



Zoning Hearing Board

[Public Notice](#)

Date received:
08/21/2023 @ 0906

Date & Time posted:
08/21/2023 @ 1016

[Agenda Link](#)

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08/21/2023 @ 1020

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08/22/2023 @ 1421

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Public Notice, Agenda & Minutes

Date: Thursday, September 07, 2023

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

Time: 7:30 P.M.

PUBLIC NOTICE
HAVERFORD TOWNSHIP
ZONING HEARING BOARD

NOTICE is hereby given that the Zoning Hearing Board will hold a Public Meeting on Thursday, September 7, 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:

- Z23-18** 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.
- Z23-19** Merion Golf Club, owner of 300 Ellis Rd (West Course) & 110 Terra Alta Cir, Havertown, PA D.C. Folio Nos 22 04 00350 00 & 22 04 00667 06 seeks a special exception under §182-720.C.(2)(a) to permit recreational use in areas of very steep slopes and a special exception under §182-720.C.(5)(d) to permit recreational use in areas of steep slopes, a variance from §154A-11 to permit 18.80% total area of steep slope disturbance and 17.03% total area of very steep slope disturbance, where a maximum of 15% and 5% are permitted under §154A-5, respectively. Applicant also requests a determination that the proposed tee area located at 110 Terra Alta Cir in the SRD – Special Residential District to be used in connection with West Course Hole No. 13 golf course constitutes a permitted use under §182-721.B.(1)(a), which allows recreational area uses by right. In the alternative, Applicant requests a variance from §182-721.B in order to permit the use of this area as a tee box in connection with the golf course. Zoned INS & SRD (R-1). 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 August 23rd and August 30th, 2023

AGENDA

MEETING OF THE ZONING HEARING BOARD OF HAVERFORD TOWNSHIP, THURSDAY, **September 7, 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 Decisions:

Z23-15 Christopher Munn and Dana Goodyear, owners of 2213 Haverford Road, Ardmore, PA. D.C. Folio# 22 06 00978 05, seek a variance from the provisions of §182-208.C(2)(g) to construct a 16'x15' rear deck that would encroach into the required 25' rear yard setback by 12' 7". Zoned R-6 (twin). Ward 6.

Z23-17 Sun & Raj, LLC., owner of 700 E. Haverford Rd., D.C. Folio# 22 05 00378 00, who seeks variances from §182-402.B(1) to allow the use of property as a vehicle refueling facility with a convenience store; §182-708.A(1) to allow a loading and unloading space in front of the building; §182-707.B to provide 6 off-street parking spaces when 7 is required; §182-701.E(1)(b)[1] to permit the total sign area to be 140.2 sq ft where a maximum of 105 sq ft is permitted; §182-71.E(1)(b)[2][c] to permit a freestanding sign with an area of 107 sq ft when a maximum of 25 sq ft is permitted; §182-701.B(4) to permit green LED lights to display diesel fuel pricing rather than red LED lights as required by a condition of the Board for the existing sign, pursuant to ZHB Case No. Z12-4 (5/3/2012), and any other relief as may be deemed necessary. Zoned C-2. Ward 5.

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.

Item #3 New Cases:

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.

Z23-19

Merion Golf Club, owner of 300 Ellis Rd (West Course) & 110 Terra Alta Cir, Havertown, PA D.C. Folio Nos 22 04 00350 00 & 22 04 00667 06 seeks a special exception under §182-720.C.(2)(a) to permit recreational use in areas of very steep slopes and a special exception under §182-720.C.(5)(d) to permit recreational use in areas of steep slopes, a variance from §154A-11 to permit 18.80% total area of steep slope disturbance and 17.03% total area of very steep slope disturbance, where a maximum of 15% and 5% are permitted under §154A-5, respectively.

Applicant also requests a determination that the proposed tee area located at 110 Terra Alta Cir in the SRD – Special Residential District to be used in connection with West Course Hole No. 13 golf course constitutes a permitted use under §182-721.B.(1)(a), which allows recreational area uses by right. In the alternative, Applicant requests a variance from §182-721.B in order to permit the use of this area as a tee box in connection with the golf course. Zoned INS & SRD (R-1). 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
September 7, 2023**

A regular meeting of the Haverford Township Zoning Hearing Board (the “Board”) was held on September 7, 2023. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 7:45 p.m. Present were, Chairman, Robert Kane, Vice-Chairman William Rhodes, Member Edward Magargee, and Member Jesse Pointon. Member Jessica Vitali was absent. 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 Chairman Kane called the meeting to order, the first order of business was the Pledge of Allegiance.

Next Chairman Kane proceeded with old business before the Board, that being case no. Z23-15, the application Christopher Munn and Dana Goodyear, owners of 2213 Haverford Road, Ardmore, PA. This matter’s record was closed at the August 17, 2023 meeting and continued to the September 7, 2023 meeting for a decision. Upon a motion duly made and seconded, the application was approved 4-0 subject to the following reasonable conditions:

1. Electricity is the only utility permitted on the deck; and
2. That the project must be completed within one year; and
3. That no enclosure either above or below the deck are allowed and the deck’s construction must not impact parking.

Next in old business was case number Z23-05, the application of DMG Elite Properties, LLC the owner of 8 Campbell Avenue, Havertown, Pennsylvania. This matter was continued from the August 17, 2023 meeting for the limited purpose of final document submission by the applicant.

With the submission of further documents, the record was closed in this matter, and it was continued to the Board's October 5, 2023 meeting for a decision.

Next was case number Z23-17, the application of Sun & Raj, LLC, owner of 700 E. Haverford Rd. This matter was continued from the Board's August 17, 2023 meeting for a decision. Upon a motion duly made and seconded, the application was approved in part and denied in part (3-1) as follows:

1. Approval was granted for the variances requested from (1) Section 182-403.B(1) to allow the use of the property as a fueling with a convenience store; (2) Section 182-708.A(1) to allow loading and unloading in the front of the building; (3) Section 182-707.B to provide six off street spaces when seven is required; (4) section 182-701.E (1)(b)(1) to permit the total sign area to be 140.2 square feet where a maximum of 105 square feet is permitted; and (5) Section 182-71.E (1)(b)[3][c] to permit a freestanding sign with an area of 107 square feet when a maximum of 25 square feet is permitted, subject to the following conditions:

- a. That all store vehicles and storage units currently on the property must be removed;
and
- b. The project must be completed within one year and in accordance with the notes of testimony.

2. The variance requested from Section 182-701.B (4) to permit the green LED lights to display diesel fuel pricing rather than red was denied.

Next on the agenda was new business that being case numbers Z23-18 and Z23-19.

Case Z23-18 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 6th Ward.

The hearing commenced, and the Applicant presented testimony and evidence, which was admitted into the record. Following public comment wherein Mr. Christopher Mason the owner of 2704 Pine Valley Lane commented in favor of the application, the matter was continued, and the record was held open for Applicants to submit documentation delineating where the floodplain is located on the subject property. The new date for this matter is September 21, 2023.

Lastly, the Board heard case number Z23-19, which is the application of Merion Golf Club, the owner of 300 Ellis Rd (West Course) & 110 Terra Alta Cir, Havertown, PA. Applicant was represented by Mark Damico, Esquire. Applicant seeks special exceptions under (1) §182-720.C.(2)(a) to permit recreational use in areas of very steep slopes, and (2) §182-720.C.(5)(d) to permit recreational use in areas of steep slopes. Applicant further seeks a variance from §154A-11 to permit 18.80% total area of steep slope disturbance and 17.03% total area of very steep slope disturbance, where a maximum of 15% and 5% are permitted under §154A-5, respectively. Further application requests a determination that the proposed tee area located at 110 Terra Alta Circle in the SRD – Special Residential District- to be used in connection with West Course Hole No. 13 golf course constitutes a permitted use under §182-721.B.(1)(a), which allows recreational area uses by right. In the alternative, Applicant requests a variance from §182-721.B to permit the use of this area as a tee box in connection with the golf course. The property is Zoned INS & SRD (R-1) and located in the 4th Ward.

The hearing commenced, and the Applicant presented testimony and evidence, which was admitted into the record. Following public comment wherein Mr. Steve Young, the owner of 22 Castle Rock Drive, commented about his concern for water runoff from the subject property onto his property and Mr. John Kirk Luntley, the owner of 340 Ardmore Avenue, commented about his

concern for water runoff, the proposed entrance to the property and traffic safety issues, and a brief testimony from Applicant's witness in response, the record was closed.

Upon a motion duly made and seconded the requested variances and special exceptions, including the alternate request for a variance from §182-721.B were granted subject to the following conditions:

1. The applicant shall not allow concentrated storm water to be discharged across or through steep or very steep slopes; and
2. the project will be completed in accordance with the notes of testimony.

With no further new or old business before the Board the meeting was adjourned at 10:42pm.

**HAVERFORD TOWNSHIP
ZONING HEARING BOARD**

BY: _____
Recording Secretary