DECISION

The Zoning Hearing Board of Tredyffrin Township (the “Board”), after proper advertisement, met on Wednesday, February 27, 2020 to hear evidence on the Application of Harris and MiJung Vuadens (the "Applicants") for two variances for the property located at 13 W. Golf Club Lane, Paoli, PA, being Tax Parcel No. 43-9R-71 (the “Property”). The requested variances are: (1) from Section 208-26.D of the Zoning Chapter of the Tredyffrin Township Code of Ordinances (the “Code”) to permit the porch overhang to encroach 4 feet into the front yard setback; and (2) from Section 208-26.E of the Code to permit the garage extension to maintain the existing noncompliant side yard setback. The Applicants appeared and testified on behalf of the Application.

Present at the hearing were Chairperson Daniel McLaughlin and Members Neill Kling and Lindsay Andreuzzi. Also present at the hearing were Michael Pilotti, Senior Building, Code & Fire Official, and Amanda J. Sundquist, Esquire, Solicitor for the Board. No one sought party status or offered public comment.

At the conclusion of the hearing, the Board rendered the herein decision. The Applicants waived the time period for issuance of this written decision.

I. Findings of Fact

1. The following exhibits were admitted as evidence at the hearing:

   Exhibit B-1   Application with attachments;

   Exhibit B-2   Proof of Publication of the notice in the Daily Local News;
Exhibit B-3    Affidavit of Posting of the notice on the Property; and
Exhibit B-4    Affidavit of Mailing of notice to the required properties.

The Code and Zoning Map are incorporated herein by reference.

2. The hearing was duly convened, and the Applicants presented evidence in support of the Application.

3. The Property is located at 13 West Golf Club Lane, Tax Parcel No. 43-9R-71.

4. The Applicants and owners of the Property are Harris and MiJung Vuadens.

5. Currently located on the Property are a small single level ranch house, a garage, patio, walkway and driveway.

6. The Applicants are proposing to add an addition to the home.

7. As part of the proposed addition there will be a covered front porch.

8. There is an existing front porch on the Property.

9. The footprint of the existing front porch will not change, but it will now be covered.

10. The proposed cover to the existing front porch will have an overhang, which will extend 4 feet over the existing walkway.

11. The overhang will allow the family to move between the garage and home during inclement weather.

12. Section 208-26.D of the Code requires a 35 foot front yard setback; the proposed covered porch overhang will encroach four (4) feet into the front yard setback.

13. The Applicants also propose to extend their existing garage.

14. The proposed extension will be toward the street on the existing driveway area.
15. The existing garage contains a furnace and oil tank, which precludes the Applicants from parking any vehicle in the existing garage.

16. The proposed garage extension will permit the Applicants to park in the garage.

17. Section 208-26.E of the Code requires side yards that are not less than 40 feet in the aggregate, with neither side yard being less than that 15 feet.

18. The existing Property is noncompliant as to side yard setbacks.

19. The proposed garage extension will have the same side yard setback as the existing garage, and will not further encroach in the side yard or increase the nonconformity.

20. The proposed garage extension will not have a negative impact on parking or traffic.

21. The Applicants notified their neighbors of this Application and received no objections.

22. No one offered public comment.

23. No one appeared to oppose the Application.

24. The proposed variances will not alter the character of the neighborhood.

25. Granting the proposed variances will not be injurious to the neighborhood or otherwise be detrimental to the public health, safety and welfare of the community.

II. Discussion

Section 208-150 of the Code empowers the Board to grant variances from the terms of the Code. The Municipalities Planning Code and existing case decisions provide that variances from a zoning ordinance may be granted owing to any physical circumstance or condition of the property which causes unnecessary hardship, and which hardship is not self-created. In addition, applicants for a dimensional variance need not be held to the same strict standards imposed on

The Property is a small lot with existing nonconforming side yards. While the Applicants will be encroaching into the front yard setback, the additional encroachment is only 4 feet and not an enclosed structure. The garage extension will be constructed in line with the existing garage and on the side of the Property with the larger 25 foot side yard. Granting the proposed variances will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare of the community.

III. Conclusions of Law

1. The hearing was duly advertised, all required notices were given, and the hearing was duly convened.

2. The Board has jurisdiction over this matter.

3. The Applicants have established entitlement to the requested variance relief.

The Board, therefore, enters the following:

ORDER

AND NOW, this 31st day of March, 2020, confirming the Board’s written decision of February 27, 2020, upon consideration of the Application of Harris and MiJung Vuadens for variances from:

(1) from Section 208-26.D of the Zoning Ordinance to permit the proposed porch overhang to encroach four (4) feet into the existing front yard setback; and

(2) from Section 208-26.E of the Code to permit an in line extension to the existing garage which maintains the current nonconforming side yard setback of the existing garage
for the property located at 13 West Golf Club Lane, being Tax Parcel No. 43-9R-71, in the R-2 Residence District of the Township, IT IS HEREBY ORDERED that the relief requested shall be GRANTED.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

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DANIEL F. McLAUGHLIN, Chairperson

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NEILL KLING

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LINDSAY ANDREUZZI
for the property located at 13 West Golf Club Lane, being Tax Parcel No. 43-9R-71, in the R-2
Residence District of the Township, IT IS HEREBY ORDERED that the relief requested shall be
GRANTED.

ZONING HEARING BOARD OF
TREDYFFRIN TOWNSHIP

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DANIEL McLAUGHLIN, Chairperson

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BILL KLING

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LINDSAY ANDREUZZI
for the property located at 13 West Golf Club Lane, being Tax Parcel No. 43-9R-71, in the R-2 Residence District of the Township, IT IS HEREBY ORDERED that the relief requested shall be GRANTED.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

DANIEL McLAUGHLIN, Chairperson

NEILL KLING

LINDSAY ANDREUZZI