

Haverford Township - Zoning Hearing Board

Meeting: Thursday, November 07, 2024

Time: 7:45 p.m.

Location: Commissioners Meeting Room -1014 Darby Rd., Havertown PA, 19083

Public Notice

NOTICE is hereby given that the Zoning Hearing Board will hold a Public Meeting on Thursday, November 7, 2024, at 7:45 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:

Z23-17 continuation of a previous hearing and an amended application: Sun & Raj Fuel, LLC; owner(s) of 700 Haverford Road, DC Folio #22-05-00378-00, the original application to be amended as follows: A special exception pursuant to Section 182-802.D.(2), for a change from an existing nonconforming use of a gasoline service station to a vehicle refueling facility to permit the existing fueling pumps to remain on the property as they exist, a variance from Section 182-403.B(1) to permit both the vehicle refueling facility and a convenience store, a permitted use (182-403.B.(1)(b)). A variance from the definition of Convenience Store Section 182-106, to permit the Pace-O-Matic machine to be located in the convenience store, a modification of the 1960 ZHB hours of operation to change to 6:00 a.m. to 10:00 p.m. the remaining relief remains as follows: a variance from §182-708.A(1) to allow a loading and unloading space in front of the building; a variance from §182-707.B to provide 6 off-street parking spaces when 7 would otherwise be required; a variance from §182-701E(1)(b)[1] to permit the total existing sign area to be 140.2 square feet when a maximum of 105 square feet is permitted, a variance from §182-701E(1)(b)[2][c] to permit a freestanding sign with an area of 107 square feet when a maximum area of 25 square feet is permitted, the variance from a variance from §182-701.B(4) is withdrawn.

Z24-35 Michael and Janelle Valenti, owner(s) of 1517 Steele Road, Havertown PA, DC Folio #22-09-02373-00, seek a variance from the provisions of 182-207.C(5)(a) to permit a 10' by 22'-3 1/2" addition to encroach 2'- 8 1/2" into the required front yard setback, where the required setback is 30' and the applicant desires a 27'- 3 1/2" setback. Zoned R-4. Ward 9.

Z24-36 Victoria Funari and John Muse, owner(s) of 869 Penn Street, Bryn Mawr, Pa DC Folio #22-05-00828-00, seek a variance from the provisions of 182-208.C(2) (f) (1) to construct a 28' by 16' screen porch and deck attached to the rear of the dwelling, being a semi-detached non-conforming dwelling. The new structure will encroach 2.81' into the required 12' side yard setback, leaving a 9.19' side yard. Zoned R-6. Ward 5.

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 October 23, 2024 and October 30, 2024.

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Agenda

Meeting of the Zoning Hearing Board of Haverford Township, Thursday, November 7, 2024, at 7:45 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

Jonathan Mount, Zoning Officer

Arlene LaRosa, Court Stenographer

Item #1 Continuance

Z23-17 continuation of a previous hearing and an amended application: Sun & Raj Fuel, LLC; owner(s) of 700 Haverford Road, DC Folio #22-05-00378-00, the original application to be amended as follows: A special exception pursuant to Section 182-802.D.(2), for a change from an existing nonconforming use of a gasoline service station to a vehicle refueling facility to permit the existing fueling pumps to remain on the property as they exist, a variance from Section 182-403.B(1) to permit both the vehicle refueling facility and a convenience store, a permitted use (182-403.B.(1)(b)). A variance from the definition of Convenience Store Section 182-106, to permit the Pace-O-Matic machine to be located in the convenience store, a modification of the 1960 ZHB hours of operation to change to 6:00 a.m. to 10:00 p.m. the remaining relief remains as follows: a variance from §182-708.A(1) to allow a loading and unloading space in front of the building; a variance from §182-707.B to provide 6 off-street parking spaces when 7 would otherwise be required; a variance from §182-701E(1)(b)[1] to permit the total existing sign area to be 140.2 square feet when a maximum of 105 square feet is permitted, a variance from §182-701E(1)(b)[2][c] to permit a freestanding sign with an area of 107 square feet when a maximum area of 25 square feet is permitted, the variance from a variance from §182-701.B(4) is withdrawn.

Item #2 New Case:

Z24-35 Michael and Janelle Valenti, owner(s) of 1517 Steele Road, Havertown PA, DC Folio #22-09-02373-00, seek a variance from the provisions of 182-207.C(5)(a) to permit a 10' by 22'-3 1/2" addition to encroach 2'- 8 1/2" into the required front yard setback, where the required setback is 30' and the applicant desires a 27'- 3 1/2" setback. Zoned R-4. Ward 9.

Item #3 New Case:

Z24-36 Victoria Funari and John Muse, owner(s) of 869 Penn Street, Bryn Mawr, Pa DC Folio #22-05-00828-00, seek a variance from the provisions of 182-208.C(2) (f) (1) to construct a 28' by 16' screen porch and deck attached to the rear of the dwelling, being a semi-detached non-conforming dwelling.

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http://www.havtwp.org/Boards_and_Commissions.html#sec14

The new structure will encroach 2.81' into the required 12' side yard setback, leaving a 9.19' side yard.
Zoned R-6. Ward 5.

AJOURNMENT

*This agenda does not necessarily reflect the order in which the cases will be heard. Cases not completed by 11:00 pm may be continued to a future hearing.

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Minutes

MINUTES OF THE REGULAR MEETING

OF THE HAVERFORD TOWNSHIP ZONING HEARING BOARD HELD ON

November 7, 2024

A regular meeting of the Haverford Township Zoning Hearing Board (the "Board") was held on November 7th, 2024. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 7:48p.m. Present were: Chairman Robert Kane, Member Edward Magargee, Secretary Jessica Vitali and Member Jesse Pointon. Vice-Chairman William Rhodes was absent. Also, present, Jonathan Mount, the Haverford Township Zoning Officer, and the Board's solicitor, Ernest S. Angelos, Esquire. 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, Chairman Kane proceeded with old business that being decisions for case numbers Z24-28 and Z24-29 and a continuance of case number Z23-17.

Case Z24-28 is the application of Blackwater Falls Trust Robert E. Brotzman III Trustee, the owner of 2400 Darby Road, Havertown, PA (folio # 22-03-00690-00), who seeks a variance from the following provisions of the Township Zoning Code: Section 182-404.(B), to permit the development and operation of a gas service station with four (4) pumping stations and a 2,200 SF convenience store. The subject property is in the Township's C-3 General Commercial Zoning District. The record in this matter was closed at the Board's October 17, 2024 meeting.

Upon a motion duly made and seconded, the board voted unanimously to deny the applicant and requested relief.

The next matter to be called by Chairman Kane was case Z24-29, the application of CMC Havertown LP, the owner of 2225 Darby Road, Havertown, PA (folio #22-03-00732-00).

Applicant seeks a variance from the following provisions of the Township Zoning Code: (1) Section 182-404.C(3), to permit a building cover of 54% when the maximum is 25%; (2) Section 182-404.C.(4), to permit the structure front wall to be five feet from the Right-of-Way line when

twenty feet is required; (3) Section 182-404.C.(5), to permit a side yard of three feet when seven feet is required; (4) Section 182-707.A.(3).(a), to eliminate the need for a screening buffer; (5) Section 182-707.B to eliminate the need for the required seven parking spaces; (6) Section 182-708.A.(1).(a), to eliminate the need for a loading and unloading space; (7) Section 182-708.A.(2), to eliminate the need for a loading and unloading space and to permit off street parking; (8) Section 182-708.A.3 to, eliminate the need for a loading and unloading space so trucks do not need to back in or out of the public right-of-way; (9) Section 182-712, to permit the proposed building to be constructed in the front

and side yard setbacks; and (10 Section 182-715, to construct the new building such that it does not have conformity with the other existing structures. The property is in the Township's C-3 Commercial District. The record in this matter was closed at the Board's October 17, 2024 meeting.

Upon a motion duly made and seconded, the Board voted 3-1 (Member Edward Magargee voted against approval) to approve the applicant and the requested relief subject to the following conditions:

1. Applicant shall obtain a reverse subdivision of the two lots; and
2. Applicant shall set up a cross-easement to allow for parking access to and from the adjacent lot; and
3. Applicant shall maintain the existing 5 parking spaces; and
4. Applicant shall not install a roof deck; and
5. The proposed work shall be completed within one (1) year of the date of this decision and in accordance with the notes of testimony of the hearing held in this matter on November 7, 2024.

The last matter of old business is Case number Z23-17 the application Sun and Raj Fuel, LLC, owners of 700 Haverford Road, D.C. Folio Number 22-05-00378-00. This matter was continued to the Board's November 21, 2024 meeting to allow the applicant to appear before the Township's Planning Commission as a result of applicants amended request for a special exception.

Next Chairman Kane moved to new business, the first case being Z24-35.

Z24-35 is the application of Michael and Janelle Valenti, the owners of 1517 Steele Road, Havertown PA, DC Folio #22-09-02373-00, who seek a variance from the provisions of 182-207.C(5)(a), to permit a 10' by 22'-3 1/2" addition to encroach 2'- 8 1/2" into the required front yard setback, where the required setback is 30' and the applicant desires a 27'- 3 1/2" setback. The property is in the Township's R-4 Residential Zoning District.

The hearing commenced and the applicants represented themselves. The applicants also presented Paul Weckerly as a witness. Mr. Weckerly is applicant's contractor and a neighbor residing at 1501 Steele Road. The applicants further presented testimony and evidence which were admitted into the record. At the conclusion of applicants' case and a period of public comment, in which there was none, the record in this matter was closed and it was continued to the Board's November 21, 2024 meeting for a decision to be rendered.

Next Chairman Kane proceeded with case number Z24-36, the application of Victoria Funari and John Muse. Applicants are the owners of 869 Penn Street, Bryn Mawr, Pa DC Folio #22-05-00828-00, and seek a variance from the provisions of 182-208.C(2) (f) (1), to construct a 28' by 16' screen porch and deck attached to the rear of the dwelling, being a semi-detached non-conforming dwelling. The new structure will encroach 2.81' into the required 12' side yard setback, leaving a 9.19' side yard. The property is in the Township's R-6 Residential Zoning District.

The hearing commenced and the applicants represented themselves. The applicants also presented Michael Farinella, a licensed architect in the Commonwealth of Pennsylvania who was accepted by the Board as an expert witness in the field of architecture. The applicants further presented testimony and evidence which were admitted into the record.

At the conclusion of applicants' case and a period of public comment, in which there was none, the record in this matter was closed and it was continued to the Board's November 21, 2024 meeting for a decision to be rendered.

Lastly, the Board entertained a motion to approve the minutes for the September 19th and October 17th meetings. Upon a motion duly made and seconded the minutes were unanimously approved.

With no other old or new business before the Board, the meeting was adjourned at 9:00 p.m. The new structure will encroach 2.81' into the required 12' side yard setback, leaving a 9.19' side yard. Zoned R-6. Ward 5.

AJOURNMENT

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