



Zoning Hearing Board

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04/04/2023 @ 0 53

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Public Notice/Meeting Agenda/Minutes

Date: Thursday, April 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, April 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:

- Z23-04** Jennifer Lukes and Jeffrey Persch, owners of 52 Whitemarsh Rd., Ardmore, PA., D.C. Folio #22 03 02225 00, who seek variances from §182-204.C(4) to exceed the maximum 20% building coverage by 2.7% (185 sq ft), §182-204.C (5)(b) to encroach into the required 30' minimum secondary front yard setback by 4'-6.5" and §182-204.C(6) to encroach into the minimum 10' side yard setback by 1'-11.5" for the construction of a two-story, 20' 9"x10' 1" addition. Zoned R-2. Ward 3.
- Z23-05** DMC Elite Properties, LLC, owners of 8 Campbell Ave, Havertown, PA, D.C. Folio # 22-30-00224-00, seeks variances from the provisions of §182-802D(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.
- Z23-06** Park's Best Car Wash, Inc., owners of 2040 Old West Chester Pk (aka 1903 Old West Chester Pk), Havertown, PA D.C. Folio # 22010248500, who seek a variance from the provisions of §182-604F(1)(a) to permit the placement of 8 new vacuum equipment stations, 2 electronic payment stations with associated equipment, and a 12'x8' shed within an identified 1% Annual Change Flood Hazard Zone and a Regulatory Floodway Zone. If required, a variance from §182-402C(8) to permit changes to the existing nonconforming impervious surface area, and any other relief deemed necessary by the Board. Zoned C-1. Ward 1.
- Z23-07** John P. Williamson, owner of 720 N. Eagle Road, Havertown, PA D.C. Folio # 22010036500, who seeks to appeal a notice of violation issued by the Township Zoning Officer on March 1, 2023 regarding the placement of a 4'x 8' off-site advertising sign at the subject property, and variances from the provisions of §182-701.G.(1) to allow off-site advertising at the subject property, and §182-701.C(1)(a)[1] to exceed the maximum total sign area of 6 square feet permitted on the property, as granted by variance by the Zoning Hearing Board on May 15, 2003 (Case No. Z03-7.) Zoned R-5. Ward 4.

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 April 5th and 12th 2023

AGENDA

MEETING OF THE ZONING HEARING BOARD OF HAVERFORD TOWNSHIP, THURSDAY, **April 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 New Cases:

- Z23-04** Jennifer Lukes and Jeffrey Persch, owners of 52 Whitemarsh Rd., Ardmore, PA., D.C. Folio #22 03 02225 00, who seek variances from §182-204.C(4) to exceed the maximum 20% building coverage by 2.7% (185 sq ft), §182-204.C (5)(b) to encroach into the required 30' minimum secondary front yard setback by 4'-6.5" and §182-204.C(6) to encroach into the minimum 10' side yard setback by 1'-11.5" for the construction of a two-story, 20' 9"x10' 1" addition. Zoned R-2. Ward 3.
- Z23-05** DMC 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.
- Z23-06** Park's Best Car Wash, Inc., owners of 2040 Old West Chester Pk. (aka 1903 Old West Chester Pk.), Havertown, PA D.C. Folio # 22010248500, who seek a variance from the provisions of §182-604F(1)(a) to permit the placement of 8 new vacuum equipment stations, 2 electronic payment stations with associated equipment, and a 12'x8' shed within an identified 1% Annual Change Flood Hazard Zone and a Regulatory Floodway Zone. If required, a variance from §182-402.C(8) to permit changes to the existing nonconforming impervious surface area, and any other relief deemed necessary by the Board. Zoned C-1. Ward 1.
- Z23-07** John P. Williamson, owner of 720 N. Eagle Road, Havertown, PA D.C. Folio # 22010036500, who seeks to appeal a notice of violation issued by the Township Zoning Officer on March 1, 2023 regarding the placement of a 4'x 8' off-site advertising sign at the subject property, and variances from the provisions of §182-701.G.(1) to allow off-site advertising at the subject property, and §182-701.C(1)(a)[1] to exceed the maximum total sign area of 6 square feet permitted on the property, as granted by variance by the Zoning Hearing Board on May 15, 2003 (Case No. Z03-7.) Zoned R-5. Ward 4.

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
April 20, 2023**

A regular meeting of the Haverford Township Zoning Hearing Board (the “Board”) was held on April 20, 2023. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 8:05P.M. Present were Chairperson Robert Kane, Vice-Chairperson William Rhodes, Member Edward Magargee, Member Jessica Vitali, and Member Jesse Pointon. Also present were the Township’s Zoning Officer, Kelly Kirk, Margie Buchanan, the Township’s Deputy Zoning Officer and the Board solicitor, Linell Lukesh, Esq. standing in for Ernest S. Angelos, Esq. The hearing was recorded by a court stenographer.

After Chairperson Kane called the meeting to order, the first order of business was the Pledge of Allegiance. Next Chairperson Kane proceeded with new business before the Board, with two new cases being continued.

The first case, No. Z23-06, is the application of Park’s Best Car Wash, Inc., owner of 2040 Old West Chester Pk. (aka 1903 Old West Chester Pk.), Havertown, PA, who seeks a variance from the provisions of §182-604F(1)(a), to permit the placement of 8 new vacuum equipment stations, 2 electronic payment stations with associated equipment, and a 12’x8’ shed within an identified 1% Annual Change Flood Hazard Zone and a Regulatory Floodway Zone. Additionally, if required, the Applicant seeks a variance from §182-402.C(8), to permit changes to the existing nonconforming impervious surface area, and any other relief deemed necessary by the Board. Upon request of the Applicant this matter was continued to the Board’s May 4, 2023 meeting date.

The second case, No. Z23-07, is the application of John P. Williamson, the owner of 720 N. Eagle Road, Havertown, PA, who seeks to appeal a notice of violation issued by the Township Zoning Officer on March 1, 2023, regarding the placement of a 4’x 8’ off-site advertising sign at the

subject property, and variances from the provisions of (1) §182-701.G.(1), to allow off-site advertising at the subject property; and (2) §182-701.C(1)(a)[1], to exceed the maximum total sign area of 6 square feet permitted on the property, as granted by variance by the Zoning Hearing Board on May 15, 2003 (Case No. Z03-7.) At the request fo the Applicant this matter 3was continued to the Board's May 4, 2023 meeting date.

This leaves two new cases pending, Z23-04 and Z-23-05.

Case Z23-04 is the application of Jennifer Lukes and Jeffrey Persch, the owners of 52 Whitmarsh Rd., Ardmore, PA, who seek variances from the provisions of (1) §182-204.C(4) to exceed the maximum 20% building coverage by 2.7% (185 sq ft); (2) §182-204.C (5)(b) to encroach into the required 30' minimum secondary front yard setback by 4'-6.5; and (3) §182-204.C(6) to encroach into the minimum 10' side yard setback by 1'-11.5" for the construction of a two-story, 20' 9"x10' 1" addition.

The hearing commenced and testimony and evidence were presented and admitted into the record on behalf of the Applicants. At the conclusion of Applicants' case, the Chairman asked for public comment, in which two residents who received certified mail, Joyce Raimondo (48 Whitmarsh Rd.) Thomas Fusaro (53 Cedarbrook Rd.) commented about water runoff concerns. Following the conclusion of public comment, the Board proceeded to its next case, Z23-05.

Case Z23-05 is the application of DMC Elite Properties, LLC, the owner of 8 Campbell Ave, Havertown, PA, who seeks variances from the provisions of (1) §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; (2) §182-208C to allow the new building to be reconstructed within the existing nonconforming footprint of the existing building; and (3) §182-707.B to allow 11 spaces where 18 are required. Applicant was represented by counsel, George Lavin, Esquire.

The hearing commenced and testimony and evidence were presented and admitted into the record on behalf of the Applicants. Following questioning from the Board, the Applicant requested a

continuance of the matter to the Board's May 16, 2023 hearing date. Before adjourning the case, the Chairman asked for public comment in which one resident received certified mail, Kim Kohalmi (10 Campbell Ave.); others who received regular mail, Nicole Campellone (11 Campbell Ave.); John McNicholas (13 Campbell Ave.); Deborah Gibson (3 Campbell Ave.), and other members of the public Matthew Carrier (5 Campbell Ave.) who provided comments and concerns. Following the conclusion of public comment, the Board granted the Applicants continuance to the May 16, 2023 meeting date.

The Board then took a brief recess to discuss Case Z23-04. Upon returning to the record, Chairman Kane called for a vote. Upon a motion duly made and seconded, the Application for case Z23-04 was approved 5-0, subject to the following conditions:

1. Water runoff will be controlled and managed in a fashion so as to not adversely impact any adjoining properties; and
2. A roof for the porch must not be constructed and the porch must not be enclosed in the future; and
3. The project will be completed within 1 year of this approval and in accordance with the notes of testimony.

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

**HAVERFORD TOWNSHIP
ZONING HEARING BOARD**

BY: _____
Recording Secretary