections of the zoning code:

1. §182-802.D(1) to allow a change in use from a restaurant to a 3-story mixed use building with office, showroom and storage on the first floor and [up to?] four apartments above with expanded third floors.
2. §182-707.B to allow for 14 off-street parking spaces where 18 are required.
3. §182-208.C(1)(d) to allow the building coverage - currently nonconforming at 43.9% - to be increased to 47.5% where 40% is permitted.
4. §182-208.C(1)(e) to allow a non-conforming front yard setback - currently at 20' not including a 20' "fire escape" stairway to be replaced with a slightly less than 9' wide handicap accessibility ramp to a first-floor entrance - where 20' is required.
5. §182-208.C(1)(f) to allow the side yard setback adjacent to the neighbor's driveway, which is currently at 5.24' for the entire length of the existing building and a portion of the existing building that is 3-stories high, to remain at 5.24' but only on the first floor where 7' setback is required.
6. §182-208.C(1)(g) to allow the rear yard setback adjacent to the Cheese Club, currently at 3.86', to remain at 3.86' where 25' is required, but this approval of the variance shall only be for the first floor.
7. §182-208.C(1)(i) to allow the impervious surface currently at 84.6% to be reduced to 83.4%, where 65% is the maximum permitted.
8. §182-802 to allow the bulk square footage of 5,873 sq. ft. to be increased by an additional 5,102 sq. ft. (or such lesser square footage resulting from the variance granted above, thereby allowing the applicant to expand the nonconforming footprint to a full three stories.

The Board denied the following request for a variance from section:

1. §182-208.C to allow portions of the new building to be reconstructed and portions of the building to be expanded to a full three stories above the currently nonconforming footprint of the existing building.

The approvals were granted subject to the following additional conditions:

1. Work shall be done in conformance with the applicable building code.
2. The project shall be completed within 1 year and in accordance with the notes of testimony except for those notes which are inconsistent with the variances granted hereby.

With no further new or old business before the Board the meeting was adjourned.

**HAVERFORD TOWNSHIP  
ZONING HEARING BOARD**

**BY:** \_\_\_\_\_  
**Recording Secretary**