



# Zoning Hearing Board

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## Public Notice/Meeting Agenda/Minutes

Date: Thursday, May 18, 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, May 18, 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:

- Z23-08** Renee Hyde, lessee of 24 Brookline Blvd. Havertown, PA., D.C. Folio # 22 07 00129 00, seeks a variance from the provisions of §182-403.B(1) to allow the use of 24 Brookline Blvd. as a retail boutique where C-2 Zoning District does not allow for retail shops. Ward 7. Zoned C-2.
- Z23-09** Scott and Stephanie Bragg, owners of 728 Loraine St. Ardmore, PA., D.C. Folio # 22 06 01432 00, who seek a variance from the provisions of §182-206.C(6)(a) to construct a 18'x14' 2-story addition to a nonconforming twin home that will encroach into the required 8' side yard setback by 6' and provide a 10' aggregate where 20' is required. Zoned R-4. Ward 6.

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 May 3<sup>rd</sup> and 10<sup>th</sup> 2023

## AGENDA

MEETING OF THE ZONING HEARING BOARD OF HAVERFORD TOWNSHIP, THURSDAY, **May 18, 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 Continued Cases:**

- 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 §182-802D(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.
- Z23-07**     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.

### **Item #2 New Cases:**

- Z23-08**     Renee Hyde, lessee of 24 Brookline Blvd. Havertown, PA., D.C. Folio # 22 07 00129 00, seeks a variance from the provisions of §182-403.B(1) to allow the use of 24 Brookline Blvd. as a retail boutique where C-2 Zoning District does not allow for retail shops. Ward 7. Zoned C-2.
- Z23-09**     Scott and Stephanie Bragg, owners of 728 Loraine St. Ardmore, PA., D.C. Folio # 22 06 01432 00, who seek a variance from the provisions of §182-206.C(6)(a) to construct a 18'x14' 2-story addition to a nonconforming twin home that will encroach into the required 8' side yard setback by 6' and provide a 10' aggregate where 20' is required. Zoned R-4. Ward 6.

### **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  
May 18, 2023**

A regular meeting of the Haverford Township Zoning Hearing Board (the “Board”) was held on May 18, 2023. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 7:44 p.m. Present were Chairman Robert Kane, Vice-Chairman 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’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 lead by Vice-Chairman Rhodes. Next Chairman Kane proceeded with old business before the Board.

The first case, no. 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.

This matter was continued from the Board’s April 20, 2023 and May 4, 2023 meetings. Upon further request of the Applicant’s counsel, this matter was continued to the Board’s June 1, 2023 meeting date.

Next the Chairman Kane went out of the normal order to proceed with new business, being case numbers Z23-08 and Z23-09.

Case no. Z23-08 is the application of Renee Hyde, lessee of 24 Brookline Blvd. Havertown, PA. The Applicant seeks a variance from the provisions of §182-403.B(1) to allow the use of 24 Brookline Blvd. as a retail boutique where C-2 Zoning District does not allow for retail shops. The subject property is located in the Township's C-2 zoning district. The Applicant was represented by Jennifer A. Bazydlo, Esquire.

The hearing commenced and testimony and evidence were presented and admitted into the record on behalf of the Applicant. At the conclusion of Applicant's case, Chairman Kane asked if any members of the public present received certified or regular mail, to which no one responded. Chairman Kane then asked if there were any other members of the public present who desired to comment. Mr. Eamon Tohill was sworn in and commented in favor of the application. Following no further public comment the record was closed.

The Chairman then called for a vote, and upon a motion duly made and seconded, the application was granted 5-0, subject to the following condition:

- a. That work will be completed within one year of the approval and in accordance with the notes of testimony.

Next was case no. Z23-09, the application of Scott and Stephanie Bragg, owners of 728 Loraine. Applicants seek a variance from the provisions of §182-206.C(6)(a) to construct a 18'x14' 2-story addition to a nonconforming twin home that will encroach into the required 8' side yard setback by 6' and provide a 10' aggregate where 20' is required. The subject property is located in the Township's R-4 zoning district.

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, Chairman Kane asked if any members of the public present who received certified mail, to which no one responded. The

Chairman then asked if there were any other members of the public present who received regular mail. Ms. Jeanette Kurylak was sworn in and commented that while the matter did not personally affect her, she asked if a positive decision would set a precedent. Following the Chairman's response, he next asked if there were any other members of the public present who desired to comment. Following no further public comment the record was closed.

The Chairman then called for a vote, and upon a motion duly made and seconded, the application was granted 5-0, subject to the following conditions:

- a. No storage shall be kept in the two-foot interstitial space at the party wall and the space shall be maintained per Township Code.
- b. Storm water runoff must be managed so as to not adversely impact the neighbors.
- c. The project will be completed within one year of the approval and in accordance with the notes of testimony.

The Chairman then at 8:34 p.m. proceed with the last of old business, case no. Z23-07.

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.) This matter was continued from the Board's April 20, 2023 and May 4, 2023 meeting dates.

Chairman Kane called for the Applicant to proceed with the case, to which there was no response. Chairman Kane, recognizing that prior to the start of the meeting scheduled and noticed for 7:30 p.m. the Applicant contacted the Zoning Officer and asked to delay the commencement of

his case, proceeded with the approval of the minutes for the Board's March 16, 2023 and April 20, 2023 meetings. Upon a motion duly made and seconded, the minutes were approved 5-0.

Chairman Kane then asked again if the Applicant or a representative was present to proceed, to which no response was heard. Chairman Kane then asked for a motion to deny the application for lack of prosecution and failure of the Applicant to satisfy his burden. Upon a motion duly made and seconded and following brief discussion by the Board, the motion was put on hold until 8:45p.m.

The Board then took a recess and reconvened at 8:46pm. Chairman Kane again asked if the Applicant or anyone representing the Applicant was present, to which there was no response. At 8:47p.m. with neither the Applicant nor a representative present at the meeting, Chairman Kane called for the vote on the motion to deny the application of John P. Williamson in case no. Z23-07 for lack of prosecution of the application, which was approved 5-0.

With no other business before the Board the meeting was adjourned at 8:48p.m.

**HAVERFORD TOWNSHIP  
ZONING HEARING BOARD**

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